



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 8th July, 2009
at 2.00 pm

MEMBERSHIP

Independent Members

Mike Wilkinson (Chair)	(Independent Member)
Joanne Austin	(Independent Member)
Rosemary Greaves	(Independent Member)
Philip Turnpenny	(Independent Member)
Gordon Tollefson	(Reserve Independent Member)

Councillors

D Blackburn
C Campbell
JL Carter
RD Feldman
R Gettings
J Harper
B Selby

Parish Members

Councillor Mrs P Walker	Pool in Wharfedale Parish Council
Councillor John C Priestley	East Keswick Parish Council
Councillor Paul Cook	Morley Town Council

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct</p>	
5			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the Standards Committee meeting held on 21st April 2009.</p>	1 - 6
6			<p>MINUTES OF THE ASSESSMENT SUB-COMMITTEE</p> <p>To note the minutes of the Assessment Sub-Committee meetings held on 20th April, 21st April, 14th May and 18th May 2009.</p>	7 - 14
7			<p>MINUTES OF THE REVIEW SUB-COMMITTEE</p> <p>To note the minutes of the Review Sub-Committee meeting held on 20th April 2009.</p>	15 - 16
8			<p>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</p> <p>To note the minutes of the Corporate Governance and Audit Committee meetings held on 30th April and 12th May 2009.</p>	17 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>APPOINTMENT OF INDEPENDENT AND PARISH MEMBERS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) informing Members of the Committee of the Standards Committee appointments approved by Full Council at its annual meeting on 21st May 2009.</p>	31 - 36
10			<p>ETHICAL AUDIT ACTION PLAN - HR ISSUES</p> <p>To receive a report of the Chief Human Resources Officer updating the Committee on progress with the HR actions from the Ethical Audit Action Plan.</p>	37 - 46
11			<p>PROPOSALS FOR THE CREATION OF A CONSIDERATION AND HEARINGS SUB-COMMITTEE</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) asking Members of the Standards Committee to consider options for how the Committee might both receive and consider completed investigation reports and how hearings might be conducted.</p>	47 - 64
12			<p>THE STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) setting out details in relation to the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009.</p>	65 - 78

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13			<p>STANDARDS BOARD FOR ENGLAND "OTHER ACTION GUIDANCE"</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) making Members of the Standards Committee aware of the new guidance published by the Standards Board for England on the use of other action, and proposing amendments to the Standards Committee's Assessment Flowchart as a result of this guidance.</p>	79 - 104
14			<p>LOCAL ASSESSMENT - PROGRESS REPORT</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing Members of the Standards Committee with a progress report in relation to all complaints received under the Members' Code of Conduct during the past 12 months.</p>	105 - 116
15			<p>STANDARDS BOARD FOR ENGLAND ANNUAL RETURN 2009</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying Members of the Standards Committee of the new requirement to produce an annual return for the Standards Board for England.</p>	117 - 130
16			<p>PARISH AND TOWN COUNCIL ANNUAL AUDIT 2007</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) updating Members of the Standards Committee on the results of the Parish and Town Council profiling exercise, and the actions agreed by the Chair, Monitoring Officer and Parish Members of the Standards Committee at their meeting on 17th February 2009.</p>	131 - 142

Item No	Ward/Equal Opportunities	Item Not Open		Page No
17			<p>REVIEW OF THE MEMBERS' REGISTER OF GIFTS AND HOSPITALITY</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) presenting to the Standards Committee statistical data in relation to declarations of gifts and hospitality recorded by Members during the period 2008/09, and drawing comparisons with declarations made by Members in 2007/08.</p>	143 - 154
18			<p>STANDARDS COMMITTEE WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the contents of the work programme for the rest of the 2009/10 municipal year.</p>	155 - 162

Agenda Item 5

Standards Committee

Tuesday, 21st April, 2009

PRESENT:

Independent Members

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

Councillors

D Blackburn J L Carter E Nash
C Campbell J Elliott

Parish Members

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

63 Appeals against refusal of inspection of documents

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

64 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

65 Late items

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

66 Declaration of interests

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

67 Minutes of the Previous Meeting

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

Further to Minute 55, Members were informed that Rossendale District Council had been announced as the winner of the 'Standards and Ethics' category at the Local Government Chronicle Awards 2009.

- 68 Minutes of the Assessment Sub-Committee**
The minutes of the Assessment Sub-Committee meeting held on 5th March 2009 were received and noted.
- 69 Minutes of the Corporate Governance and Audit Committee**
The minutes of the Corporate Governance and Audit Committee meetings held on 11th February 2009 and 18th March 2009 were received and noted.
- 70 Code of Practice for the Determination of Licensing Matters**
The Principal Legal Officer presented a report of the Assistant Chief Executive (Corporate Governance) providing information to the Standards Committee in relation to the monitoring requirements of the Code of Practice for the Determination of Licensing Matters.

It was confirmed that eight of the ten Members due to attend Planning and Licensing training would attend a session in April, and that the remaining two Members would be contacted in order to arrange their training.

RESOLVED – Members of the Standards Committee resolved that no amendments were required to the Code of Practice for the Determination of Licensing Matters.

- 71 Ethical Arrangements in Partnerships**
The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) informing Members of the Governance Framework for Significant Partnerships and the ethical governance section of the associated toolkit.

The Committee was informed that the Framework and toolkit would allow the Council to discuss governance requirements and share best practice with its partnerships. In discussing the Members' Code of Conduct, it was confirmed that the Council's Code of Conduct would apply to Members when sitting on other bodies, unless the Code conflicted with their legal obligations to the body concerned.

RESOLVED – Members of the Standards Committee resolved to note the Governance Framework for Significant Partnerships and the section of the associated toolkit relating to ethical governance.

- 72 Standards Committee Procedure Rules**
The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) presenting the annual review of the Standards Committee Procedure Rules. Some minor amendments to the Procedure Rules were proposed in order to footnote the legislative source of the provisions within the Procedure Rules, and to correct the referencing of the provisions.

The Committee was also asked to consider whether complaints made under the Local Codes should be combined with the Local Assessment process. Members agreed that this issue should be considered further at the next

meeting of the Committee, in order that additional information could be provided to allow Members to make a more informed decision.

Finally, Members were asked to consider whether subject Members should be advised of the existence of complaints against them prior to the meeting of the Assessment Sub-Committee. The Committee was informed that:

- All complaints received under the Members' Code of Conduct (regardless of their nature) must be considered by the Assessment Sub-Committee;
- The period of time from receiving the complaint to the meeting of the Assessment Sub-Committee could be up to 6 weeks;
- Being aware of the existence of a complaint prior to the meeting of the Assessment Sub-Committee has resulted in distress and anxiety for some Members;
- Some Members have informed officers that they would prefer not to be informed of the existence of a complaint against them until the Assessment Sub-Committee has met to consider it;
- Under the previous arrangements, the Standards Board for England did not inform Members of the existence of a complaint against them until officers had decided whether there was a potential breach of the Code of Conduct; and
- Despite the above, there was nothing to prevent a complainant from publicising the fact that they had made a complaint and the details of it.

In considering the above information, the Committee agreed that Members should not be informed of the existence of a complaint against them until the Assessment Sub-Committee has met to consider it. It was also agreed that this process would be reviewed and a report brought back to the Committee in 6 month's time.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Approve the proposed amendments to the Standards Committee Procedure Rules;
- (b) Receive a further report at the next Standards Committee meeting in order that a more informed decision can be taken in relation to the procedure to be adopted for Local Complaints; and
- (c) Not advise subject Members of the existence of complaints against them prior to the meeting of the Assessment Sub-Committee and to review this process in 6 month's time.

73 MICE Money and Members' Code of Conduct

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising Members of some amendments to the 'Members Improvements in the Community and the Environment' (MICE) scheme approved by Executive Board on 1st April 2009.

RESOLVED – Members of the Standards Committee resolved to note the information in the report and the decision of Executive Board.

74 Annual Report on the Monitoring Officer Protocol

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) presenting the annual report of the Monitoring Officer which is required under Paragraph 5 of the Monitoring Officer Protocol.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the performance information and issues raised within the report; and
- (b) Approve the revised Monitoring Officer Protocol as attached at Appendix 1 to the report, which had been amended in light of the changes made under the Local Government and Public Involvement in Health Act 2007.

75 Adjudication Panel for England: Decisions of Case Tribunals

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

Further to the case regarding West Wiltshire District Council and Westbury Town Council, the importance of considering each stage of a complaint and ensuring that the Committee consider the investigator's reasoning thoroughly was highlighted.

RESOLVED – Members of the Standards Committee resolved to note the latest decisions of the Adjudication Panel's case tribunals and the lessons to be learned for Leeds.

76 Standards Committee Annual Report 2008/09

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) seeking approval of the second draft of the Standards Committee's Annual Report for 2008/09.

It was agreed that further information would be added to the report regarding the number of complaints that were still ongoing, and that Members' biographies would be updated as requested. Members of the Committee expressed their appreciation to the Senior Corporate Governance Officer for her hard work in preparing the Annual Report.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Approve the second draft of the Standards Committee Annual Report 2008/09 as attached at Appendix 1 to the report, subject to the amendments discussed;
- (b) Give authority to the Assistant Chief Executive (Corporate Governance), in consultation with the Chair, to approve the final report with the inclusion of new membership details and an updated number of complaints (to include those received up to May 2009);
- (c) Agree to forward the final report to the Corporate Governance and Audit Committee to constitute the second of their six monthly update reports; and

- (d) Agree to forward the final report to the first meeting of Council in the new municipal year for their consideration.

77 Standards Committee and Corporate Governance and Audit Committee Terms of Reference

The Assistant Chief Executive submitted a report informing Members of the revised Terms of Reference for the Standards Committee and Corporate Governance and Audit Committee.

It was agreed that the use of the word 'misconduct' and its definition within the Standards Committee's Terms of Reference would be reviewed.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the revised Terms of Reference for the Standards Committee and Corporate Governance and Audit Committee as set out in Appendix 1 to the report; and
- (b) Request that the use of the word 'misconduct' and its definition within the Standards Committee's Terms of Reference be reviewed, and the subsequent feedback be provided to the Committee.

78 Standards Committee Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report outlining the contents of the work programme for the 2009/10 municipal year.

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

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Agenda Item 6

Standards Committee - Assessment Sub-Committee

Monday, 20th April, 2009

PRESENT:

Independent Members

Rosemary Greaves (Chair)

Councillors

D Blackburn J Elliott

Parish Members

Councillor John C Priestley

22 Declarations of Interests

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

23 Case Reference 0809016

The Monitoring Officer submitted the above complaint to the Assessment Sub-Committee for consideration.

RESOLVED - The Assessment Sub-Committee decided:

- To take no further action in relation to the allegations against the first subject Member, as the Assessment Sub-Committee concluded that the allegations did not constitute a potential breach of the Members' Code of Conduct; and
- To adjourn their consideration of the allegations against the second subject Member pending discussions between the Monitoring Officer and the subject Member.

24 Case Reference 0809017

The Monitoring Officer submitted the above complaint to the Assessment Sub-Committee for consideration.

RESOLVED - The Assessment Sub-Committee concluded that there was no potential breach of the Members' Code of Conduct revealed by the complaint and therefore decided to take no further action in relation to the allegations.

25 Case Reference 0809018

The Monitoring Officer submitted the above complaint to the Assessment Sub-Committee for consideration.

RESOLVED - The Assessment Sub-Committee concluded that there was no potential breach of the Members' Code of Conduct by any of the three Councillors mentioned in the complaint and therefore decided to take no further action in relation to the allegations.

Standards Committee - Assessment Sub-Committee

Tuesday, 21st April, 2009

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

C Campbell E Nash

Parish Members

Councillor Mrs P Walker

26 **Declarations of Interests**

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

27 **Case Reference 0809014**

The Monitoring Officer submitted the above complaint to the Assessment Sub-Committee for consideration. The Assessment Sub-Committee first considered this complaint on 5th March 2009, but decided to adjourn their consideration of the allegations against the third subject Member pending discussions between the Monitoring Officer and the subject Member.

RESOLVED – The Assessment Sub-Committee concluded that the subject Member may have potentially breached the Members' Code of Conduct through some of his alleged actions, and therefore decided to refer part of the complaint to the Monitoring Officer for other action, and to take no action on the remainder of the complaint against the Member.

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Standards Committee - Assessment Sub-Committee

Thursday, 14th May, 2009

PRESENT:

Independent Members

Rosemary Greaves (Chair)

Councillors

D Blackburn J Elliott

APOLOGIES:

Councillor John C Priestley

28 **Declarations of Interests**

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

29 **Case Reference 0809016(ii)**

The Monitoring Officer submitted the above complaint to the Assessment Sub-Committee for consideration. The Assessment Sub-Committee first considered this complaint on 20th April 2009, but decided to adjourn their consideration of the allegations against the second subject Member pending discussions between the Monitoring Officer and the subject Member.

RESOLVED – The Assessment Sub-Committee resolved:

- that the subject Member may have potentially breached the Members' Code of Conduct through two of the complainant's allegations;
- that no further action was necessary in relation to one of these potential breaches as the subject Member had already apologised;
- that the complainant had not provided sufficient information for them to decide whether any action was necessary in relation to the second potential breach, so no further action would be taken unless or until further information is provided by the complainant; and
- to take no further action on the remainder of the complaint against the Member.

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Standards Committee - Assessment Sub-Committee

Monday, 18th May, 2009

PRESENT:

Independent Members

Philip Turnpenny (Chair) Independent Member

Councillors

D Blackburn

Parish Members

Councillor Mrs P Walker

30 Declarations of Interests

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

31 Case Reference 0809019

The Monitoring Officer submitted the above complaint to the Assessment Sub-Committee for consideration.

RESOLVED – The Assessment Sub-Committee resolved:

- that the subject Member may have potentially breached the Members' Code of Conduct through one of the complainant's allegations;
- to refer this allegation to the Monitoring Officer for local investigation; and
- to take no further action on the remainder of the complaint against the Member.

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Agenda Item 7

Standards Committee - Review Sub-Committee

Monday, 20th April, 2009

PRESENT:

Independent Members

Rosemary Greaves (Chair)

Councillors

D Blackburn

Parish Members

Councillor John C Priestley

7 Declarations of Interest

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

8 Case Reference 0809013

The Monitoring Officer submitted a review request in relation to the above complaint to the Review Sub-Committee for consideration. The complaint was originally considered by the Assessment Sub-Committee on 5th March 2009.

RESOLVED – The Review Sub-Committee concluded that the subject Member was not acting as a Councillor at the time of the alleged misconduct and decided to take no further action in relation to the allegations.

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Agenda Item 8

Corporate Governance and Audit Committee

Thursday, 30th April, 2009

PRESENT: Councillor J Bale in the Chair
Councillors D Blackburn, G Driver, J Elliott,
P Grahame, M Iqbal, G Latty, N Taggart
and G Kirkland
Co-optee
Mr M Wilkinson
Apologies Councillor C Campbell

110 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

111 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

112 Late Items

There were no late items added to the agenda.

113 Declaration of Interests

Councillors Driver and Grahame declared a personal interest in items 7, 9 and 10 of the agenda (Minutes 116, 118 and 119 refer) as a Board member and leaseholder of Aire Valley Homes ALMO respectively.

Councillor Taggart declared a personal interest at a later point in the meeting (Minute 116 refers).

114 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillor Campbell.

115 Minutes of the Previous Meeting - 18th March 2009

RESOLVED – The minutes of the Corporate Governance and Audit Committee meeting held on 18th March 2009 were approved as a correct record, subject to the following amendments:

Final minutes approved at the meeting
held on Tuesday, 12th May, 2009

- Minute 100 – amend the last line to read ‘approved by the Standards Committee’;
- Minute 101 – include an additional bullet point at the second paragraph as follows: ‘Their concern that less than 50% of child protection conferences had been completed on time’; and
- Minute 102 – include an additional resolution as follows: ‘That a report be received at a future meeting regarding the governance arrangements of Confederations, including the involvement of Elected Members’.

(Councillor Taggart arrived at 2.10pm during the consideration of this item.)

116 Annual Audit and Inspection Letter 2007/08

The Chief Officer (Audit and Risk) submitted a report introducing the Annual Audit and Inspection Letter for 2007/08. Stephen Gregg from the Audit Commission was in attendance to present the report and respond to Members’ questions.

Members highlighted the following areas of concern arising from the Annual Audit and Inspection Letter:

- West North West Homes Leeds – particularly telephone access, complaints handling, management of anti-social behaviour, poor customer profiling and no robust strategic approach to value for money;
- East North East Homes Leeds – the need to ensure that all equality and diversity legislation is complied with;
- Outcomes for Adult Social Care, and how the score of 2 out of 4 was arrived at (given that the authority received a 1* rating from the recent Independence, Wellbeing and Choice Inspection);
- The outcomes relating to Children and Young People, particularly infant mortality, fostering and the timeliness of reviews of looked after children, and whether they were caused by problems with leadership and management or resources;
- The high proportion of young people not in employment, education or training; and
- Regional Governance – transparency of decisions, access to information, and how decisions are made.

Members also highlighted the areas in which the Council had performed well, particularly in the Use of Resources Assessment and the investment in Police Community Support Officers.

It was agreed that the concerns raised by the Committee should be referred to the relevant Scrutiny Board or ALMO as a matter of urgency, and that further discussions should be held in order to establish a process whereby the Committee can refer concerns to the relevant Scrutiny Board.

(At this point in the meeting, Councillor Taggart declared a personal interest as a Member of the ALMO – Inner West Area Panel.)

The Committee was also reminded that the Annual Governance Statement and Action Plan are used to highlight areas for improvement and ensure that the necessary action is undertaken.

RESOLVED –

- (a) That the Annual Audit and Inspection Letter attached at Appendix 1 be noted with the concerns as described above;
- (b) That the areas in which the Council has performed well be noted;
- (c) That the Children's Services and Adult Social Care Scrutiny Boards be asked, as a matter of urgency, to follow up the Committee's concerns;
- (d) That the Chair of the Committee write to the Chairs of East North East Homes Leeds and West North West Homes Leeds in order to express the Committee's concerns;
- (e) That further discussions be held in order to establish a process whereby the Committee can refer concerns to the relevant Scrutiny Board; and
- (f) That a report be submitted to a future meeting of the Committee regarding regional governance.

(Councillor Elliott arrived at 2.20pm during the consideration of this item.)

117 Information Security - Annual Report

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report providing the Committee with an annual report on the steps being taken to improve the Council's information security, in order to provide assurance for the Annual Governance Statement.

With regards to the requirement for a network of people across the organisation to lead on embedding best practice and ensuring a co-ordinated approach to information security, Members discussed whether this would need to be a full-time role in each area, and the need to utilise existing resources and training to fulfil this requirement where possible. The need for individual officers to have responsibility for upholding information security standards was also highlighted.

Members also raised concerns as the Council does not have targets in place in relation to ISO 27001, and when each section of this will be achieved.

RESOLVED –

- (a) That the contents of the annual report and the assurances provided as to the Council's approach to information security be noted; and
- (b) That an Information Security annual report be received in the next municipal year, including a target as to when the Council will achieve ISO 27001.

(Councillor Iqbal left the meeting during the consideration of this item.)

118 ALMO Inspection Reports

The Head of Housing Delivery and Governance presented a report of the Chief Housing Services Officer advising the Committee of the outcome of the inspections of, and proposals for the Council's future relationship with the ALMOs.

Members particularly discussed:

- Whether the Council or the ALMOs were responsible for ensuring that the necessary actions arising from the inspections reports are undertaken;
- Although a high level of funding has been invested in the ALMOs, the required outcomes have not yet been fully achieved;
- The current challenges need to be addressed prior to 2011, when the level of funding will decrease;
- Tenants' expectations need to be managed more effectively;
- Whether the resources used in the merging of the ALMOs has affected their performance; and
- The need for the Committee to be informed should officers become aware of any future concerns in relation to the ALMOs.

Members requested that a report be submitted early in the new municipal year to inform the Committee of the actions being taken as a result of the inspection reports, including by when and by whom. Members also requested a report regarding the governance arrangements of Belle Isle Tenant Management Organisation (BITMO), which had not been inspected by the Audit Commission.

RESOLVED –

- (a) That the report be noted; and
- (b) That further reports regarding the governance arrangements of BITMO, and the actions being taken as a result of the inspections, including by when and by whom, be submitted early in the new municipal year.

119 Phantom Tenancies

The Housing Policy and Monitoring Manager presented a report of the Chief Housing Services Officer informing the Committee of the measures in place to reduce instances of phantom tenancies, and updating the Committee on the actions that have been taken since the last report regarding phantom tenancies was presented to the Committee in November 2008.

It was confirmed that all housing applications are checked to ensure that the applicant is legally eligible to be a tenant.

Members commented on the importance of continuing to monitor the occurrence of phantom tenancies in order to establish accurate figures, and the need for the ALMOs to look into potential phantom tenancies as soon as they become aware of their existence.

RESOLVED –

- (a) That the improvements in the control arrangements regarding phantom tenancies be noted; and
- (b) That an update report regarding the monitoring of phantom tenancies be submitted to the Committee in a year's time.

120 Comprehensive Area Assessment Framework from April 2009

The Senior Performance Manager presented a report of the Assistant Chief Executive (Planning, Policy and Improvement) updating the Committee on the introduction of the Comprehensive Area Assessment (CAA) Framework from April 2009.

In response to Members' queries, it was confirmed that the CAA would assess whether resources had been targeted effectively across the City, and that within the Use of Resources assessment, one of the key lines of enquiry will focus on decision making.

RESOLVED – That the report be noted.

(Councillor Blackburn left the meeting during the consideration of this item.)

121 Corporate Risk Register

The Principal Risk Management Officer presented a report of the Director of Resources providing Members with a summary of the Council's corporate risks and detailed explanations on the management of the most significant risks.

It was agreed that it was useful for the Committee to be informed of the corporate risks, however Members commented that it would be more useful to also be informed of the mitigation factors and how these are being managed, as well as the rating (i.e. green, amber or red) given to each risk.

The Committee also discussed the issue of whether the full Corporate Risk register should be made publicly available.

RESOLVED –

- (a) That the document attached at Appendix 1 to the report 'Corporate Risk Management at Leeds City Council' be noted and appreciation expressed for the accessible nature of the document;
- (b) That a report be submitted to the Committee regarding whether the full Corporate Risk Register should be made publicly available; and
- (c) If they haven't already done so, that members of the Corporate Governance and Audit Committee attend risk management training.

122 Annual External Audit Plan

The Principal Audit Manager presented a report of the Director of Resources providing Members with an opportunity to influence the development of the

external audit plan for 2009/10 and to suggest reviews for consideration. The report also commented on the circumstances in which the Waste Management report had been removed from the 2008/09 audit plan.

RESOLVED –

- (a) That a report regarding the Local Enterprise Growth Initiative be put forward for consideration for the Annual External Audit Plan 2009/10; and
- (b) That the explanation and the Director of Resources' assurance that Members' approval will be sought for any future changes to the agreed external audit plan be noted.

123 Corporate Governance and Audit Committee Draft Annual Report 2008/09

The Assistant Chief Executive (Corporate Governance) submitted a report presenting the first draft of the Corporate Governance and Audit Committee Annual Report for 2008/09.

Members were informed that areas of substantial concern would be addressed in the Annual Governance Statement, rather than within the Annual Report.

RESOLVED –

- (a) That the draft Annual Report attached at Appendix 1 be approved, subject to any comments or suggestions for amendment; and
- (b) That the Assistant Chief Executive (Corporate Governance) be authorised to make any amendments and to approve the final report prior to it being received at full Council in the new municipal year.

124 Work Programme

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

RESOLVED - That the draft work programme for the remainder of the municipal year be noted.

Corporate Governance and Audit Committee

Tuesday, 12th May, 2009

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

Apologies Councillors J Elliott and G Kirkland and Mr
M Wilkinson

125 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

126 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

127 Late Items

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair admitted to the agenda the minutes of the previous meeting held on 30th April 2009, which were to be considered at agenda item 6 (Minute No. 130 refers).

Due to the limited timescales between the previous meeting and the publication of the agenda papers for this meeting, the minutes had been unavailable at the time of the agenda dispatch, and were required to be submitted to this meeting, in order to enable them to be considered and confirmed as a correct record.

128 Declaration of Interests

No declarations of interest were made at the meeting.

129 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillors Elliot and Kirkland, and Mike Wilkinson.

130 Minutes of the Previous Meeting

RESOLVED - That the minutes of the Corporate Governance and Audit Committee meeting held on 30th April 2009 be approved as a correct record.

(Councillor Grahame arrived at 2.05pm during the consideration of this item.)

131 Minutes of the Standards Committee

Further to Minute 72, Members were informed of the reasons why the Standards Committee had resolved not to inform Members of the existence of a complaint against them until the Assessment Sub-Committee has met to consider it. It was also confirmed that this process would be reviewed in 6 month's time.

RESOLVED - That the minutes of the Standards Committee meeting held on 21st April 2009 be noted.

132 Improving the Council's ability to support residents' involvement in decision making

The Corporate Consultation Manager presented a report of the Assistant Chief Executive (Planning, Policy and Improvement) informing Members of the steps being taken to improve the Council's ability to support residents' involvement in decision making.

Members particularly discussed:

- Whether the Council has a statutory duty to consult;
- The need for consultation to be undertaken in a consistent manner across a variety of media;
- The opportunity for broadcasting Council meetings;
- The need to use modern communication methods in order to reach young people, such as text messaging and social networking sites;
- Their disappointment that emphasis hadn't been placed on adapting the consultation methods used in order to ensure that all communities could take part, and the importance of relating consultation to topics that communities are concerned about;
- The lessons that could be learned from South Tyneside Council, which has had success in consulting with hard to reach communities; and
- The role for consultation at a City Region level.

It was agreed that an annual report regarding community engagement should be submitted to the Committee in the next municipal year, addressing the issues discussed, particularly the opportunity for broadcasting Council meetings, and the work being undertaken by the Area Management teams to empower communities.

RESOLVED –

- (a) That the information presented in the report and the development of governance structures for consultation (and wider engagement) within the Council be noted; and
- (b) That an annual report regarding community engagement be submitted to the Committee in the next municipal year, addressing the issues noted above.

133 Governance Arrangements for the Waste Solution Programme

The Chief Environmental Services Officer submitted a report exploring the various officer and Member accountabilities within the Waste Solution Programme.

The Committee was assured that the Waste Solution Programme is on schedule, and that the Council achieved its key waste targets for 2008/09.

In relation to the Residual Waste Treatment project, it was confirmed that the key outcomes (rather than the technology to be used) had been specified to the bidders and had formed the basis of the evaluation of submissions received. The Committee sought assurances on the timescales for the procurement going forward and enquired about the potential implications should agreement not be reached regarding the outcome.

It was confirmed that a report recommending the preferred bidder as a result of the procurement process would be submitted to Executive Board for final decision. Such a report would clearly set out all the options available to the Executive Board at that stage.

RESOLVED – That the report and the assurances provided in terms of the governance arrangements for the Waste Solution Programme be noted.

134 Children's Services Inspections

The Deputy Director of Children's Services presented a report of the Director of Children's Services clarifying the recommendations from both the JAR and APA inspections, how actions arising from them are being progressed in a co-ordinated manner, and how the various children's services inspection processes will be rationalised in the future through revisions to the Ofsted inspection regime that will come into effect later in 2009.

Members particularly discussed:

- The need to ensure that statistics presented to Boards and Committees within the Council are consistent;
- Their concerns regarding the proportion of young people who are not in employment, education or training, the infant mortality rate, and the low achievement of children from some minority ethnic backgrounds;
- The importance of being able to adapt services to meet the needs of all ethnic groups within Leeds;

- The need for Children's Services to have a process for measuring its own performance, as the outcome of inspections by different bodies has not been consistent; and
- Their concern regarding the lack of elected Member representation on and involvement with the various Children's Services Boards and Partnerships, and the need for this structure to be reviewed.

It was agreed that a report should be submitted to the Committee outlining a consistent process by which Children's Services can measure its own performance, including a 'traffic light' system in order that the Committee can establish where concerns exist. The Committee was reminded that a report would also be submitted regarding the governance arrangements of Children's trusts, including the involvement of Members, in light of the new guidance from the Department for Children, Schools and Families.

Members also requested that the 'Service Delivery' and 'Service Transformation' strands of the Children and Young People's Social Care Transformation Programme to be reviewed in order to make them more explicit.

RESOLVED –

- (a) That the report be noted, particularly the steps being taken to ensure a co-ordinated approach to responding to the JAR and APA recommendations; and
- (b) That a further report be submitted outlining a consistent process by which Children's Services can measure its own performance, including a 'traffic light' system; and
- (c) That a further report be submitted regarding the governance arrangements of Children's trusts, including the involvement of Members, in light of the new guidance from the Department for Children, Schools and Families.

(Councillor Iqbal left the meeting during the consideration of this item.)

135 Annual Report on the Council's Risk Management Arrangements

The Principal Risk Management Officer presented a report of the Director of Resources providing Members with an overview of the Council's key risk management developments over 2008/09.

In discussing operational risks, the Committee was informed that the Risk Management Framework could be used at all levels within the authority, and that the responsibility for risk management is devolved to managers within each directorate. However, the Risk Management Unit is also available to provide advice where needed.

It was agreed that members of the Corporate Governance and Audit Committee should attend risk management training, and that it would be useful to train the Committee as a whole if possible.

RESOLVED –

- (a) That the report and the progress made in further embedding risk management across the authority be noted;
- (b) That the Committee will continue to review and challenge the Council's risk management arrangements, and attend risk management training sessions and briefings provided by the Risk Management Unit; and
- (c) That risk management training be provided to the Committee as a whole in the next municipal year.

136 LCC Programme and Project Management Arrangements

The Delivering Successful Change Project Manager presented a report of the Director of Resources providing an annual update on the continuing implementation and embedding of a consistent corporate approach to programme and project management by the DSC project, and an annual review of the Council's Portfolio, Programme and Project Management arrangements.

In response to Members' queries, it was confirmed that:

- The DSC methodology had been designed to be used for all projects, regardless of size or complexity; and
- Although the project manager may not have knowledge relevant to a particular project, a member of the project team should.

RESOLVED –

- (a) That the report be noted; and
- (b) That the project and programme approach that is in place across the Council be endorsed.

137 KPMG Review of Costs & Cost Drivers in the Youth Service

The Acting Chief Officer (Early Years and Youth Services) submitted a report summarising the key findings from KPMG's recent review of the costs and cost drivers within the Youth Service.

A representative from KPMG was in attendance to present the report and respond to Members' questions.

Members discussed the reasons why the Youth Services expenditure appeared to be high compared to the outcomes achieved, and the distinction between outputs and outcomes.

RESOLVED – That the findings of the review and the assurances provided be noted.

138 Governance of Partnerships Update

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) updating Members on the progress

that has been made, and the next steps needed to ensure that the Council's significant partnerships have good governance arrangements in place.

The Committee discussed how the Framework and toolkit could be applied to partnerships that do not fall under the definition of 'significant'. It was confirmed that such partnerships would be encouraged to comply with the relevant sections of the Framework and toolkit.

RESOLVED –

- (a) That the register of significant partnerships be noted; and
- (b) That the process for monitoring compliance with the Framework and the training being delivered by Governance Services be noted.

(Councillor Campbell left the meeting prior to the consideration of this item.)

139 Governance Statement Action Plan

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) updating Members on the progress that has been made in implementing the Corporate Governance Statement action plan.

RESOLVED – That the Corporate Governance Statement action plan be noted.

140 Audit of Decision Making Process

The Head of Internal Audit submitted a report advising the Committee on the control environment that is in place supporting Key and Major decisions taken by officers under delegated or sub-delegated authority, awareness of these requirements by relevant officers and compliance with existing procedures.

The Committee raised concerns, as a number of decisions tested had not been registered with Governance Services, did not appear on the Forward Plan, and had been implemented prior to the conclusion of the call-in period.

The Committee was also concerned that the sample tested was not large enough to establish the reasons for non-compliance. It was reported that two of the decisions tested had been specifically referred to Internal Audit for testing, however the remaining samples had been chosen at random.

The Committee was also assured that Internal Audit would continue to review the findings and recommendations, and that Governance Services could 'spot check' decisions throughout the year, as well as undertaking an annual review.

It was agreed that a report should be submitted to the Committee regarding the follow-up work that had been undertaken as a result of the Audit, and that the Chair should inform senior officers and members of Executive Board of the Committee's concerns. It was also agreed that further consideration

should be given as to whether the risks associated with unconstitutional decision making should be added to the Corporate Risk Register.

RESOLVED –

- (a) That the recommendations detailed in the Internal Audit report attached at Appendix 1 to the report be noted;
- (b) That a report be received regarding the follow-up work undertaken as a result of the Audit;
- (c) That the Chair raise the Committee's concerns with senior officers and members of Executive Board; and
- (d) That further consideration be given as to whether the risks associated with unconstitutional decision making should be added to the Corporate Risk Register.

141 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2009/10.

RESOLVED – That the draft work programme for the 2009/10 municipal year be noted.

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Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Appointment of Independent and Parish Members

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to inform Members of the Committee of the outcome of the Standards Committee appointments approved by Full Council at its annual meeting on 21st May 2009.
2. Members of the Committee are asked to:
 - Note the appointment of Mrs J Austin to the role of Independent Member until the Annual Meeting in 2013;
 - Note the appointment of Mr G Tollefson to the role of reserve Independent Member until the Annual Meeting in 2010 or earlier should a vacancy arise when he will then become a full Independent Member for a four year term;
 - Note the appointment of Councillor P Cook to the role of Parish Member until the Annual Meeting in 2013; and
 - Note the reappointment of Councillor Mrs Walker as a Parish Member until the Annual Meeting in 2013.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to inform Members of the Committee of the Standards Committee appointments approved by Full Council at its annual meeting on 21st May 2009.

2.0 Background Information

- 2.1 Further to the introduction of the Local Assessment regime and the subsequent difficulties encountered in relation to the membership of the Standards Committee, Members resolved to recommend to General Purposes Committee that the membership of the Standards Committee be increased to include two additional Leeds City Councillors, one additional Independent Member and one additional Parish Member. General Purposes Committee agreed to recommend this proposal to Full Council, and the new membership was approved on 22nd April 2009. A recruitment exercise was therefore undertaken, and additional Independent and Parish members were appointed to the Standards Committee by Full Council at its annual meeting on 21st May 2009.

Independent Member position

- 2.2 Applicants for the position of Independent Member were asked to submit an application form, and applicants were then shortlisted against a role description which highlights essential and desirable criteria. Five candidates were shortlisted for this position and interviewed by a panel comprised of the Assistant Chief Executive (Corporate Governance) and the Chair of the Standards Committee.
- 2.3 At the end of the process the interview panel felt that there were two candidates for the Independent Member role who were worthy of recommendation for appointment. These were Mrs J Austin and Mr G Tollefson. Both these candidates met all the essential requirements of the role and demonstrated three of the four desirable requirements in their application. However, as there was only one vacancy the interview panel decided to recommend the appointment of Mrs J Austin.
- 2.4 Given that the current Chair of the Standards Committee is due to retire at the Annual Meeting in 2010, the Assistant Chief Executive (Corporate Governance) also recommended that Mr Tollefson be appointed as a reserve Independent Member in order to fill the Independent Member vacancy when it arises. A reserve Independent Member is not a formal member of the Standards Committee, and is not able to vote, but may speak at the discretion of the Chair. They are allowed to attend meetings of the Standards Committee to observe the proceedings and for training purposes. They are not allowed to act as a substitute for another Independent Member, or take part in Assessment or Review Sub-Committee meetings (other than as an observer, for development purposes, and with the consent of all parties). The main benefits of appointing a reserve member are as follows:
- The Council will not have to repeat the recruitment exercise in April 2010 in order to replace the vacancy due to arise in May 2010. The cost of the recruitment exercise was £3605.20. This amount does not include officer time or administration costs. However it should also be noted that officers supporting the Independent Remuneration Panel, of which Mr Tollefson is a Member, will have to conduct a similar recruitment exercise to replace him;

- If Mr Tollefson is appointed as a full Independent Member at the Annual Meeting in 2010, he will already have gained some experience of the Standards Committee and the Council's operations, and will have received training in accordance with the Standards Committee Training Plan;
- Should a vacancy arise prior to the Annual Meeting in 2010, for example due to a resignation, the Standards Committee will be able to fill this vacancy immediately, which would assist with the timely processing of complaints; and
- Finally, if the Council were to repeat the recruitment exercise for an Independent Member in 2010 there would be no guarantee that applicants of a similar calibre (meeting all the essential criteria and the majority of the desirable criteria) would apply.

2.5 Full Council approved both appointments at its annual meeting on 21st May 2009.

Parish Member position

2.6 Candidates for the position of Parish Member were nominated by their Town or Parish Council at the request of the Yorkshire Local Councils Association (YLCA). The six nominees received were then interviewed by an interview panel comprised of the Assistant Chief Executive (Corporate Governance), the Chair of the Standards Committee and Councillor J Priestley (a current Parish Member on the Standards Committee). The panel decided to recommend the appointment of Councillor P Cook of Morley Town Council.

2.7 As Councillor Mrs Walker's first term of office ended at the annual meeting in 2009, she was asked to confirm that she wished to continue as a Parish Member of the Standards Committee, and the YLCA were asked to confirm whether they supported her reappointment. Following confirmation from the YLCA that they would support her reappointment unopposed, the interview panel decided to recommend to Full Council that Councillor Mrs Walker should be reappointed for a further term of office. Parish Members are also appointed for terms of office of four years, but there is no restriction on the number of terms they may serve.

2.8 Full Council also approved these appointments at its annual meeting on 21st May 2009.

3.0 Main Issues

Mrs J Austin – Independent Member

3.1 Until September 2008 Mrs Austin worked for KPMG as a principal advisor within KPMG's Financial Services Advisory Group, which involved working as a project leader on a variety of strategic, regulatory and costing projects, and acting as the independent accountant in a number of Office of Fair Trading regulated assignments. Mrs Austin left this position to pursue other interests.

3.2 Mrs Austin has extensive experience of understanding and applying regulatory produced standards in a practical setting; chairing committees and working parties; and reviewing, analysing and investigating data, both financial and non-financial. Mrs Austin also recently completed a degree in psychology from the Open University.

Mr G Tollefson – reserve Independent Member

- 3.3 Mr Tollefson retired from the NHS in January 2006 where he worked as a Senior Ambulance Service Manager. In 2007 and 2008 Mr Tollefson undertook some part time project work for St John Ambulance (South & West Yorkshire) in addition to being a senior volunteer with that organisation.
- 3.4 Mr Tollefson has served as a Magistrate in Leeds since 1994 and chairs Courts on a regular basis. In 2008 Mr Tollefson was appointed by the Ministry of Justice to the Lord Chancellor's Advisory Committee for Leeds, which is the body that handles all matters relating to standards, discipline and governance within the Leeds Magistrates' Courts.
- 3.5 Since retiring, Mr Tollefson has joined the Board of a large Practice Based Commissioning Group of General Practitioners in East and South Leeds, and has recently been invited by HM Lord Lieutenant for West Yorkshire to serve as one of her Deputies. Mr Tollefson was also currently a member of the Leeds City Council Independent Remuneration Panel, until he was appointed to the Standards Committee (as the relevant Regulations prevent a co-opted Member of the Council being on the Independent Remuneration Panel).

Councillor P Cook – Parish Member

- 3.6 Councillor Cook was elected to Morley Town Council in 2007. He is a member of the Finance and General Purposes Committee.
- 3.7 Councillor Cook was a police officer for 30 years and retired in 1999. Councillor Cook has also previously worked as a security manager for art galleries and museums owned by Leeds City Council.

4.0 Implications For Council Policy And Governance

- 4.1 The successful candidates all conform with the legal requirements for the positions, which are set out in Article 9 of the Council's Constitution.
- 4.2 Having a high calibre of membership of the Standards Committee will assist the Council in meeting the principle of 'good conduct and behaviour' in the Council's Code of Corporate Governance.

5.0 Legal And Resource Implications

- 5.1 The position of Independent Member attracts an allowance of £2,366 per annum, and the position of Parish Member attracts an allowance of £570 per annum. However both these sums can be met from within existing resources.

6.0 Conclusions

- 6.1 Full Council approved the appointment of Mrs J Austin to the role of Independent Member of the Standards Committee, and Councillor P Cook to the role of Parish Member, both with effect from 21st May 2009. Full Council also approved the appointment of Mr G Tollefson as a reserve Independent Member until the Annual Meeting in 2010, in order that he can then be appointed as the Independent Member to fill the vacancy for such a Member left by Mr M Wilkinson when his final

term of office expires. Finally, Full Council approved the reappointment of Councillor Mrs Walker to the role of Parish Member for a further term.

7.0 Recommendations

7.1 Members of the Committee are asked to note:

- The appointment of Mrs J Austin to the role of Independent Member until the Annual Meeting in 2013;
- The appointment of Mr G Tollefson to the role of reserve Independent Member until the Annual Meeting in 2010 or earlier should a vacancy arise when he will then become a full Independent Member for a four year term;
- The appointment of Councillor P Cook to the role of Parish Member until the Annual Meeting in 2013; and
- The reappointment of Councillor Mrs P Walker to the role of Parish Member until the Annual Meeting in 2013.

Background Documents

Standards Committee (England) Regulations 2008

Report to Full Council, 'Appointment of additional Independent, reserve Independent and Parish Members of Standards Committee', 21st May 2009

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Report of the Chief Officer Human Resources

Standards Committee

Date: 8th July 2009

Subject: Ethical Audit Action Plan: Human Resource Issues

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 updates on-going work arising from the Ethical Audit Action Plan and presents:
 - a) a review of progress regarding development programmes to raise awareness and understanding; and
 - b) a preview of the next Staff Survey which will be an opportunity to refresh our information on Officers' understanding of ethical governance issues.
2. The Standards Committee is asked to note the information provided and comment as required.

1.0 Purpose of This Report

- 1.1 This report deals with the consequences of the Ethical Audit Action Plan which were attributed to the Chief Officer (Human Resources) following the 2006 Ethical Audit.
- 1.2 This sampled the views of staff graded above SO2 and who were in managerial roles. It was also followed up by a survey of staff graded below this level. Both surveys show the degree to which our work-force understands and is aware of our overall Ethical Framework.
- 1.3 This report provides updated information to the Committee on the steps being taken to improve and evaluate this understanding.

2.0 Background Information

- 2.1 The Council's Ethical Audit findings highlighted gaps in awareness, knowledge and skills across a number of areas. The findings show opportunities to promote good governance. This applied to the following:
- the audit findings showed that a significant proportion of officers were unaware of their responsibility to abide by the Officers' Code of Conduct;
 - a significant proportion of Officers are 'fairly' or 'very unclear' about their responsibilities under the Ethical Framework; and
 - a significant proportion of Officers did not understand the role of the Standards Committee, or the Whistle Blowing Policy.
- 2.2 In consequence, the Standards Committee requested that the Chief Officer (Human Resources) address these findings by ensuring:
- awareness was better promoted; and
 - this was embedded, i.e. that key competencies and behaviours for managers made appropriate reference to the Ethical Framework.
- 2.3 The Committee requested that progress be reported to this meeting.

3.0 Main Issues

Ethical Audit Action Plan

- 3.1 The issues raised in paragraph 2.1 are being specifically addressed by:
- Manager Briefings - Using a standard briefing for managers to consider ethical audit findings; and in turn to brief their teams;
 - Clearer induction – updating induction materials and programmes for new staff; and
 - Developing leadership standards which include governance matters; and

- Developing a set of core competencies which are allied to the above standards, but provide more detail regarding specific skills and knowledge managers need to have at all levels.

3.2 In terms of specific progress the following is noted:

Manager Briefings

- 3.3 As indicated in paragraph 2.1, the low level of managerial awareness encompassed knowledge and understanding of ethical governance matters. One method of increasing this is to provide briefings for managers that are designed to make issues relevant to their jobs and to promote discussion. For example, by considering various scenarios that managers may encounter helps increase their awareness and guide them to seeking appropriate advice.
- 3.4 A Managers' Briefing has been trialled with a cross-section of managers. As well as raising key issues from the ethical audit (e.g. engagement with members), these also prompt managers to consider their responsibilities to promote good governance with their staff.
- 3.5 Although there have been delays in rolling-out this programme out, this work has now been refined and will be run on a regular basis. This will be a means of testing managers' understanding and to develop further training packages of support tailored to the needs of different managers.
- 3.6 Allied to the role of briefing managers, is a need to also set standards against which managers can be measured against and where necessary developed if their understanding, performance or even behaviours are deficient. This is part of the embedding process raised in paragraph 2.
- 3.7 To underpin this a set of core competencies have also been developed. These will be linked to appraisals and rolled out over the next 12 months and enable a more target development of staff. Further work will also be undertaken to provide resources to maintain and sustain this development activity.

Induction

- 3.8 As well as dealing with our current staff, the Council has volume staff turnover. This means it is also necessary to stress issues with new joiners whilst they are receptive, and the induction process can be used to achieve this.
- 3.9 Corporate induction materials are regularly updated. Standard Induction checklists include direct references to the Officers Code of Conduct and its key features, plus information on the role of Councillors and decision making. This was introduced in April 2008. Around 1900 staff who newly joined the Council should have been inducted by managers who were required to reference the above.
- 3.10 A further review of the induction process has now also been completed, with the programme revamped to meet common corporate standards. This has been introduced on a phased basis by directorates since October 2008. So far it is estimated that around 500 new joiners this year will have been through this programme which makes references the above mentioned themes.

Leadership Standards and 360 Degree Appraisal Results

- 3.11 A further element of embedding ethical governance has been to focus on accountability and performance of the most senior managers in the Council; who, as leaders, are responsible for setting the tone and direction. This is being assessed and measured.
- 3.12 Leadership standards were launched in September 2008 and were reported to this Committee. Since then a 360 Degree Appraisal programme has been undertaken for all JNC 350 plus staff. This measures staff performance against standards.
- 3.13 So far results have been received for all staff graded up to JNC 52.5%, which forms a major part of the core of senior officers who work regularly with Members.
- 3.14 These results are based on each officer undertaking a self assessment, combined with assessments from up to 9 other participants which include:
- Staff reporting to them;
 - Their manager;
 - Peers; and
 - Partners and other stakeholders, which may include Members.
- 3.15 Appendix 1 details responses in terms of the key questions that relate to governance. In broad terms Officers at this level suggest there is a good level of understanding and display of behaviours that promote effective Officer-Member relationships.
- 3.16 The outcomes of the 360 feedback have been given to Officers and their line managers; who are required to discuss them. As part of the embedding of the management standards, the feedback will be further discussed as part of a common appraisal process. In turn, this will identify any Offices that need to further develop their knowledge and experience or make sure that their staff are supported and can do this. Also more work is being undertaken to review the Council wide position; looking at Directorates and Service areas.

Staff Survey 2009

- 3.17 Whilst the above work shows some progress to embedding and evaluating changes, it is planned to also re-assess the position on governance across the whole work-force. This will be done using by using the Staff Survey.
- 3.18 This survey is undertaken on an 18-month cycle to coincide with the Council's 3-Year Business Plan. The survey is sent to all 17,000 staff and normally gets around a 40% return rate, which is high compared to other Councils.
- 3.19 The survey is used to provide a variety of information regarding how staff view their working lives and their understanding of the Council. This includes measures that show levels of motivation and satisfaction across the work-force.
- 3.20 This year new questions have been included to cover Ethical Audit themes. Due to the nature of the survey, which is wide-ranging, the Ethical Audit cannot be replicated. However the key themes can be raised.

- 3.21 Attached at Appendix 2 are the questions that have been devised to cover these. These have been designed in consultation with Corporate Governance to ensure proper coverage is given to issues, whilst maintaining a good fit with the other questions covered in the survey. Thus although not as detailed as the Ethical Audit, this survey provides an opportunity to capture perceptions against key issues
- 3.22 The survey was launched in June and will close in July; with results available in October. The issues raised on ethical governance will be presented back to this Committee in due course and will be an assessment of progress

4.0 Implications for Council Policy and Governance

- 4.1 These improvements are designed to further develop and embed the Council's Ethical framework.

5.0 Legal and Resource Implications

- 5.1 On-going consideration will be given to how learning and development budgets are used to support and sustain the work identified above. This will require managers across the Council to prioritise issues accordingly.

6.0 Conclusions

- 6.1 Responding to the Ethical Audit Action plan has presented an opportunity to work more widely across common governance issues. As with many training and development initiatives, it is important that evaluation is undertaken. This report shows some emerging findings and sets out next steps in this process.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note:

- the specific position regarding Ethical Governance awareness raising;
- how this work is being used to strengthen overall approaches to embed good governance and emerging findings arising from senior Officer appraisals, and;
- Plans to survey all staff and to feedback results.

- 7.2 It is also recommended a follow up report is presented to the Committee which will show:

- the full position on the senior Manager 360 Appraisal, and
- Staff survey results.

Background documents

Ethical Audit Action Plan 2006

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Senior Manager 360 Appraisal

Below are initial results of 360 Degree Appraisal for all Directors, Chief Officers and Heads of Service. Results are being collated for other senior managers and will be included in due course.

Managers were asked to nominate up to 9 other respondents to fill in an on-line question asking about the degree to which the person in question exhibits certain behaviours. Responses are rated:

- 5 - The person displays these behaviours 80 to 100% of the time
- 4 - The person displays these behaviours 60 to 80% of the time
- 3 - The person displays these behaviours 40 to 60% of the time
- 2 - The person displays these behaviours 20 to 40% of the time
- 1 - The person displays these behaviours 0 to 20% of the time
- 0 – This is not applicable

Respondents were also asked to rate the importance of the behaviours in terms of their importance to the individual’s job:

- 1 Very important
- 2 Important
- 3 No important

Section 9 of the Appraisal covered work with Partners and Members and relates to the Management standard shown on the next page. The results of the questions regarding members are shown below. Overall this section was rated as 1.4 in terms of the importance of this to the Officers doing their jobs.

	Mean Scores
Section 9 – Work with Partners and Members	4.2
Understands the democratic process within Leeds City Council and recognised the political accountability of members	4.7
Works effectively in a political context by sensitively managing the working relations with Members	4.3
Has a positive approach to informing and consulting Member to support them in their role	4.6
Effectively builds relationship with Members to Achieve outcomes	3.9

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Staff Survey Summer 2009

The following questions have been incorporated into the staff survey and will cover key themes regarding a follow up to the Ethical Audits.

1. Did you know that the following documents, which provide guidance on the standards and behaviours expected of Councillors and employees, are available in the council's constitution?

a) Members Code of Conduct Yes/No

b) Members/Officers Protocol Yes/No

c) Officer Code of Conduct Yes/No

2. Do you know that as an employee of the council the 'Code of Conduct' requires you to register interests that may affect you carrying out your work

Yes/No

3. Do you know that as an employee of the council the 'Code of Conduct' requires you to register any gifts or hospitality you receive

Yes/No

How much do you agree or disagree with the following statements?

4. How Councillors and council employees behave matters to the public
5. I understand the role of a Councillor
6. I know how to raise a concern about a colleague
7. I know how to raise concerns about work related matters involving Councillors

Questions 4 - 7 are answered by – reference to a 7 point scale indicating whether participants strongly agree (7) through to strongly disagreeing (1)



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Proposals for the creation of a Consideration and Hearings Sub-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. On 10th August 2008 the Standards Board for England published updated guidance on Standards Committee Determinations, which included a recommendation that Standards Committees establish a Consideration and Hearings Sub-Committee to receive completed investigation reports and conduct hearings. The guidance is issued under the Standards Committee (England) Regulations 2008, the Regulations are mandatory and this guidance must be taken into account by the Council.
2. The purpose of this report therefore is to ask Members of the Standards Committee to consider options for how the Committee might both receive and consider completed investigation reports and how hearings might be conducted. The options presented are to establish both a Consideration Sub-Committee (to receive completed investigation reports) and a Hearings Sub-Committee (to conduct hearings in relation to Leeds City Councillors and Parish and Town Councillors), or to establish a Consideration and Hearings Sub-Committee to carry out both functions. The Standards Committee are asked to reconsider this issue in light of the recent increase in the membership of the overall Committee and the updated guidance from the Standards Board for England.
3. Members of the Standards Committee are asked to consider the options and other procedural matters contained in this report, and to determine whether to appoint one or more Sub-Committees, and to authorise the Assistant Chief Executive (Corporate Governance) to make the necessary amendments to the Standards Committee Procedure Rules and Standards Committee Media Protocol to reflect these decisions. The detailed recommendations are set out in paragraph 7.1 in this report.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to ask Members of the Standards Committee to consider options for how the Committee might both receive and consider completed investigation reports and how hearings might be conducted. The options presented are to establish both a Consideration Sub-Committee (to receive completed investigation reports) and a Hearings Sub-Committee (to conduct hearings in relation to Leeds City Councillors and Parish and Town Councillors), or to establish a Consideration and Hearings Sub-Committee to carry out both functions. Members of the Standards Committee are asked to reconsider this issue in light of the recent increase in the membership of the overall Committee and the updated guidance from the Standards Board for England.

2.0 Background Information

- 2.1 The last time this issue was considered on 19th January 2006, the Standards Committee resolved that initially no hearings sub-committee should be established to deal with cases involving Leeds City Councillors and that the whole Committee should have the opportunity to be involved. The Committee also resolved that in the event of a tied vote, the Chair should have the casting vote.
- 2.2 However Members should note that at the time of the above decision the Standards Committee had a membership of six (plus two non-voting reserve members). Since the Annual Meeting on 21st May 2009, the membership of the Standards Committee has increased to 14 (plus one non-voting reserve member). Therefore the Standards Committee may wish to reconsider their decision.
- 2.3 On 16th March 2006, the Standards Committee resolved to create a Parish Council Hearings Sub-Committee, which was supported by the majority of Parish and Town Councils in Leeds. This Sub-Committee had a membership of four, including two Independent Members, one Parish Member and one City Councillor. This Sub-Committee never met and was dissolved by the Standards Committee on 1st July 2008 so that all cases would be considered in the same way.
- 2.4 On 10th August 2008 the Standards Board for England published updated guidance on Standards Committee Determinations, which included a recommendation that Standards Committees establish a Consideration and Hearings Sub-Committee to receive completed investigation reports and conduct hearings. The guidance reflects the Standards Committee (England) Regulations 2008, the Regulations are mandatory and this guidance must be taken into account by the Council. It should be noted that the establishment of a Sub-Committee to deal with the consideration of final investigation reports and to conduct hearings in relation to alleged breaches of the Members' Code of Conduct is not compulsory. However, the Standards Board for England states in their guidance that the Standards Committee "should appoint a sub-committee (the consideration and hearing sub-committee) to consider a Monitoring Officer's investigation report and to hold determination hearings." In the light of this guidance, the Standards Committee may wish to consider establishing one or more sub-committees to carry out these functions, as well as amend the terms of reference for the Assessment Sub-Committee (which currently include the function of considering completed investigation reports).

3.0 Main Issues

Establishment of one or more Sub-Committees

- 3.1 As set out at paragraph 2.4 above, the Standards Board guidance on Standards Committee Determinations recommends that the Standards Committee should appoint a Consideration and Hearings Sub-Committee to consider a Monitoring Officer's investigation report and to hold determination hearings.
- 3.2 A possible advantage of creating a Sub-Committee to consider such matters would be that meetings could be convened more quickly and easily with a smaller membership, and therefore determination hearings would be more likely to be held within the statutory timescales. In addition a smaller number of Members may be find it easier to reach a decision and would be less intimidating for the subject Member during a hearing.
- 3.3 If Members are of the view that a Sub-Committee should be established to carry out these functions they are invited to consider whether it should be one or two sub-committees which are established. Members may wish to consider the following factors in this regard:-
- 3.3.1 Although the Standards Board for England guidance refers to the creation of only one sub-committee the Standards Board for England have confirmed that it would be equally appropriate to establish two sub-committees: one to consider final investigation reports, and the other to conduct determination hearings.
- 3.3.2 Separation of the functions between two Sub-Committees would allow greater clarity and transparency in terms of the procedure adopted by the Standards Committee when dealing with an investigation report as set out in the Standards Committee Procedure Rules. Instead of one Consideration and Hearings Sub-Committee dealing with both the receipt of a final investigation report and the potential hearing in relation to the same matter, a Consideration Sub-Committee would receive the final investigation report, determine whether there is need for a hearing in relation to the matter and consider whether, on the basis of the report, there were any lessons to be learned for the Council.
- 3.3.3 The matter would then be referred on to the Hearings Sub-Committee, which would deal with any necessary pre-hearing matters, conduct the hearing, and apply any sanction in the event of a finding that the subject Member had indeed breached the Members' Code of Conduct. Some matters in the pre-hearing process can be decided by the Monitoring Officer in conjunction with the Chair of the Sub-Committee prior to the hearing. If the consideration and hearings functions are to be delegated to separate sub-committees, it will be necessary for there to be some certainty over the identity of the Chair of the Hearings Sub-Committee so that these decisions can be made as quickly as possible. Therefore it is proposed that the Chair of the Hearings Sub-Committee will usually be the Chair of the Standards Committee, unless they are prevented from doing so by virtue of a personal and prejudicial interest.
- 3.3.4 When the Consideration Sub-Committee receives the final investigation report into an alleged breach of the Members' Code of Conduct, the Standards Committee (England) Regulations 2008 require them to make one of three decisions, namely:
- (a) that it accepts the monitoring officer's finding of no failure ("a finding of acceptance"); or

(b) that the matter should be considered at a hearing of the standards committee conducted under regulation 18; or

(c) that the matter should be referred to the Adjudication Panel for determination.

Option (a) only applies in the event of the investigation report containing a finding of no failure. Clearly therefore, if the investigation Report contains a finding of breach, the Sub-Committee need only decide whether the hearing should be held locally or whether the matter should referred to the Adjudication Panel for determination.

- 3.3.5 If the investigation is conducted by an Ethical Standards Officer then the matter will only be referred to the Standards Committee if the ESO concludes that there has been a breach of the Code, and that that breach should be the subject of a hearing by the Standards Committee. If the ESO concludes that there has been no breach, or that there has been a breach but that there is no need for any further action, then the matter will not be referred back to the Standards Committee. Similarly if the ESO concludes that there has been a breach but that the breach should be the subject of a hearing by the Adjudication Panel, they will refer the matter straight to the Adjudication Panel for England. There is not therefore any need for the Standards Committee to discharge the consideration function in respect of investigation reports prepared by the Ethical Standards Officer.
- 3.3.6 Guidance from the Standards Board for England is clear that the same Members are able to perform both functions of consideration and hearing. There are therefore no legal restrictions or concerns in relation to the same Member being involved in both the consideration and hearing functions.

Proposed Membership of the Sub-Committee/s

- 3.4 The Standards Committee (England) Regulations 2008, make provision in relation to the composition of Standards Committees and their Sub-Committees. As with the Assessment and Review Sub-Committees, the quorum for the Sub-Committee/s would be three Members, including one Leeds City Councillor and one Independent Member. At least 25% of the Members of the Sub-Committee/s should be Independent Members and the Sub-Committee/s must be chaired by an Independent Member of the Standards Committee.
- 3.5 The Sub-Committee/s are not required to have a fixed membership, and a Parish Member need not be present unless the case under consideration concerns a Parish or Town Councillor. Further to this, as the Assessment and Review Sub-Committees make no findings of fact, a Member involved at the initial assessment stage or the review stage of the original complaint may participate in the subsequent stages of consideration and hearing, because a conflict of interest does not automatically arise. Guidance from the Standards Board for England is clear that the same Members are also able to perform both functions of consideration and hearing. There are therefore no legal restrictions or concerns in relation to the same Member being involved in both the consideration and hearing functions.
- 3.6 The Standards Board do not currently provide guidance on the number of Members who should sit on the Sub-Committee: however in their previous guidance on Standards Committee Determinations (published in 2003), the Standards Board recommended that either three or five Members should conduct local hearings in the interests of fairness and efficiency. An odd number of Members would make it easier for the Sub-Committee to reach consensus and would avoid a situation where the Chair has to use his casting vote.

- 3.7 The Standards Committee should note that regardless of the membership they decide on for the Consideration and Hearings Sub-Committee/s, the quorum for the meeting will always be three Members, including one Independent Member (who must Chair), one Leeds City Councillor¹, and one Parish Member (if the case involves a Parish Councillor).

Consideration Sub-Committee

- 3.8 If Members of the Standards Committee were minded to split the functions between two separate Sub-Committees, it is recommended that the membership of the Consideration Sub-Committee be as for the Assessment and Review Sub-Committees, which is as follows:

- 1 Independent Member (Chair of the Sub-Committee);
- 1 Parish Member (who, in terms of the quorum requirements, only needs to be present when matters relating to Parish and Town Councils are being considered);
- 2 Leeds City Councillors.

- 3.9 An advantage of this composition would be that Members could use one of their monthly diarised Sub-Committee meetings to hold the Consideration Sub-Committee meeting which would avoid delays in the process.

Proposals for either the Consideration and Hearings Sub-Committee or the Hearings Sub-Committee

- 3.10 If Members of the Standards Committee are minded to create a separate Hearings Sub-Committee it is proposed that the Chair of the Sub-Committee would be the Chair of the Standards Committee, unless this was not possible due to a personal and prejudicial interest. This would provide certainty over the identity of the Chair in relation to the pre-hearing process.

Sub-Committee/s of three Members.

- 3.11 In order to comply with the legislation as set out above, a Sub-Committee of three Members would need to comprise one Independent Member, one City Councillor and one Parish member. Such a Sub-Committee would be less imposing and therefore more likely to put the subject Member at their ease. However, should one Member of the Sub-Committee become ill, or have to withdraw as the result of some conflict (for example because they know one of the witnesses), this would leave the Sub-Committee inquorate and the hearing would not be able to continue. For this reason the Assistant Chief Executive (Corporate Governance) does not recommend a Sub-Committee of three.

Sub-Committee/s of four Members

- 3.12 A Sub-Committee of four Members would have the same membership as the Assessment and Review Sub-Committees which is as follows:

- 1 Independent Member (Chair of the Sub-Committee);

¹ As set out in Regulation 3(b) of the Standards Committee (England) Regulations 2008.

- 1 Parish Member (who, in terms of the quorum requirements, only needs to be present when matters relating to Parish and Town Councils are being considered); and
- 2 Leeds City Councillors.

This would not be in line with the guidance issued by the Standards Board which recommends an odd number of Members on a Sub-Committee, assisting the Members to reach consensus and therefore avoiding use of a casting vote.

Sub-Committee/s of five Members

3.13 A Sub-Committee of five Members would be comprised as follows:

- 2 Independent Members (one of whom is the Chair of the Sub-Committee);
- 1 Parish Members (who, in terms of the quorum requirements, only needs to be present when matters relating to Parish and Town Councils are being considered); and
- 2 Leeds City Councillors.

3.14 In the event of establishing Sub-Committee/s of four or five Members, Members of the Standards Committee will also need to decide whether they wish a Parish and Town Councillor to be a Member of the Sub-Committee/s regardless of whether the case involves a Parish Council, or whether they would wish to indicate that the Parish Member need not attend where the subject Member is a City Councillor. It should be noted that in a Sub-Committee of only four Members, if the Parish Member were not to attend the Sub-Committee would be vulnerable to the issues in relation to quorum set out at paragraph 3.11 above.

3.15 Apart from Leeds, three of the other Core Cities have Parish Councils within their boundaries, whose Consideration and Hearings Sub-Committees are comprised as follows:

- (a) Birmingham City Council – the Sub-Committee is comprised of six members (two independent members, three City Councillors and one Parish Councillor), regardless of whether the case involves a Parish Council;
- (b) Newcastle City Council – the Sub-Committee is comprised of four members. If the case involved a City Councillor, it would consist of two independent members and two City Councillors. If the case involved a Parish Councillor, it would consist of two independent members, one City Councillor and one Parish Councillor; and
- (c) Sheffield City Council – do not currently have a Consideration and Hearings Sub-Committee, however they have indicated that a Sub-Committee would be set up as required, and would consist of five members (two independent members, two City Councillors and one Parish Councillor).

3.16 These options were presented to the Leader and Deputy Leader of Council who favour the option outlined in paragraph 3.13.

Terms of Reference of the Sub-Committee/s

- 3.17 Currently the Assessment Sub-Committee have been delegated the function of receiving completed investigation reports, and the full Standards Committee has retained the function of holding determination hearings. The appropriate terms of reference for any Sub-Committees which the Standards Committee resolve to establish can be approved by the Standards Committee without reference to the General Purposes Committee and Full Council. Draft terms of reference for a Consideration and Hearings Sub-Committee are attached at Appendix 1a and alternative terms of reference for a Consideration Sub-Committee and separate Hearings Sub-Committee are attached as Appendix 1b.
- 3.18 Draft terms of reference for the Assessment Sub-Committee (with the consideration function removed) are attached as Appendix 2. Again these can be approved by the Standards Committee without requiring further approval from the General Purposes Committee or Full Council.

The Standards Committee Procedure Rules

- 3.19 The procedures to be adopted by the Standards Committee and its Sub-Committees in relation to allegations that Members have failed to abide by the Members' Code of Conduct are set out in the Standards Committee Procedure Rules. It will be necessary to amend these rules to give effect to the decision of Members in relation to the establishment of one or more Sub-Committees to discharge the functions of considering investigation reports and holding determination hearings. Members are requested to authorise the Assistant Chief Executive (Corporate Governance) to make the necessary amendments to bring their resolutions into effect.
- 3.20 In addition the Assistant Chief Executive (Corporate Governance) has noted the following matters which arise from a close reading of the guidance issued by the Standards Board for England. Members are requested to consider the matters raised and to indicate how they would wish to proceed. Members are then asked to authorise the Assistant Chief Executive (Corporate Governance) to make the appropriate changes to the Standards Committee Procedure Rules to bring these resolutions into effect.

The Pre-Hearing Process

- 3.21 The pre-hearing process is intended to ensure that the hearing can be dealt with as fairly and economically as possible. It does so by alerting the parties and the Sub-Committee to potential areas of difficulty and allows them to be resolved before the hearing itself. The pre-hearing process is used to:
- Identify whether the subject Member disagrees with any of the findings of fact in the investigation report;
 - Identify whether those disagreements are likely to be relevant to any matter the hearing needs to decide;
 - Identify whether evidence about those disagreements will need to be heard during the hearing;
 - Decide whether there are any parts of the hearing that are likely to be held in private; and
 - Decide whether any parts of the investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' information.

- 3.22 Some matters in the pre-hearing process can be dealt with in writing, with decisions made by one person. The key matters to be decided in this way are the date, time and location for the hearing. The guidance recommends that these decisions are made by the Monitoring Officer or other suitable officer. However the Standards Committee Procedure Rules, as currently drafted, give the power to make these decisions to the Chair of the Committee. It is recommended that in order to comply with the guidance these decisions are expressed as being made by the Monitoring Officer in consultation with the Chair.
- 3.23 The remaining issues within the pre-hearing process fall to be dealt with by the Sub-Committee. Members are asked to resolve whether they are content for this to be the case or whether they would wish to delegate any of the matters set out in paragraph 3.21 above to the Monitoring Officer to decide in consultation with the Chair of the Sub-Committee.
- 3.24 Members should note that decisions regarding whether the Sub-Committee consents to the subject Member being represented by a non-legally qualified representative, and the determination of the number of witnesses to be called, can only be made by the Sub-Committee carrying out the hearing. The Standards Board have advised that the Standards Committee could ask the Monitoring Officer to make an initial decision and recommendation to the Sub-Committee on these issues. The Monitoring Officer could consult with the Sub-Committee Chair in making the recommendation. The subject Member should then be informed of the recommendation and the reasons for it before the meeting. The decision will then need to be made formally by the Sub-Committee at the commencement of the hearing, and the Sub-Committee are able to reject any recommendation they see fit.
- 3.25 The Standards Committee Procedure Rules, as currently drafted, require the chair of the Sub-Committee to prepare the pre-hearing summary for the parties. It is recommended that this summary should, for practical reasons, instead be drafted by the Monitoring Officer, in consultation with the Chair.

Application of the Local Government Act 1972

- 3.26 Regulation 8 of the Standards Committee (England) Regulations 2008 deals with how Part 5A of the Local Government Act 1972 applies to meetings of the Standards Committee or its sub-committees in relation to allegations of failure to comply with the Members' Code of Conduct. In particular Regulation 8(6) allows the Sub-Committee's consideration of an investigator's report to be considered as exempt information, as long as the Sub-Committee consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The provision applies similarly to determination hearings. These decisions will clearly need to be made on a case by case basis.
- 3.27 The Consideration and Hearings Sub-Committee will differ from the Assessment and Review Sub-Committees in this regard, whose meetings are not subject to the usual notice and publicity requirements contained in the Local Government Act 2000, and instead are subject to the requirements outlined in Regulation 8(5) of the Standards Committee (England) Regulations 2008. As such they meet in private and all reports and considerations are also private.

The Hearing

- 3.28 The consideration meeting will always be separate from the meeting at which the hearing is conducted. The hearing must take place within three months of the final

investigation report being received, but no sooner than 14 days after the subject Member receives a copy of the report (unless they agree that it can be held sooner).

- 3.29 The Standards Committee Procedure Rules make provision for dealing with disputes as to the findings of facts which have been identified through the pre-hearing process. The Standards Board guidance makes additional provision for dealing with disputes which arise after the pre-hearing process, enabling the sub-committee to determine whether they should be heard (either at the current time or at an adjourned meeting of the sub-committee) or whether the late disputed facts should be accepted as set out in the report. Members are asked to indicate whether they are content for the Standards Committee Procedure Rules to be amended to include these additional provisions.
- 3.30 There are provisions throughout the recommended procedure set out in the Standards Board for England Guidance enabling the sub-committee to ask questions of the parties and to seek appropriate legal advice. Members are asked to confirm that they would wish the Standards Committee Procedure Rules to reflect these recommended provisions.

Consequential amendments to the Constitution

- 3.31 If Members of the Standards Committee are minded to create a Consideration and Hearings Sub-Committee, or separate Consideration Sub-Committee and Hearings Sub-Committee, and to remove the function of receiving completed investigation reports from the Assessment Sub-Committee, these changes will need to be reflected in both the Standards Committee Procedure Rules and the Standards Committee Media Protocol.
- 3.32 The amended Media Protocol is not attached to this report, although Members are asked to approve the appropriate name changes. The Standards Committee has the authority to approve amendments to both of the above documents without further reference to the General Purposes Committee or Full Council.

4.0 Implications For Council Policy And Governance

- 4.1 The updated guidance from the Standards Board reflects the Standards Committee (England) Regulations 2008. The Regulations are mandatory and according to Regulation 18(1)(a) when conducting hearings the guidance must be taken into account by the Council.

5.0 Legal And Resource Implications

- 5.1 The proposals in this report will require a number of changes to the Constitution, some of which can be approved by the Standards Committee, and others which need to be amended by the Assistant Chief Executive (Corporate Governance) under her delegated powers. These changes are outlined in the main body of the report and in the recommendations.
- 5.2 There are no resource implications to this report.

6.0 Conclusions

- 6.1 Members of the Standards Committee are asked to consider creating one or more Sub-Committees to receive completed investigation reports and conduct hearings in relation to Leeds City Councillors and Parish and Town Councillors. The Standards

Committee are being asked to reconsider this issue in light of the recent increase in the membership of the overall Committee and the updated guidance from the Standards Board for England.

- 6.2 On 10th August 2008 the Standards Board for England published updated guidance on Standards Committee Determinations, which included a recommendation that Standards Committees establish a Consideration and Hearings Sub-Committee to receive completed investigation reports and conduct hearings. The guidance reflects the Standards Committee (England) Regulations 2008, the Regulations are mandatory and this guidance must be taken into account by the Council. The Standards Board for England has confirmed that it would be appropriate to establish more than one sub-committee to discharge these functions. In the light of this guidance, the Standards Committee may wish to consider establishing a Consideration and Hearings Sub-Committee, or separate Consideration Sub-Committee and Hearings Sub-Committee, as well as amend the terms of reference for the Assessment Sub-Committee (which currently include the function of considering completed investigation reports).
- 6.3 A close reading of the guidance indicates a number of areas in relation to which there is slight divergence between the guidance and the existing Standards Committee Procedure Rules. These areas of divergence need resolution and Members are invited to consider the relevant points, in order that the Standards Committee Procedure Rules can be amended as appropriate.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to:

- Determine whether to appoint one or more Sub-Committees to discharge the functions of receiving final investigation reports and to hold determination hearings. (The Consideration and Hearings Sub-Committee, or the Consideration Sub-Committee and the Hearings Sub-Committee);
- Determine the membership of the proposed Sub-Committee/s (including whether, if the Standards Committee decide to create two separate Sub-Committees, the Chair of the Hearings Sub-Committee should normally be the Chair of the Standards Committee);
- Determine the Terms of Reference of the proposed Sub-Committees;
- Approve the amended Terms of Reference of the Assessment Sub-Committee;
- Authorise the Assistant Chief Executive (Corporate Governance) to make the necessary amendments to the Standards Committee Procedure Rules in relation to:
 - Where responsibility for matters in the pre-hearing process (which can be dealt with in writing) should rest;
 - Which matters set out in paragraph 3.21 should be delegated to the Monitoring Officer to decide in consultation with the Chair of the Sub-Committee;
 - Whether the pre-hearing summary should be prepared by the Monitoring Officer in conjunction with the Chair of the Sub-Committee;

- The further Standards Board guidance on the handling of disputes over the findings of fact which arise after the pre hearing process;
- The addition of the further provisions to enable the Sub-Committee to ask questions of the parties and to seek appropriate legal advice throughout the hearing process outlined in the Standards Board for England’s model procedure; and
- Authorise the necessary consequential amendments to the Standards Committee Media Protocol.

Background Documents

“Standards Committee Determinations” by the Standards Board for England (published August 2008)

“Standards Committee Determinations” by the Standards Board for England (published 2003)

Standards Committee (England) Regulations 2008

Minutes of the Standards Committee, 19th January 2006

Minutes of the Standards Committee, 16th March 2006

Minutes of the Standards Committee, 1st July 2008

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The Standards Committee – Consideration and Hearings Sub-Committee

The Standards Committee - Consideration and Hearings Sub-Committee is authorised to discharge the following functions¹:

1. 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.
2. To receive completed Investigation reports in relation to Local Complaints and make the relevant findings under the Standards Committee Procedure Rules².
3. To consider and determine any complaints³ made against Members and to determine any sanction to be imposed on a finding of misconduct.

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 Standards Committee Procedure Rule 13.3

³ "complaints" for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

Part 3 Section 2B

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The Standards Committee – Consideration Sub-Committee

The Standards Committee - Consideration Sub-Committee is authorised to discharge the following functions⁴:

1. 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.
2. To receive completed Investigation reports in relation to Local Complaints and make the relevant findings under the Standards Committee Procedure Rules⁵.

⁴ '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.

⁵ Standards Committee Procedure Rule 13.3

The Standards Committee – Hearings Sub-Committee

The Standards Committee - Hearings Sub-Committee is authorised to discharge the following functions⁶:

1. To consider and determine any complaints⁷ made against Members and to determine any sanction to be imposed on a finding of misconduct.

⁶ '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.

⁷ "complaints" for these purposes to mean allegations of breach of

- the Members Code of Conduct adopted by Leeds City Council; or
- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority's Local Protocols/Codes which refer to the conduct of Members, other than the Code of Conduct;

which have been the subject of an investigation resulting in a finding of failure to comply (or in relation to which the Standards Committee have resolved not to accept a finding of no failure to comply) and are therefore referred to the Committee by the Monitoring Officer

Part 3 Section 2B

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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.

Deleted: 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 Rules

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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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Originator: Kate Sadler

Tel: 0113 3951711

Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: The Standards Committee (Further Provisions) (England) Regulations 2009

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report sets out details in relation to the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009.
2. The regulations set out detailed provisions in relation to the power of the Standards board for England to suspend the initial assessment functions of the Standards Committee. These include details as to the grounds upon which the initial assessment functions may be suspended and the manner in which this must take place.
3. The regulations also make provision for the establishment by relevant authorities of joint Standards Committees.
4. Finally the regulations contain detailed provisions in relation to the powers of the Standards Committee to grant dispensations. These include the grounds upon which dispensations may be granted and the procedure which should be adopted.

1.0 Purpose Of This Report

1.1 This report sets out details in relation to the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009. These shall be referred to throughout this report as the Regulations.

2.0 Background Information

2.1 The Local Government Act 2000 (which shall be referred to throughout this report as the Act) sets out provisions in relation to the adoption of Standards Committees and the functions which they should fulfil. Recent amendments to the Act introduced the regime for the Local Assessment of Complaints.

2.2 The Act confers power on the Secretary of State to make regulations which give more detail in relation to the appointment, procedures and functions of Standards Committee.

2.3 The Standards Committee (England) Regulations 2008 set out detailed provisions in relation to the local assessment of complaints.

3.0 Main Issues

3.1 Suspension of Initial Assessment Functions

3.1.1 Section 57D of the Act makes provision giving the Standards board power to direct that the provisions in relation to Local Assessment no longer apply to the Standards Committee and that complaints should in the alternative be referred to another body.

3.1.2 The Regulations set out the circumstances in which the Standards board may exercise this power. Namely:-

- The Standards Committee has failed to have regard to guidance issued by the Standards Board.
- The Standards Committee has failed to comply with a direction issued by the Standards Board.
- The Standards Committee has failed to carry out its functions within a reasonable time period or in a reasonable manner.
- The Monitoring Officer has failed to carry out its functions within a reasonable time period or in a reasonable manner.
- The authority has invited the Standards Board to exercise its power.
- The Standards Committee has invited the Standards Board to exercise its power.

3.1.3 Members will note the importance in this context of having regard to Standards Board guidance in relation to their local assessment of complaints against Members under the Code of Conduct. This is presented to the Members of the Assessment and Review Sub Committees on the document entitled Monitoring Officer Guidance, which lists the relevant guidance given in relation to the paragraphs of the code which it alleged that the member has breached.

3.1.4 Members will also note the importance of responding to complaints and review requests in a timely and reasonable manner. The Standards Committee Procedure Rules, together with the Quality Procedure followed by officers in relation to Local Assessment, aim to ensure that this is the case.

3.1.5 The Regulations also set out the procedure which must be followed by the Standards Board if it wishes to serve a direction. Notice must be served on the Authority, together with copies to the Chair of the Standards Committee and the Monitoring Officer. It should be noted that there is then provision for observations to be submitted which must be taken into account by the Standards Board prior to deciding whether to proceed.

3.1.6 Provision is then made by the Regulations to ensure that the Standards Board or other body specified in the Direction take over the appropriate roles of the Standards Committee.

3.2 Joint Standards Committees

3.2.1 The Regulations set out details as to the establishment and functions of joint standards committees, together with the requirements in relation to adopting agreed terms of reference.

3.2.2 At the Standards Committee meeting of February 2008 members discussed the response from Leeds City Council to the Consultation on Orders and Regulations Relating to Conduct of Local Authority Members in England. Members will recall at that time concluding that the establishment of a joint standards committee with any other authority would be of little, if any, value to Leeds City Council.

3.3 Dispensations

3.3.1 Section 81 of the Act makes provision for Standards Committees to grant dispensations to Members who would be prevented from taking part in a matter because of the existence of a prejudicial interest.

3.3.2 These powers were originally subject to the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002, which set out the grounds upon which a dispensation could be granted, the process which should be followed and the matters which should be considered by the Standards Committee in granting a dispensation.

3.3.3 The Regulations revoke the 2002 Regulations and make alternative provision as set out below.

3.3.4 The grounds set out in the Regulations for granting a dispensation are that the business of the authority would be impeded by or as a result of the prejudicial interest because:-

- More than 50% of the Members entitled to vote at the meeting would be prevented from so doing because of their prejudicial interests; or
- The number of Members prohibited from voting by their prejudicial interest would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting of that meeting.

3.3.5 At first glance these provisions look very similar to those which preceded them. However, the provision which relates to the political balance of the meeting replaces one which read as follows:-

“the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989.”

This link to the duty upon authorities to ensure the appointment of Committees that reflect the overall political balance of the authority was unlikely ever to give rise to an application for a dispensation as the duty does not apply to the individual meetings of the authority or its committees. The new provision makes it clear that the intention is that prejudicial interests should not disrupt the political balance of any meeting of the Council or any of its committees, even if such disruption would take place only as a one off event.

- 3.3.6 It is important to note that both grounds for granting a dispensation would only be made out if the existence of the prejudicial interest for the Member or Members in question was the sole reason for the difficulty. For example, should 2 committee members be absent for personal reasons and a third Member have a prejudicial interest, the fact that the voting Members of that meeting then dropped below 50%, or that the political balance was upset, would not give rise to grounds for granting a dispensation.
- 3.3.7 There is specific provision made preventing the Standards Committee from granting a dispensation in relation to a prejudicial interest which prevents:-
- A Member participating in an Overview and Scrutiny Committee seeking to review a decision made by any body of which that person was a member at the time the decision was taken.
 - A Member solely exercising functions which are the responsibility of the Executive.
- 3.3.8 As previously applications for dispensations are required to be made in writing. The Standards Committee must consider the application together with any other relevant circumstances of the case. A dispensation can be granted for a period not exceeding 4 years.
- 3.3.9 The Standards Board for England have released guidance in relation to granting dispensations under the Regulations, which is attached at Appendix 1.

4.0 Implications For Council Policy And Governance

- 4.1 It is important that Members are aware of the grounds for the Standards Board to issue a Direction revoking their local assessment powers under the Act. Procedures in place in Leeds seek to ensure that circumstances do not arise which would give grounds for revocation of those powers.
- 4.2 The amendments to the provisions in relation to the granting of dispensations are slight but give clarity to the regime. Further advice will be given to Members in the event that application is made for a dispensation.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 This report sets out the contents of the Standards Committee (Further Provisions) (England) Regulations 2009.

7.0 Recommendations

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

Background Documents

- Local Government and Public Involvement in Health Act 2007
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Standards Committee (Further Provisions) (England) Regulations 2009
- Consultation on Orders and Regulations Relating to Conduct of Local Authority Members in England:- A response from Leeds City Council

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DISPENSATIONS

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introduction

This guidance on dispensations is aimed at standards committees. It is not mandatory but has been written to help describe when standards committees can grant dispensations for members allowing them to speak and vote at a meeting when they have a prejudicial interest.

dispensations

Granting dispensations under the new regulations

The legislation states standards committees can grant dispensations for members allowing them to speak and vote at a meeting when they have a prejudicial interest. The criteria for granting these dispensations changed in June 2009

Concerns were raised by some authorities, as well as the Standards Board for England, about the provisions of previous dispensation regulations. Due to these concerns, the Standards Committee (Further Provisions) (England) Regulations 2009 (the regulations) revoke the previous regulations. They replace them with new provisions to clarify the grounds on which standards committees may grant dispensations to local authority members.

Under Section 54A(1) of the Local Government Act 2000 an authority's standards committee can set up a sub-committee to consider requests for dispensations. Any reference in this guidance to the standards committee includes any sub-committee which has this function.

Dispensations may be granted for speaking only, or for speaking and voting. The 2007 Code of Conduct (the Code) relaxed the provisions for restricting members from speaking. Therefore, the need to request a dispensation in this respect is now limited to circumstances where the public do not have the right to speak, or to where a parish or police authority has not adopted paragraph 12(2) of the Code.

Part 4 of the regulations sets out the

circumstances in which a standards committee can grant dispensations to members of relevant authorities in England, and police authorities in Wales. If a member acts in accordance with the granting of a dispensation, taking part in business otherwise prohibited by an authority's code of conduct would not result in a failure to comply with that code.

A standards committee may grant a dispensation to a member or co-opted member of an authority in the following circumstances:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

Note: Political balance is a legal formula, set out in the Local Government and Housing Act 1989 and associated regulations. It applies only to relevant authorities and places an obligation on them to reflect the political balance of their elected members when determining who should sit on certain committees. It does not apply to parish councils.

Standards committees must ignore any dispensations that have already been given to others at the meeting to decide whether either of these criteria apply.

There are two **exceptions** to this:

- Members cannot be given a dispensation allowing them to vote in

dispensations

overview and scrutiny committees about decisions made by any body they were a member of at the time the decision was taken.

- A dispensation cannot be given to allow an executive member with a prejudicial interest in an item of executive business to take an executive decision about it on their own.

The dispensation granted may apply to just one meeting or it may be applicable on an ongoing basis. However, the dispensation cannot be used to allow participation in the business of the authority if it was granted more than four years ago.

Legal requirements for granting dispensations

- 1) Standards committees can grant a dispensation if more than 50% of members have a prejudicial interest in an item of business to be discussed at a meeting which is covered by their code of conduct. They must ignore any members who have already been granted dispensations when doing this (see paragraph [*]). The list of meetings is set out in paragraph 1(4) of the Model Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007. These are meetings of:
 - the authority
 - its executive and its committees and sub-committees
 - any other committees, sub-committees, joint committees, joint sub-committees or area committees

of the authority.

- 2) Standards committees can grant a dispensation for an item of business if the political balance of a meeting would be upset enough to prejudice the outcome of the vote. They must ignore any members who have already been granted dispensations when doing this (see paragraph [*]). This means that due to the number of members who are prevented from voting the political balance of the committee is changed. This is similar to a provision that has been in existence in Wales for some time. As before, this does not apply to parish councils as they are not bound by the political balance rules.

[*]The requirement to ignore any members who have already been granted dispensations means that standards committees should disregard any previously granted dispensations in order to work out whether the two circumstances above apply.

So, if there were ten members on a committee, six of whom would not be able to vote on some business, all six can claim a dispensation. If previously granted dispensations were not disregarded, once two people had been granted dispensations, the remaining four would be ineligible because at that point 50% of the committee would be able to vote.

In addition it is necessary to consider if any of the exceptions set out above apply.

dispensations

Issues and criteria to consider when granting dispensations

The number of members in each political group on an authority could affect the eligibility to apply for a dispensation.

In situations where one political party has a large majority on an authority, and therefore on its committees, members of that political party will not be eligible to apply for a dispensation frequently under the criterion for political balance (see page 3). Where an authority has two or more political parties, and the number of members that each party has is fairly evenly balanced, the eligibility to apply for a dispensation will rise.

Clearly there is a difference between being eligible to apply for a dispensation and it being appropriate for that dispensation to be granted. We recommend that the standards committee considers the need for criteria to be applied to requests for dispensations. The committee will need to balance the prejudicial interest of the member seeking the dispensation to vote on an item of business, against the potential effect on the outcome of the vote if the member is unable to do so.

Considerations for dealing with dispensation requests

Q. Is the nature of the member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?

For instance, it is unlikely that it would be appropriate to grant a dispensation

to a member who has a prejudicial interest arising as a result of an effect on their personal financial position or on that of a relative. The adverse public perception of the personal benefit to the member would probably outweigh any public interest in maintaining the political balance of the committee making the decision. This is especially where an authority has well-established processes for members on committees to be substituted by members from the same political party.

However, the prejudicial interest could arise from the financial effect the decision might have on a public body of which they are a member. In such cases, it is possible that any public interest in maintaining the political balance of the committee making the decision might be given greater prominence.

Q. Is the interest common to the member and a significant proportion of the general public?

For example, the member might be a pensioner who is considering an item of business about giving access to a local public facility at reduced rates for pensioners. Some cautious members might regard this as a possible prejudicial interest. However, as a significant proportion of the population in the area are also likely to be pensioners, it might be appropriate to grant a dispensation in these circumstances.

dispensations

Q. Is the participation of the member in the business that the interest relates to justified by the member's particular role or expertise?

For instance, a member might represent the authority on another public body – such as a fire or police authority – and have particular expertise in the work of that body. Therefore it may be appropriate for that member to be allowed to address the decision-making body, even where there is no right for the public to do so. This would mean that the body would have the benefit of the member's expertise before making a decision which would benefit it financially.

Q. Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee? And is the member's interest not a financial one?

In circumstances such as these, the standards committee might believe that it is in the interests of the authority's inhabitants to remove the incapacity from speaking or voting.

Practical guidance on the process for granting dispensations and recording them

The process for making requests for dispensations, the criteria that will be applied and the process that will be followed when the request is considered should all be clearly understood by those

concerned. Therefore, standards committees should set all this out and make it available to members.

A member must submit an application in writing explaining why a dispensation is desirable. Only the member can do this – they can't ask somebody else to do it on their behalf. It is sensible to send that application to the monitoring officer so that they can arrange for it to be considered by their standards committee.

A standards committee meeting must be convened to consider the application for a dispensation. Therefore, it is not possible to grant a dispensation as a matter of urgency to deal with emergency business.

The committee must consider the legal criteria set out on pages 3–4, including the exceptions. They must also consider any other relevant circumstances. These can include any local criteria they have adopted.

The committee will need to consider whether the member making the request will be allowed to make oral representations to the committee or whether the application will be dealt with only through written representations.

A standards committee has the discretion to decide the nature of any dispensation. For example, the committee may consider that it is appropriate that the dispensation allows the member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.

It is our view that the regulations do not

dispensations

allow standards committees to issue general dispensations to cover members for any situation where a prejudicial interest may arise. The regulations refer to circumstances that arise at “a meeting”. Therefore, we would expect most dispensations to cover a specific item of business at one meeting of the authority.

The decision must be recorded in writing and must be kept with the register of interests established and maintained under Section 81 (1) of the Local Government Act 2000.

Standards committees can refuse to grant a dispensation. The regulations allow for standards committees to use their discretion rather than impose an obligation for them to grant dispensations.



Originator: Amy Kelly

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Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Standards Board for England "Other Action Guidance"

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 make Members of the Standards Committee aware of the new guidance published by the Standards Board for England on the use of other action. The report also proposes amendments to the Standards Committee's Assessment Flowchart as a result of this guidance.
2. This new guidance has been written to assist Standards Committees with understanding what other action is, when it might be used, and how the process can be managed. The guidance also expands on the questions the Assessment Sub-Committee should ask when considering applying other action, and the circumstances in which other action is appropriate.
3. The new guidance also explains the different ways in which Monitoring Officer reports regarding other action can be received and considered, and the advantages and disadvantages of using adjournment in Assessment Sub-Committee meetings.
4. Members of the Standards Committee are asked to:
 - Note the contents of this report and the attached guidance (attached as Appendix 1);
 - Consider whether to add the receipt of the Monitoring Officer's report on Other Action to the Assessment Sub-Committee Terms of Reference; and
 - Approve the amendments to the Assessment Flowchart (attached as Appendix 2).

1.0 Purpose Of This Report

1.1 The purpose of this report is to make Members of the Standards Committee aware of the new guidance published by the Standards Board for England on the use of other action. The report also proposes amendments to the Standards Committee's Assessment Flowchart as a result of this guidance.

2.0 Background Information

2.1 This new guidance has been written to assist Standards Committees with understanding what other action is, when it might be used, and how the process can be managed. The guidance also expands on the questions the Assessment Sub-Committee should ask when considering applying other action, and the circumstances in which other action is appropriate. This guidance is not mandatory for Standards Committees.

2.2 The Standards Board's key messages in relation to other action are as follows:

- Complaints should not be referred for other action when an investigation is in the public interest, when an allegation challenges the Member's honesty or integrity, or where if proven to be true, the alleged conduct would undoubtedly warrant a sanction.
- A referral for other action closes the Assessment Sub-Committee's opportunity to investigate.
- A decision to refer a complaint for other action makes no finding of fact, and the action decided on must not imply that the subject Member has breached the Code of Conduct.
- The Assessment Sub-Committee cannot direct the subject Member or other party to take action. The direction is to the Monitoring Officer.
- Although there is no formal route for dealing with a subject Member who refuses to co-operate with the other action, failure to do so may amount to bringing the authority into disrepute.

2.3 So far in Leeds, the Assessment Sub-Committee have used other action only once. In order to ensure the success of the other action, the Assessment Sub-Committee decided to adjourn the meeting pending discussions between the Monitoring Officer and the subject Member. This new guidance outlines the advantages and disadvantages of adjournment decisions.

3.0 Main Issues

Key points from the guidance

When other action is appropriate

3.1 The Standards Board outline that there should be two indicators present in order for other action to be appropriate. These are:

- There is evidence of poor understanding of the Code of Conduct and/or the authority's procedures.
- Relationships within the authority has a whole have broken down to such an extent that it becomes very difficult to conduct the business of the Council.

3.2 According to the guidance the Assessment Sub-Committee will need to be satisfied that the following circumstances apply when deciding to refer an allegation for other action:

- If the behaviour occurred as alleged, it would not be behaviour which would require the subject Member to face a sanction (except training);
- The other action could assist the proper functioning of the Council;
- That the case is not too trivial - genuinely trivial cases are better dealt with by a decision to take no further action as other action can also be costly and time consuming;
- That the complaint does not merit investigation i.e. the behaviour fundamentally challenges the subject Members' honesty or integrity; and
- Should the other action be unsuccessful or only partially successful, that it would still then remain the preferred course of action.

3.3 The Standards Board advise that other action is most beneficial when it is used to deal with systematic problems as oppose to individual ones. The types of cases where the Standards Board believe that other action might be useful are as follows:

- The same breach of the Code by many Members (indicating poor understanding of the Code and Council procedures);
- A general breakdown of relationships evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the Council;
- Misunderstanding of procedures or protocols;
- Misleading, unclear or misunderstood advice from officers;
- Lack of experience or training;
- Interpersonal conflict;
- Allegations and retaliatory allegations from the same Members;
- Allegations about how formal meetings are conducted; and
- Allegations that may be symptomatic of governance problems within the Council, which are more significant than the allegations in themselves.

Types of other action

3.4 The Standards Committee (England) Regulations 2008 specify training and conciliation as examples of other action open to the Assessment Sub-Committee. However the Regulations also state that the Assessment Sub-Committee can direct the Monitoring Officer to take any other steps (apart from investigation) which appear appropriate. The Standards Board have provided the following list of examples for Standards Committees:

Examples of training courses:

- Chaining skills
- Working with external bodies and partnerships
- Governance issues
- The Code of Conduct
- Council Procedures and Protocols
- Legal matters
- Planning and licensing
- Working with officers
- Use of council resources

Other steps:

- Redrafting of council procedures or policies
- Training of Members of the Council as a whole
- Mentoring of a Member or Members, or the whole Council
- Management of conflict
- Development of Council protocols
- Implementation of a Council complaints procedure

3.5 As the decision to take other action does not mean that the subject Member has been found to have breached the Code, other action cannot take the form of requiring the Member to apologise. If the subject Member has admitted the breach and already provided an apology, the Assessment Sub-Committee may decide that no further action is necessary.

3.6 The Assessment Sub-Committee also have to consult the Monitoring Officer before deciding to take other action. If the Monitoring Officer is not present, and has not previously provided any views on the matter, the meeting would have to be adjourned.

Use of adjournment in Assessment Sub-Committee meetings

3.7 The Standards Board suggest that Assessment Sub-Committee's may wish to adjourn their meetings when considering taking other action in order to ascertain whether the subject Member and any other Members of the authority would comply with the decision. Although such adjournments are not provided for by the legislation, the Standards Board do not consider that they are prohibited.

3.8 The Standards Board advise that when deciding to adjourn the meeting the Assessment Sub-Committee should consider the following advantages and disadvantages:

Advantages	Disadvantages
The Assessment Sub-Committee will know what the subject Member thinks of the proposed decision and may be more confident in making their decision.	Finding out the Member's views may put the decision on what action to take in the hands of the Member, rather than the Sub-Committee.
Members may be more likely to cooperate if they are made aware of the options available.	The authority of the Sub-Committee may be undermined if other action is agreed by negotiations between the Monitoring Officer and the Member.
When Members indicate that the action would be ineffective, the Sub-Committee still have the option of referring the matter for investigation.	By making further enquiries, the Monitoring Officer may end up starting an investigation before the assessment decision is made.
Further information obtained by the Monitoring Officer may mean that the complaint is effectively resolved, enabling the Sub-Committee to decide to take no action.	The Member may try to pass on more information to the Monitoring Officer, to persuade the Sub-Committee to take no action.

- 3.9 However, if the Assessment Sub-Committee have already satisfied themselves that investigation would not be in the public interest and that the case, if proven, would be unlikely to attract a sanction, it would seem unnecessary to use adjournment in order to retain the option of referring the matter for investigation. A further disadvantage would also be that the case would not be assessed within the 20 working day deadline.
- 3.10 The Assessment Sub-Committee in Leeds have used other action on one occasion so far. In this instance the Assessment Sub-Committee did decide to adjourn their considerations pending discussions between the Monitoring Officer and the subject Member, so that they could be reassured that the subject Member would cooperate with the other action. The Standards Board advise that it is up to each authority to decide whether their assessment of a particular complaint should be adjourned, and in doing so they should consider the particular advantages and disadvantages of adjournment.
- 3.11 The Standards Board also suggest that an alternative to adjourning the meeting could be agreeing that the Monitoring Officer should seek views on other action when they receive the complaint. In Leeds this would not be practical given that the subject Member is unaware of the complaint until after the Assessment Sub-Committee has made their decision.

Follow up actions

- 3.12 After the Assessment Sub-Committee have referred the case to the Monitoring Officer for other action, the Monitoring Officer is required to deal with the case in accordance with the direction, and has no discretion to take a different course of action. After the other action is completed the Monitoring Office must submit a written report to the Standards Committee within three months of receiving the direction, or as soon as possible after that. This report must give details of the action taken or the action proposed to comply with the direction.
- 3.13 The Standards Board advise that the report can be considered by the same Assessment Sub-Committee Members who initially assessed the complaint, by another Sub-Committee, or by the whole Standards Committee, and say that each authority must decide who will receive these reports. In Leeds, it is quite common for the Assessment Sub-Committee to only refer part of a complaint for action, and to take no action on the remainder of the complaint. This leaves part of the complaint open for review and raises the possibility that a Review Sub-Committee will need to meet to consider the remainder of the complaint. It would therefore be preferable if there were some Members who were unfamiliar with the complaint who could sit on such a Sub-Committee if required.
- 3.14 In addition, the body receiving the report are able to decide that they are not satisfied with the action taken and can give another direction to the Monitoring Officer. It is therefore an advantage for a Sub-Committee of the same Members to consider the Monitoring Officer's report as they are familiar with the original complaint. As this function is not specifically included within the terms of reference for the Assessment Sub-Committee, the Standards Committee may wish to consider adding it.
- 3.15 If the Assessment Sub-Committee decides it is satisfied with the action described in the report it must notify the relevant parties. If the Assessment Sub-Committee is not satisfied, for example if the subject Member has refused to cooperate or has done so unwillingly or inadequately, it must give another direction to the Monitoring

Officer, which must again be to take some kind of other action. The Standards Board recommend, however, that the process should be drawn to a close after a limited number of attempts by the Monitoring Officer to bring about the other action, in order to remain proportionate and reasonable. The Standards Board advise that there is no formal route for dealing with a subject Member who does not cooperate with the other action, however such conduct may potentially bring their office into disrepute and would be taken in account by a Sub-Committee assessing a further complaint against the Member.

- 3.16 If a complaint is referred to the Assessment Sub-Committee regarding a subject Members' lack of cooperation, the Assessment Sub-Committee must only consider this allegation, not the original allegation which led to the decision to take other action in the first place.

4.0 Implications For Council Policy And Governance

- 4.1 Although this guidance is not mandatory for Standards Committees, it will be helpful for the Standards Committee to have regard to the guidance when carrying out local assessment, as it will assist them in complying with the relevant Regulations.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 This new guidance has been written to assist Standards Committees with understanding what other action is, when it might be used, and how the process can be managed. The guidance also expands on the questions the Assessment Sub-Committee should ask when considering applying other action, and the circumstances in which other action is appropriate.
- 6.2 The new guidance also explains the different ways in which Monitoring Officer reports regarding other action can be received and considered, and the advantages and disadvantages of using adjournment in Assessment Sub-Committee meetings. A copy of the guidance has been added to the Assessment Sub-Committee Guidance Notes folders for Members' reference.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- Note the contents of this report and the attached guidance (attached as Appendix 1);
 - Consider whether to add the receipt of the Monitoring Officer's report on Other Action to the Assessment Sub-Committee Terms of Reference; and
 - Approve the amendments to the Assessment Flowchart (attached as Appendix 2).

Background Documents

Standards Committee (England) Regulations 2008

"Other Action Guidance" by the Standards Board for England

OTHER ACTION GUIDANCE

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introduction

- 1) This guidance on other action is aimed at members of standards committees. It is not mandatory but has been written to help describe what other action is, when it might be used, and how the process can be managed.
 - Although there is no formal route for dealing with a member who refuses to comply with other action, failure to cooperate may amount to bringing the authority into disrepute.
- 2) Advice for monitoring officers on carrying out other action is available in the Standards Board's guidance, **Local Investigations and Other Action and How to Conduct an Investigation**.
- 3) The Standards Board's key messages on other action are:
 - Complaints should not be referred for other action when an investigation is in the public interest, when an allegation challenges the member's honesty or integrity, or where if proven to be true, the alleged conduct would undoubtedly warrant a sanction.
 - A referral for other action closes the opportunity to investigate.
 - A decision to refer a complaint for other action makes no finding of fact, and the action decided on must not imply that the subject of the complaint has breached the Code of Conduct.
 - Assessment sub-committees cannot direct the subject member or any other party to take action. The direction is to the monitoring officer.

what is other action?

- 4) An assessment sub-committee has **three** options when dealing with a complaint that a member has failed or may have failed to comply with the Code of Conduct. The Local Government Act 2000, as amended, states that it can decide to refer the complaint to the monitoring officer of the authority concerned, refer it to the Standards Board, or take no action.
- 5) If the assessment sub-committee decides to refer a complaint to the monitoring officer, it can direct them to investigate the matter. Alternatively, it can direct them to take steps other than carrying out an investigation. This is known as other action.
- 6) Generally, there are **two** indicators for other action. The **first** is when there is evidence of poor understanding of the Code of Conduct and/or the authority's procedures. The **second** indicator for other action is when relationships within the authority as a whole have broken down to such an extent that it becomes very difficult to conduct the business of the council.
- 7) The Standards Committee (England) Regulations 2008 explain that the steps a standards committee can direct a monitoring officer to take are:
 - arranging for the member to attend a training course
 - arranging for the member and complainant to engage in a process of conciliation
 - any other steps (not including an investigation) which appear appropriate
- 8) Suggestions as to types of training courses a member might attend, and other steps a standards committee might consider appropriate, are listed in the next section (**What might other action involve?**).

what might other action involve?

- 9) The Standards Committee (England) Regulations 2008 specifically provide that a referral for other action may consist of a direction to the monitoring officer to arrange for the member to attend a training course. Training may be in anything the assessment sub-committee deems appropriate, such as:
- chairing skills
 - working with external bodies and partnerships
 - governance issues
 - the Code of Conduct
 - council procedures and protocols
 - legal matters
 - planning and licensing
 - working with officers
 - use of council resources
- 10) In general, other action may take the form of directing the monitoring officer to arrange for the:
- redrafting of council procedures or policies
 - training of members of the council as a whole
 - mentoring of a member or members, or whole council
 - management of conflict
 - development of council protocols
 - implementation of a council complaints procedure
- 11) A referral for other action does not mean that the member has been found to have done anything wrong (see the next section '**Deciding to take other action**'). It is therefore very important that the action proposed does not imply this. Other action cannot, for example, take the form of requiring the subject member to apologise. Of course, in those cases where the member has admitted the breach and offered an apology, the assessment sub-committee may decide that no further action is necessary.
- 12) **It is particularly important to remember that an assessment sub-committee can only direct a monitoring officer to take other action. It has no power to direct anyone else to do so.**

deciding on other action

- 13) A decision to refer a complaint for other action – like all assessment decisions – does not involve making any findings of fact. All parties should understand that a decision to take other action means that no conclusion has been reached about what happened. Furthermore, no decision has been made about whether the subject member failed to comply with the Code.
- 14) Similarly, everyone involved in a decision to take other action must understand that the purpose of such a referral is not to find out whether the member breached the Code of Conduct. This is regardless of how simple it may be to establish the facts. A decision to direct the monitoring officer to take other action is an alternative to an investigation. It cannot ever result in a finding that the member has or has not failed to comply with the Code.
- 15) The assessment sub-committee needs to be satisfied that even if the specific allegation had occurred as alleged, it would not be behaviour which would necessarily require the subject member to face one of the sanctions it could impose. This excludes training, which can be other action decided on at assessment stage, and a sanction following a hearing. The assessment sub-committee should also be satisfied that other action could assist the proper functioning of the council.
- 16) Other action is not intended to be a quick and easy means of dealing with matters which the assessment sub-committee considers to be too trivial or time-consuming to investigate. Genuinely trivial cases are better dealt with by a decision to take no action. While other action can be a cost-effective way of getting a matter resolved, it is not a quick-fix. Furthermore, other action should not be seen as a routine or cheap way of disposing of an allegation, as it can sometimes be a drawn out, costly and time-consuming process.
- 17) Standards committees should take care to avoid it appearing to the complainant that deciding to take other action is sweeping matters under the carpet. The decision should demonstrate to the complainant that their complaint is being addressed and being taken seriously, although perhaps as part of a wider issue.
- 18) Importantly, if a complaint merits being investigated, then it should be referred for investigation. For example, complaints should not be referred for other action when an investigation would be in the public interest. Other action should also be avoided where the allegation fundamentally challenges the member's honesty or integrity. It should additionally be avoided where the allegation, if proven, would warrant any of the sanctions (apart

deciding on other action

from training) available to a standards committee after a hearing.

- 19) Assessment sub-committees must not refer an allegation for other action without consulting the monitoring officer, who will often be present at the assessment meeting. If the monitoring officer is not present, and has not given any indication of their views on other action, the assessment meeting may need to be adjourned.
- 20) The monitoring officer may be able to advise the assessment sub-committee how viable the proposed other action is, by providing information on the resources available to them. They may be able to tell the assessment sub-committee how much any proposed other action might cost. They might also be able to advise whether, for example, the authority has access to the facilities or resources needed to accomplish it, such as trained mediators.

when is other action appropriate?

- 21) The first stage in assessing a complaint is to determine whether it is within jurisdiction. In other words, the assessment sub-committee needs to decide whether, if what the complainant alleges were true, the Code of Conduct would apply. If the Code would not apply to the alleged conduct, the only decision an assessment sub-committee is able to make is to take no action. Other action will never be appropriate in these cases.
- 22) In general, the Standards Board believes that other action is most beneficial when used to deal with systemic problems rather than individual ones. The action proposed does not have to be limited to the subject of the complaint. Several members, or indeed a whole authority, could be included in the action the monitoring officer is asked to take.
- 23) Matters which standards committees might consider referring for other action include:
- the same particular breach of the Code by many members, indicating poor understanding of the Code and the authority's procedures
 - a general breakdown of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the council
 - misunderstanding of procedures or protocols
 - misleading, unclear or misunderstood advice from officers
 - lack of experience or training
 - interpersonal conflict
 - allegations and retaliatory allegations from the same members
 - allegations about how formal meetings are conducted
 - allegations that may be symptomatic of governance problems within the council, which are more significant than the allegations in themselves
- 24) We advise standards committees to draw up assessment criteria which detail the matters they will take into account when deciding what action, if any, to take. Every decision to take other action – like all assessment decisions – can then be made with reference to these criteria.

adjournment

- 25) Some assessment sub-committees are reluctant to refer a complaint for other action without knowing whether the subject member and other members of the authority will cooperate with the proposed approach.
- 26) One way of dealing with this issue is by adjourning the assessment of a complaint that the assessment sub-committee considers might be suitable for other action. The standards committee can then ask the monitoring officer to find out whether the member or members will cooperate. Although this option is not specifically provided for by the legislation, we do not consider that it is prohibited. Meetings may also be adjourned to enable the monitoring officer to find out more information about the complaint.
- 27) It is up to each authority to decide whether their assessment of a particular complaint should be adjourned. They should consider the advantages and disadvantages of adjournment when making this decision. They should also bear in mind that we advise that assessment decisions should be made within an average of 20 working days, and that an adjournment may mean that that the average assessment time increases.
- 28) Advantages of adjournment are:
- Those sitting on the assessment sub-committee will know what the members think about the proposed solution, and may therefore be more confident in making their decision.
 - Members may be likely to cooperate if they are made aware of the options available.
 - When members indicate that the action would be ineffective, the sub-committee still have the option of deciding to refer the complaint for investigation.
 - Further information obtained by the monitoring officer may mean that the complaint is effectively resolved, enabling the sub-committee to decide to take no action.
- 29) Disadvantages of adjournment are:
- Finding out members' views runs the risk of putting the decision about what action to take into the hands of the member, rather than the sub-committee.
 - The authority of the standards committee may be undermined if other action is agreed through negotiations between the monitoring officer and the member or members.
 - By making further enquiries, the monitoring officer may end up starting an investigation before the assessment decision is made.

adjournment

- The member or members may try to pass on more information to the monitoring officer, to persuade the sub-committee to take no action.
- 30) As an alternative to adjourning the assessment meeting, the standards committee could agree that the monitoring officer seeks views on other action when they receive a complaint.

role of the monitoring officer

- 31) When a matter has been referred for other action, it is the monitoring officer's duty to give notice to the relevant parties. These relevant parties are:
- the subject member
 - the person who made the allegation
 - the standards committee of any other authority concerned
 - any parish council concerned
- 32) If the standards committee issues a decision notice that goes to all these parties, the Standards Board considers that the monitoring officer's responsibility is met.
- 33) Whoever notifies the parties of the decision should take care over how the decision is conveyed. It is important that the wording does not imply that the member is culpable. It is also important that members do not feel they have been found guilty without an investigation of the allegation. Note that both parties could end up potentially feeling dissatisfied. This is because complainants and subject members do not have the right to have the decision to refer a matter for other action reviewed under Section 57B of the Local Government Act 2000.
- 34) When a monitoring officer receives a referral with a direction to take other action, they must deal with it in accordance with the direction. They do not have discretion to take a different course of action and should make every attempt to ensure that the action specified is carried out successfully.
- 35) Information and advice for monitoring officers on carrying out other action is available in the Standards Board's guidance, **Local investigations and other action** and **How to conduct an investigation**.
- 36) The monitoring officer must submit a written report to the standards committee within three months of receiving the direction, or as soon as possible after that. This report must give details of the action taken or the action proposed to comply with the direction.

consideration of the monitoring officer's report

- 37) The standards committee or an appropriate sub-committee should consider the monitoring officer's report and decide whether it is satisfied with the action described. The meeting at which the report is considered is subject to the general notice and publicity requirements under regulation 8 of the Standards Committee (England) Regulations 2008.
- 38) The monitoring officer's report can be considered by the same members who initially assessed the complaint, by another sub-committee, or by the standards committee as a whole. This is a decision to be made by each authority, and will depend on the way in which the committee has been set up, what sub-committees it has and the terms of reference of each body.
- 39) The advantage of the same members considering the report is that they will be aware of the details of the original complaint. However, some authorities may consider that convening a sub-committee simply for this purpose is not a good use of time and resources. They might instead choose to include consideration of the monitoring officer's report as an item on the agenda of the regular meeting of the standards committee.
- 40) If the standards committee or sub-committee **is** satisfied with the action described in the monitoring officer's report, it should give notice of this to all of the following:
- the subject member
 - the person who made the allegation
 - the standards committee of any other authority involved
 - any parish council concerned
- The matter is then closed.
- 41) If the standards committee or sub-committee is **not** satisfied, it must give another direction to the monitoring officer, which must again be to take some kind of other action. The standards committee cannot at this stage decide that the matter should be investigated. This is discussed further in the section below.
- 42) If the report describes action which has been proposed but not yet taken, the standards committee should decide whether this is satisfactory. If it has doubts about whether the action will take place, it should consider whether or not to give a further direction to the monitoring officer. The standards committee or sub-committee may also consider making a further direction where the report indicates that the member has refused to cooperate, has done so unwillingly or inadequately, or has not engaged with the process.

what if other action does not work?

- 43) Each time a standards committee or sub-committee directs a monitoring officer to take other action, the monitoring officer must submit a written report detailing the action taken or proposed. If dissatisfied, the standards committee can direct the monitoring officer to take further other action.
- 44) In theory, if a standards committee continues to be dissatisfied, it can continue to issue directions until it is satisfied. However, standards committees should be proportionate and reasonable in their directions. We believe that the process should be drawn to a close after a limited number of attempts by the monitoring officer to bring about other action – even where this has not occurred in accordance with the direction.
- 45) There is no formal route for dealing with a member who categorically refuses to comply with other action. However, the Standards Board believes that deliberate and continued failure to cooperate with a monitoring officer who is trying to carry out the directions of a standards committee may potentially amount to conduct which brings the office of councillor into disrepute. Furthermore, an assessment sub-committee may take this into account when deciding what action to take if they are assessing a complaint about a member who has previously failed to cooperate.
- 46) If a standards committee receives a complaint that a member did not cooperate with other action in relation to a previous complaint, they should only assess the complaint about the failure to cooperate. They should not take into account the conduct which led to the original complaint.
- 47) If the complaint is accepted for investigation then it is vitally important that any investigation focuses on the lack of cooperation and not the original complaint that led to the other action. Otherwise there is a danger that the original complaint will be resurrected. This is particularly important where the member says that the lack of cooperation was because they had done nothing wrong.

why other action closes the opportunity to investigate

- 48) Once an assessment sub-committee has decided to refer a matter for other action, this becomes the way forward in that particular case. If a standards committee is not satisfied that the action taken has not achieved the aim of the direction to take other action, it cannot then decide the matter should be investigated. The assessment sub-committee needs to be clear at the outset that should other action be unsuccessful or only partially successful, that it would still then remain the preferred course of action.
- 49) The legislation is clear on this issue. Once an allegation is referred under Section 57A(2) of the Local Government Act 2000 to the monitoring officer to take steps other than investigation, those steps are the ones referred to in regulation 13(3) of the Standards Committee (England) Regulations 2008. They are limited to arranging for training, a process of conciliation or such other steps – not including investigation – which the standard committee considers to be appropriate. There is no power that allows the case to be referred on for investigation if these options under regulation 13(3) are perceived to have failed.
- 50) Regulation 14(1) of the same regulations says that regulation 14 applies only if regulation 13 is not applied. If other action has been attempted, regulation 13 has been applied.
- 51) As well as being set out in statute, there are sound reasons why complaints which have been referred for other action should not then be investigated. Firstly, there are difficulties in deciding why the action has 'failed'; whether it has failed and if so, why an investigation is thought to be needed. This subjective judgment has the potential to increase the complainant or the subject member's dissatisfaction with the process. In some circumstances, it may also risk deliberate non-cooperation with the action prescribed in order to secure an investigation.
- 52) An investigation should not be viewed as something that can take place after other action has been attempted and is not to the satisfaction of one of the parties. There is a risk that other action will not be taken seriously if it is seen merely as a precursor to an investigation.

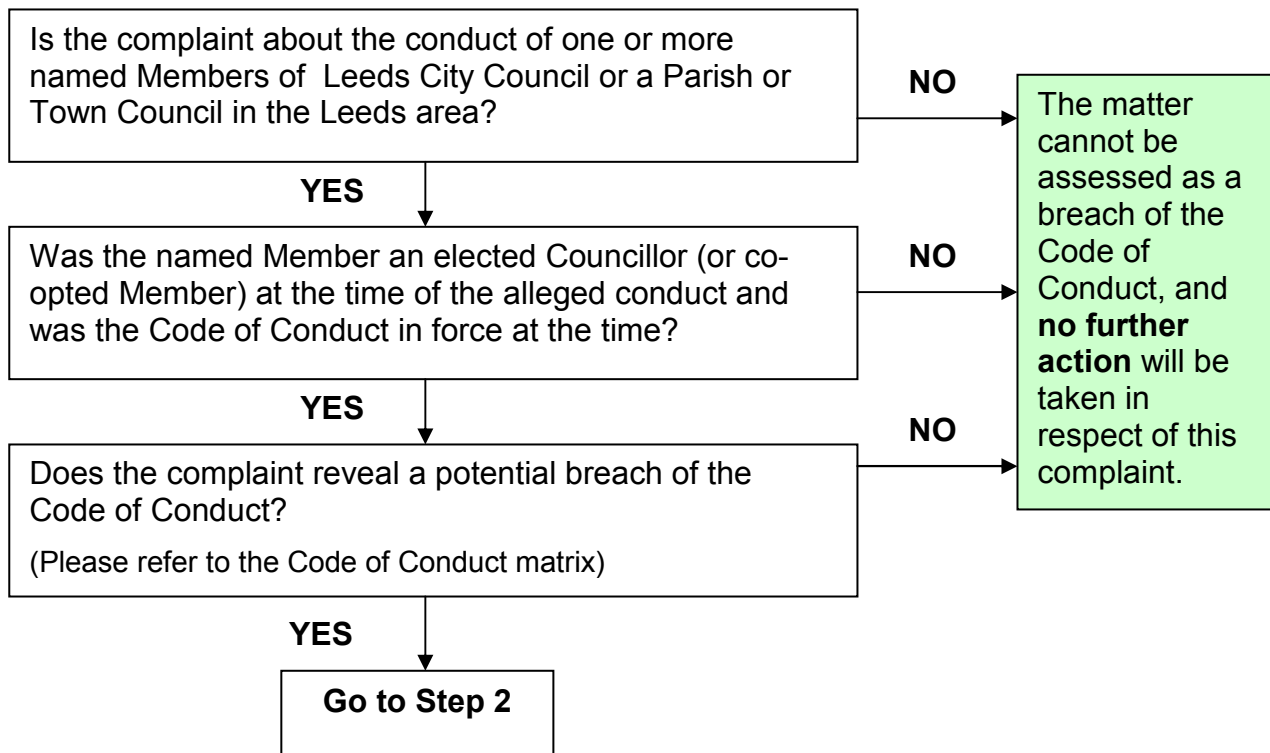
why other action closes the opportunity to investigate

- 53) The issue of timeliness is also key for all parties when dealing with an allegation of misconduct. It is questionable as to how fair the process would be, for both the subject member and complainant, if it is extended for the duration of the other action taking place and the investigation that follows it. Where other action is undertaken before an investigation, there is the risk that the case will be prejudiced. Witnesses may become prejudiced, there may be problems obtaining evidence, and an investigation may be jeopardised if the issues are discussed in detail as part of a mediation process.

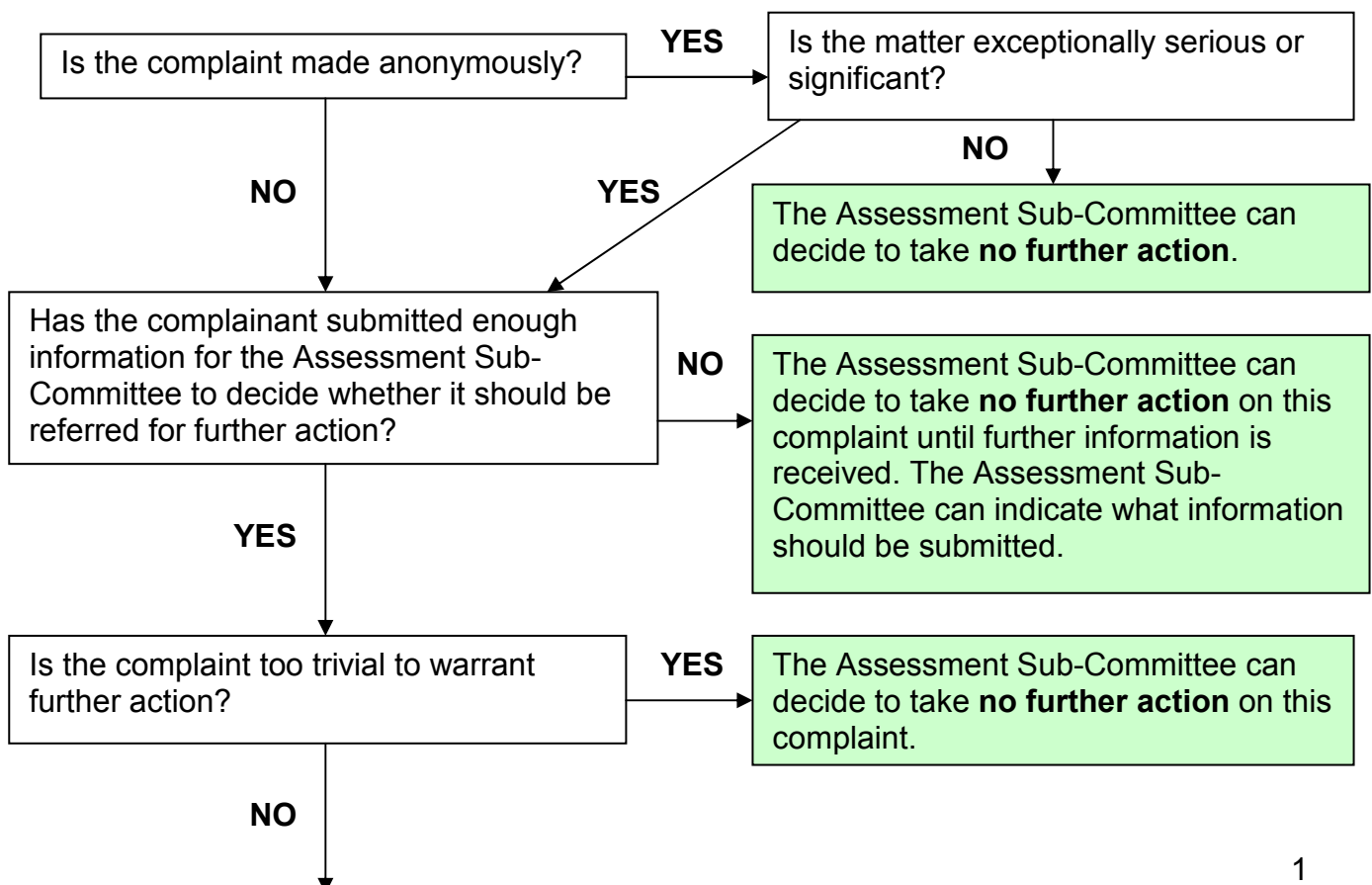
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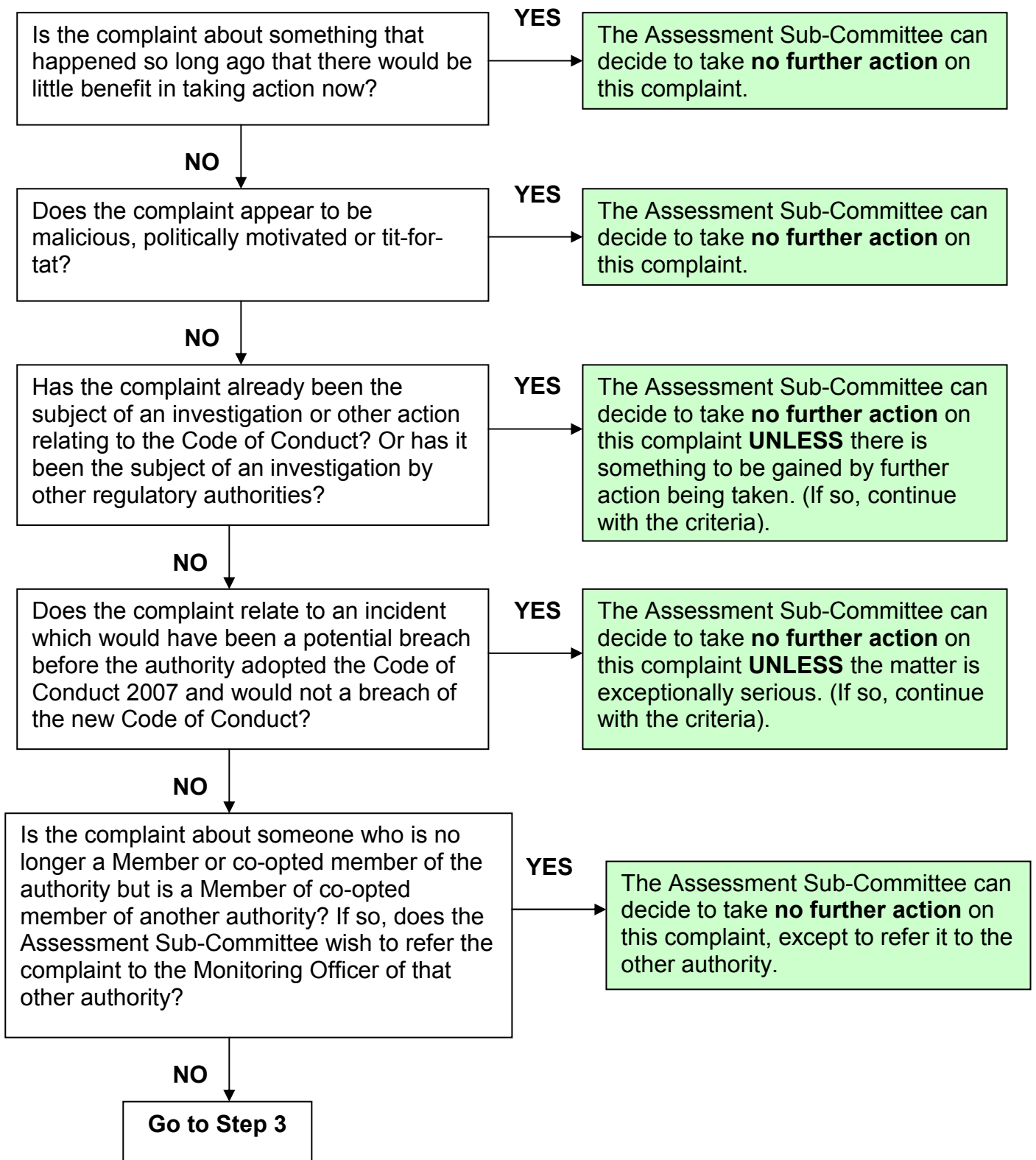
Assessment Flowchart

Step 1 - Initial Tests

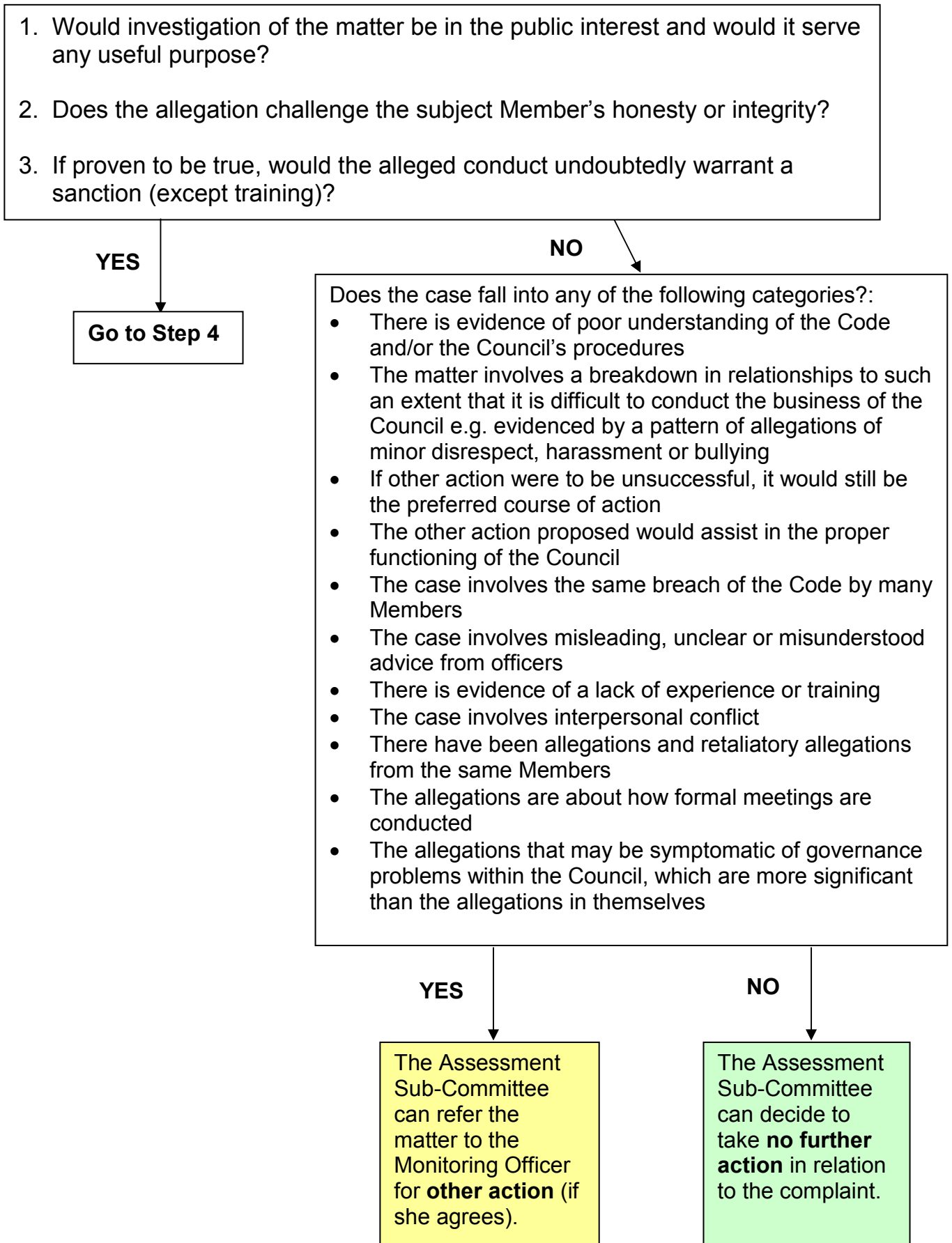


Step 2 – Applying Assessment Criteria

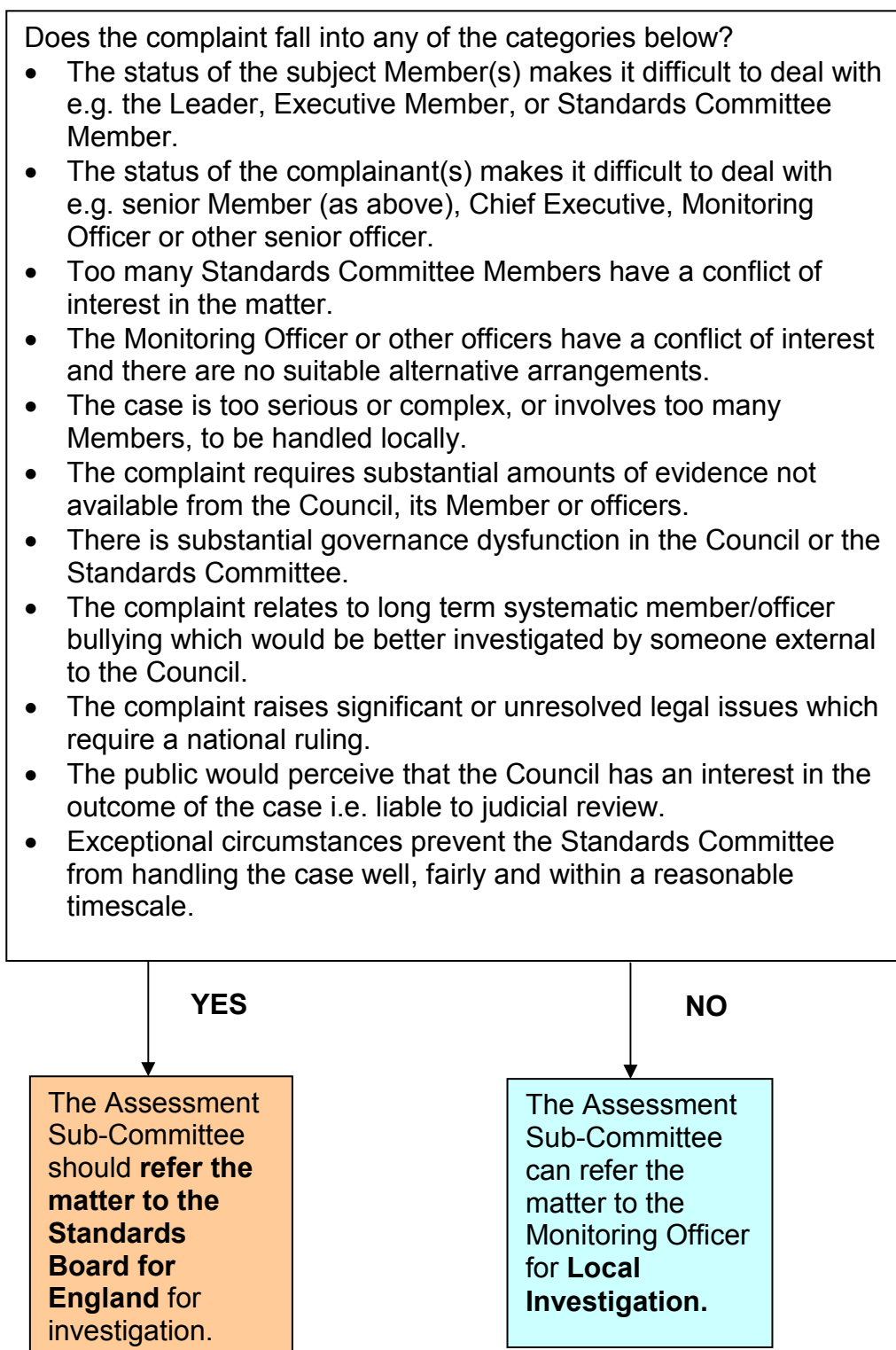




Step 3 – Deciding what further action is appropriate



Step 4 – Deciding who should investigate



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Local Assessment – Progress Report

<p>Electoral Wards Affected:</p> <input type="checkbox"/> Ward Members consulted (referred to in report)	<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 type="checkbox"/></p>
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1.0 Purpose Of This Report

1.1 The purpose of this report is to provide Members of the Standards Committee with a progress report in relation to all complaints received under the Members' Code of Conduct during the past 12 months. The report also provides the Committee with some statistical analysis regarding the complaints, including a comparison with the national statistics from the Standards Board for England.

2.0 Background Information

2.1 The local assessment procedures came into effect in May 2008. Since then, the Assessment Sub-Committee has considered 25 allegations (from a total of 19 complaints), 15 of which are closed, 4 of which are due to be considered by the Review Sub-Committee, 6 of which have been referred for investigation and 1 which has been referred for other action (part of this allegation is due to be considered by the Review Sub-Committee). The referred complaints concern a total of 5 Leeds City Councillors, and 0 Town/Parish Councillors.

2.2 The Review Sub-Committee has reviewed 5 allegations, none of which have been referred for investigation or other action.

3.0 Main Issues

3.1 The table attached at Appendix 1 shows further detail in relation to each complaint, including the source of the complaint, whether the complaint is about a Town or Parish Councillor, and the decision made in relation to the complaint.

3.2 The table attached at Appendix 2 provides further detail in relation to those complaints that have been referred for investigation, including when the investigation was commissioned and the estimated date of completion.

3.3 Appendix 3 provides some statistical analysis regarding all complaints received, and this information is compared with the national statistics available from the Standards Board for England.

4.0 Implications For Council Policy And Governance

4.1 This report provides assurance to the Standards Committee that the Assessment and Review Sub-Committees are complying with their statutory responsibilities as set out in the Standards Committee (England) Regulations 2008.

4.2 The Standards Board for England have issued guidance on conducting investigations which must be taken into account. This guidance suggests that most investigations are carried out and a report on the investigation completed within 6 months of the original complaint being assessed by the Assessment Sub-Committee.

4.3 Although there are many factors that can affect the time it takes to complete an investigation, ongoing investigations are monitored to ensure that they are carried out as quickly as possible. We are currently in the process of drafting a protocol for the management of investigations into potential breaches of the Members' Code of Conduct which have been outsourced. This will include a requirement to produce an investigation plan.

4.4 Of the 6 allegations referred for investigation, so far 3 have taken longer than 6 months to be completed. This has been due to many factors, including:

- The process of commissioning an investigation and recruiting an external investigator is new to the Council;
- Issues relating to the Members' insurance policy;
- Case specific delays; and
- Observations made by parties in receipt of draft investigation reports, which have resulted in further work being required.

4.5 At the end of the investigation/hearings process there will also be an opportunity to discuss the lessons learnt from individual cases.

5.0 Legal And Resource Implications

5.1 The resource implications for each investigation vary depending on the length and complexity. The costs have been specified in a quote produced for the Monitoring Officer and the Head of Governance Services, which can be contained within the existing budget.

6.0 Conclusions

6.1 Since the introduction of the Local Assessment regime in May 2008, the Assessment Sub-Committee has considered 25 allegations (from a total of 19 complaints), 15 of which are closed, 4 of which are due to be considered by the Review Sub-Committee, 6 of which have been referred for investigation and 1 of which has been referred for other action.

6.2 Both the Assessment Sub-Committee and Review Sub-Committee are meeting the statutory deadlines in relation to the timescale for considering complaints and review requests. The Standards Committee will be provided with Local Assessment update reports on a 6-monthly basis from now on.

7.0 Recommendations

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

Background Documents

Minutes of the Assessment Sub-Committee meetings held on 22nd July 2008, 29th July 2008, 5th March 2009 and 18th May 2009.

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Complaints received since 1st July 2008 – 31st May 2009

Case Reference	Date received	Source of complaint	Town or Parish Councillor?	Referral decision made	Date of referral decision	Has a review been sought?	Review decision made	Date of review decision
0809001	01/07/2008	Member of the public	No	Local investigation (part)	22/07/2008	No	-	-
0809002	01/07/2008	Member of the public	No	No action	22/07/2008	No	-	-
0809003	01/07/2008	Member of the public	No	No action	22/07/2008	Yes	No action	01/10/2008
0809004	01/07/2008	Member of the public	No	No action	29/07/2008	No	-	-
0809005	01/07/2008	Member of the public	Yes	No action	22/07/2008	No	-	-
0809006	01/07/2008	Member of the public	No	Local investigation	29/07/2008	No	-	-
0809007	01/07/2008	Member of the public	Yes	No action	22/07/2008	No	-	-
0809008	01/07/2008	Member of the public	No	Local investigation (part)	29/07/2008	No	-	-
0809009	04/07/2008	Member of the public	No	No action	29/07/2008	Yes	No action	31/10/2008
0809010	22/09/2008	Member of the public	No	No action unless further info provided	08/10/2008	No	-	-
0809010(2)	06/11/2008	Member of the public	No	No action	21/11/2008	No	-	-
0809011	10/11/2008	Member of the public	No	No action	21/11/2008	Yes	No action	04/02/2009
0809012	19/11/2008	Member of the public	No	No action	16/12/2008	Yes	No action	04/02/2009

Case Reference	Date received	Source of complaint	Town or Parish Councillor?	Referral decision made	Date of referral decision	Has a review been sought?	Review decision made	Date of review decision
0809013	17/02/2009	Member of the public	Yes	No action	05/03/2009	Yes	No action	20/04/2009
0809014(i)	18/02/2009	Member of the public	No	Referred to the Standards Board (part)	05/03/2009	No	-	-
0809014(ii)	18/02/2009	Member of the public	No	Local investigation (part)	05/03/2009	No	-	-
0809014(iii)	18/02/2009	Member of the public	No	Other action (part)	05/03/2009	Yes	Awaiting decision	15/08/2009
0809015	24/02/2009	Member of the public	No	No action	05/03/2009	No	-	-
0809016(i)	26/02/2009	Councillor	No	No action	20/04/2009	Yes	Awaiting decision	13/07/2009
0809016(ii)	26/02/2009	Councillor	No	No action	20/04/2009	Yes	Awaiting decision	13/07/2009
0809017	12/03/2009	Member of the public	Yes	No action	20/04/2009	Yes	Awaiting decision	13/07/2009
0809018(i)	18/03/2009	Member of the public	No	No action	20/04/2009	No	-	-
0809018(ii)	18/03/2009	Member of the public	No	No action	20/04/2009	No	-	-
0809018(iii)	18/03/2009	Member of the public	No	No action	20/04/2009	No	-	-
0809019	09/04/2009	Member of the public	No	Local investigation (part)	18/05/2009	No*	-	-

* The deadline for the review request has not yet expired.

Complaints referred for investigation since 1st July 2008

Case Reference	Date received	Referral decision made	Date of referral decision	Date investigation commissioned	Estimated date of completion
0809001	1 st July 2008	Local investigation (part)	22 nd July 2008	22 nd September 2008	Draft issued 22 nd May 2009 Final report expected by early July 2009
0809006	1 st July 2008	Local investigation	29 th July 2008	5 th September 2008	Draft issued 26 th May 2009 Final report expected by early July 2009
0809008	1 st July 2008	Local investigation (part)	29 th July 2008	22 nd September 2008	Draft issued 29 th May 2009 Final report expected by early July 2009
0809014(i)	18 th February 2009	Referred to the Standards Board (part)	5 th March 2009	2 nd April 2009	Not known
0809014(ii)	18 th February 2009	Local investigation (part)	5 th March 2009	9 th April 2009	9 th October 2009
0809019	9 th April 2009	Local investigation (part)	18 th May 2009	4 th June 2009	Unable to specify ¹

¹ In this particular case the completion date of the investigation depends on the health of one of the parties and the ability of this person to take part in the investigation process. This will be kept under regular review by the Monitoring Officer and investigator.

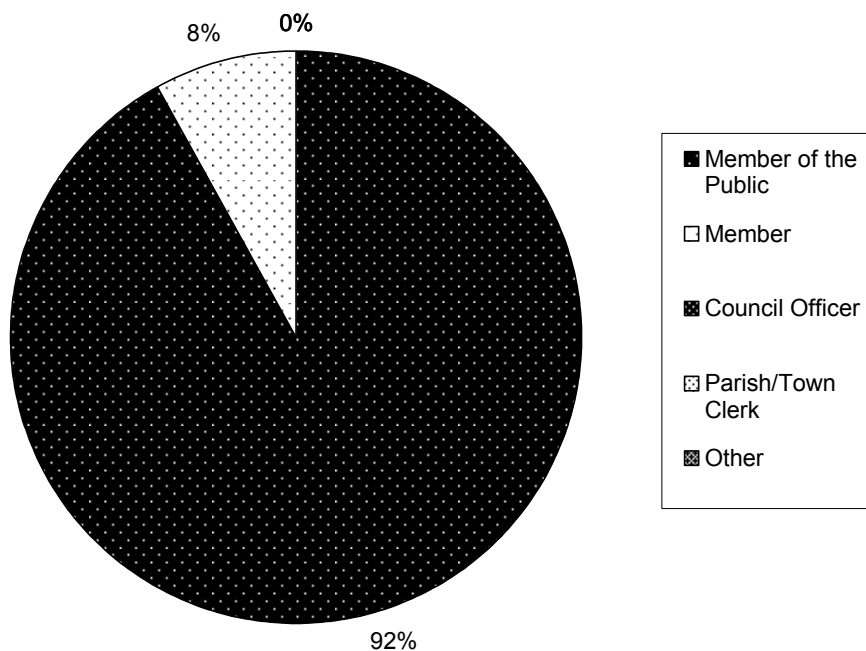
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Local Assessment Statistics

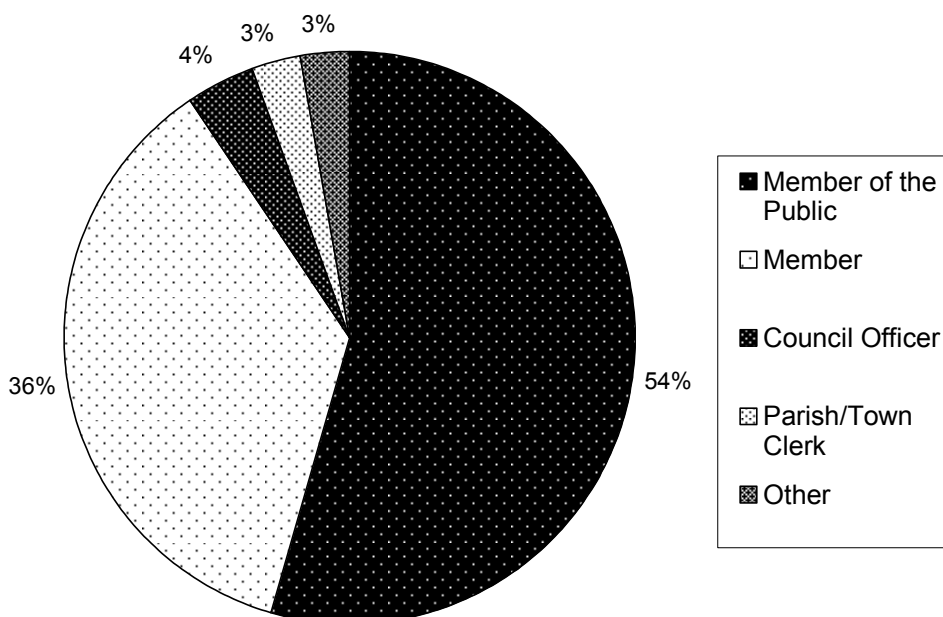
1. Source of Complaint

Since May 2008, Leeds City Council has received a total of 25 allegations, compared with a national average of 9.1 for Metropolitan Councils. The charts below show the source of the complaints for Leeds City Council, and the national figures from the Standards Board for England.

Leeds City Council:



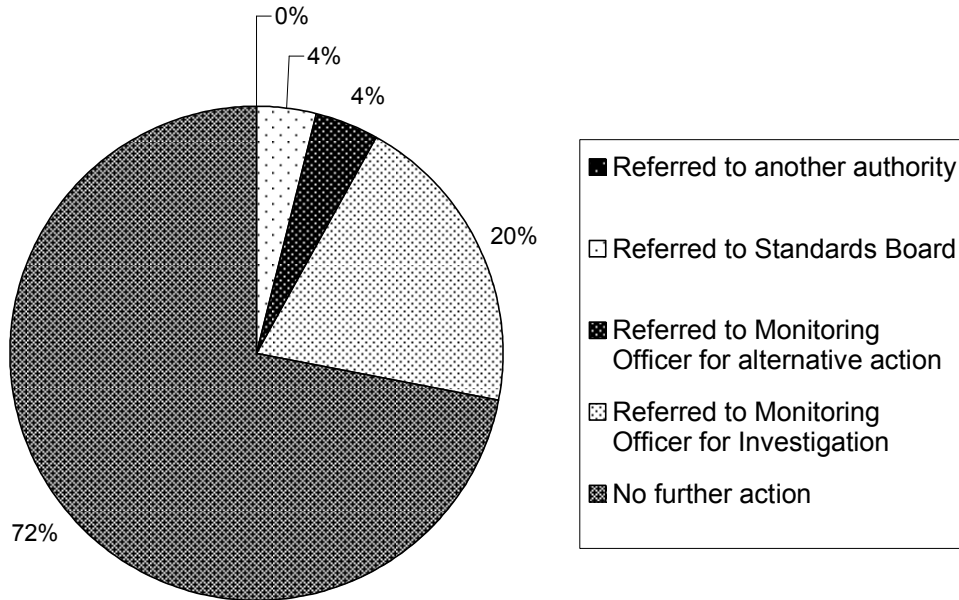
Standards Board for England:



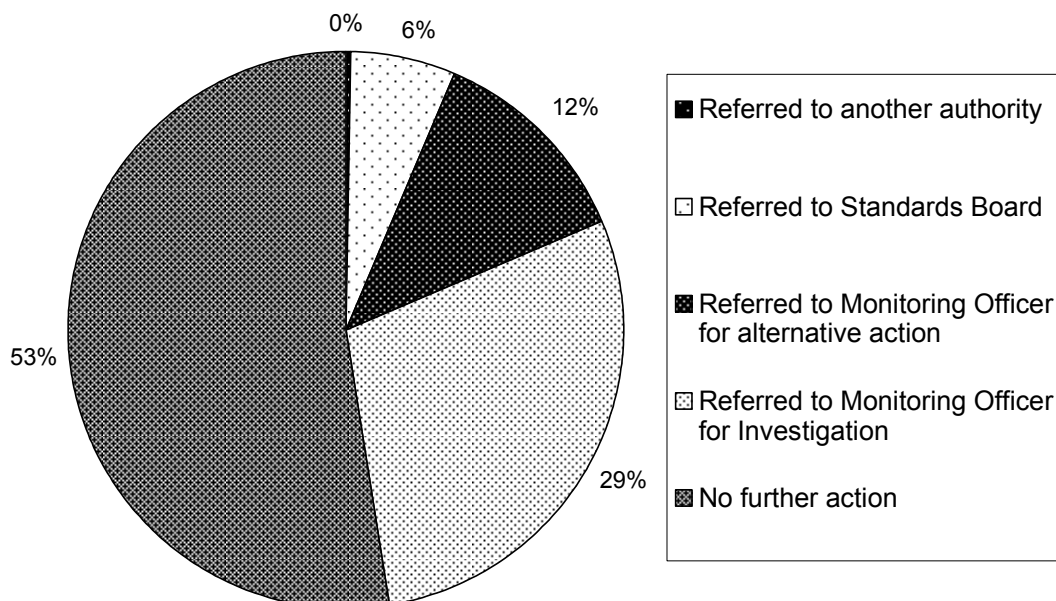
2. Decision of Assessment Sub-Committee

The charts below show the decisions made by the Leeds City Council Assessment Sub-Committee, and the national percentages from the Standards Board for England.

Leeds City Council:



Standards Board for England:

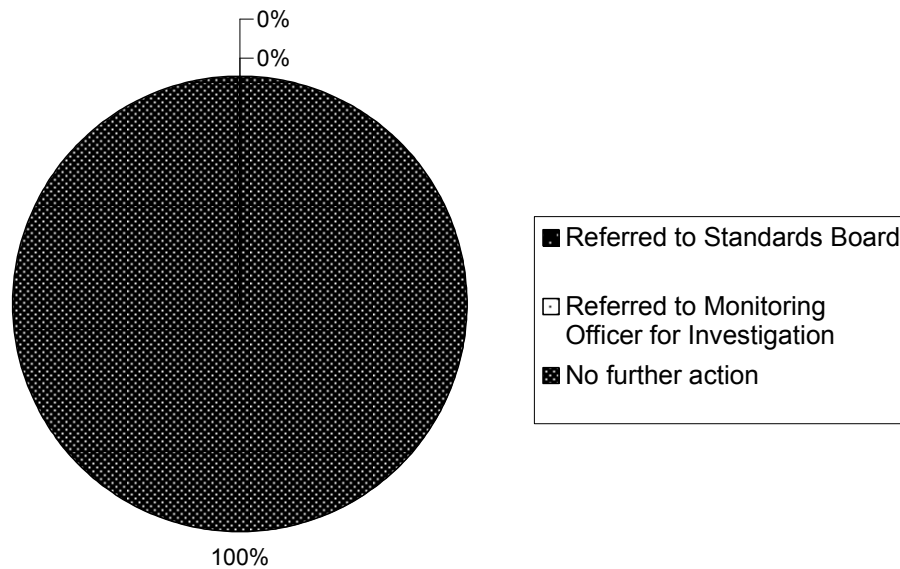


3. Decision of Review Sub-Committee

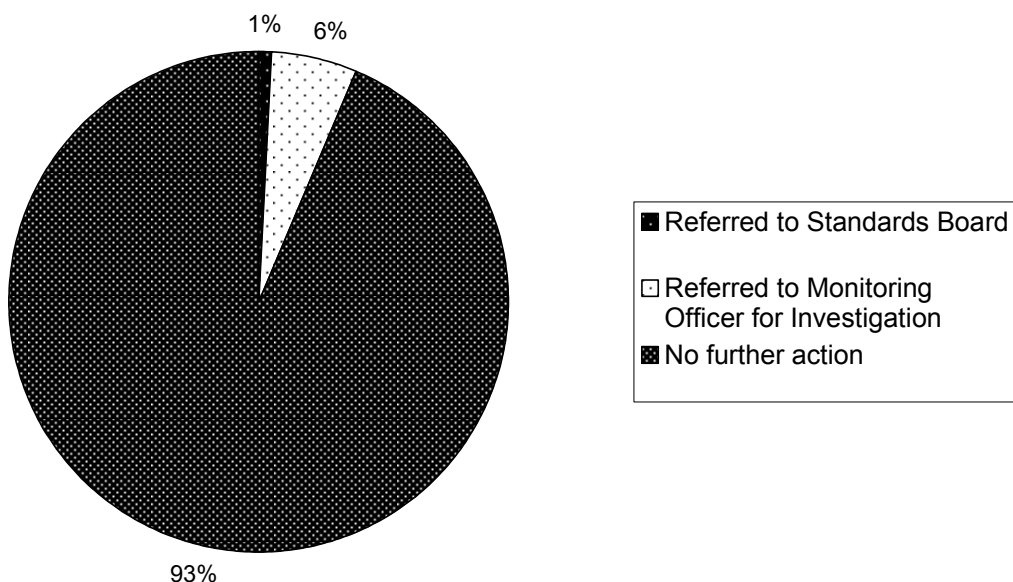
A review has been requested in **47%** of cases where the initial assessment decision is to not refer the complaint any further, compared to **37%** of cases nationally. Requests in relation to 4 allegations are still to be considered by the Review Sub-Committee.

The charts below show the decisions made by the Leeds City Council Review Sub-Committee, and the national percentages from the Standards Board for England.

Leeds City Council:



Standards Board for England:



4. Timeliness of Decisions

The Assessment Sub-Committee's target deadline for considering complaints is 20 working days. The average timescale for considering complaints is currently 19.4 working days, compared to 20 working days nationally.

20% of cases were not considered within 20 working days. However, in two instances this was due to the decision being adjourned by the Assessment Sub-Committee, pending further information. Nationally, 31% of cases took longer than 20 working days for a referral decision to be made.

The statutory timescale for considering review requests is 3 months (approximately 60 working days), and on average the Review Sub-Committee has been held with in 47.8 working days of the review request being made.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Standards Board for England Annual Return 2009

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 notify Members of the Standards Committee of the new requirement to produce an annual return for the Standards Board for England. A copy of this year's return is attached as Appendix 1 for Members' information.
2. The annual return is part of a statutory requirement to provide information to the Standards Board which is stipulated in the Local Government and Public Involvement in Health Act 2007. Collecting information on how local authorities are supporting ethical conduct is part of the Standards Board's role in ensuring the effectiveness of local standards arrangements.
3. This year's annual return was submitted to the Standards Board in June 2009. Once this information is submitted the Standards Board suggest that it is shared with the Standards Committee and the Full Council, and possibly published on the Council's website.
4. The Standards Board will use this information to develop their guidance and to identify examples of good practice, as well as share it with the Audit Commission to be used as part of the Comprehensive Area Assessment.
5. Members of the Standards Committee are asked to:
 - Note the information in the annual return (attached as Appendix 1 to this report; and
 - Consider whether they wish to publish this information with the Annual Report on the Council's website.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to notify Members of the Standards Committee of the new requirement to produce an annual return for the Standards Board for England. A copy of this year's return is attached as Appendix 1 for Members' information.

2.0 Background Information

- 2.1 The annual return is part of a statutory requirement to provide information to the Standards Board which is stipulated in the Local Government and Public Involvement in Health Act 2007. Collecting information on how local authorities are supporting ethical conduct is part of the Standards Board's role in ensuring the effectiveness of local standards arrangements.
- 2.2 This year's annual return was submitted to the Standards Board in June 2009. Before the final version was submitted to the Standards Board it was shared with the Monitoring Officer and the Chair of the Standards Committee for comments and amendments. A copy of the final version is attached as Appendix 1 to the this report for Members' information.
- 2.3 Once this information is submitted the Standards Board suggest that it is shared with the Standards Committee and the Full Council, and possibly published on the Council's website.

3.0 Main Issues

- 3.1 The purpose of the annual return is to find out what arrangements each authority has in place to ensure and promote high ethical standards. The return asks questions about the way the authority supports ethical standards as a whole, not just how it handles complaints. The annual return is also an opportunity for each authority to inform the Standards Board of their particular achievements and successes in supporting and promoting the ethical framework.
- 3.2 The Monitoring Officer is required to submit quarterly returns to the Standards Board about the complaints which have been received and how they have been dealt with. The annual return complements the quarterly return, by asking about the ethical environment in the Council and requesting information which will allow the Standards Board to understand the culture and wider governance arrangements within the Council.
- 3.3 The questions in the annual return will change each year in line with the development of the framework. The Council was required to provide information about the following topics to complete this year's return:
- The role of the standards committee
 - The annual report of the standards committee
 - What the standards committee does to promote standards
 - Training
 - Leadership
 - Complaints
 - Member / officer relations
 - Registering interests
 - Officer conduct

- 3.4 The Standards Board have stated that the information collected in the annual returns will be used to drive up performance, champion the work of standards committees, and to ensure that they have an effective overview of local standards frameworks. In particular the Standards Board will:
- Collect notable practice examples of standards committee activities which they will then disseminate.
 - Identify national gaps in local standards frameworks. A national overview of the local operation of the standards framework would enable the Standards Board to identify strengths and weaknesses of local standards frameworks and mitigate some risks in their operation by prompting where they should be producing guidance or seeking policy changes in response to any emerging national trends.
 - Identify local gaps in local standards frameworks. This would enable the Standards Board to identify those authorities who could be experiencing difficulties and may require support and advice.
 - Build profiles of individual authorities which can be used as background information when the Standards Board are engaging with an authority.
 - Share information with the Audit Commission to enable them to complete their organisational assessments. The Audit Commission will use the annual return information to form the basis of their assessment of local authorities under the Use of Resources Key Line of Enquiry in the new Comprehensive Area Assessment.

Matters arising from the questions in the annual return

- 3.5 Prompted by some of the questions in the annual return, the following areas for development have been identified:
- The use of press releases.
 - The circulation of the Annual Report amongst senior officers of the Council.
 - Quarterly meetings between the Chair of the Standards Committee and the leaders of all the political groups within the Council.
 - The Chair's attendance at meetings of the Full Council.

Next Steps

- 3.6 Once the annual return has been completed and shared with the Standards Committee, the Standards Board suggest the following actions:
- Publishing the completed annual return on the Council's website – The Standards Board believe that this would show transparency and is an opportunity to promote the work the Standards Committee are doing to integrate ethical standards in Leeds City Council. If Members were minded to do so, this information could be published alongside the Annual Report.
 - Forwarding the annual return to the Full Council – The Full Council are due to receive the Standards Committee Annual Report 2008/09 at their next meeting on 15th July 2009. The annual return will be forwarded to the Full Council at the same time, in accordance with the Standards Board's advice. In future years the Annual Return will be included within the Annual Report to avoid any duplication.

4.0 Implications For Council Policy And Governance

4.1 The information in the annual return contributes to the Use of Resources element of the Comprehensive Area Assessment, as the information is shared with the Audit Commission and will form the basis of the Audit Commission's assessment of each authority.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 The annual return is part of a statutory requirement to provide information to the Standards Board which is stipulated in the Local Government and Public Involvement in Health Act 2007. Collecting information on how local authorities are supporting ethical conduct is part of the Standards Board's role in ensuring the effectiveness of local standards arrangements.

6.2 This year's annual return was submitted to the Standards Board in June 2009. Once this information is submitted the Standards Board suggest that it is shared with the Standards Committee and the Full Council, and possibly published on the Council's website.

6.3 The Standards Board will use this information to develop their guidance and to identify examples of good practice, as well as share it with the Audit Commission to be used as part of the Comprehensive Area Assessment.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to:

- Note the information in the annual return (attached as Appendix 1 to this report); and
- Consider whether they wish to publish this information with the Annual Report on the Council's website.

Background Documents

Local Government and Public Involvement in Health Act 2007

Standards Committee (England) Regulations 2008

Council Procedure Rules (Part 4a – Leeds City Council Constitution)

Standards Board for England website: <http://www.standardsboard.gov.uk>

Standards Board for England – Annual Return Questions

Independent Overview

Does the Standards Committee have Terms of Reference?
Yes
What help do Members receive on following the Code of Conduct?
Members receive training and guidance materials on the Code of Conduct, and are able to contact officers for additional advice and guidance when necessary. Members receive compulsory training on the Code of Conduct on their election and re-election through the Members' Induction period. They are also provided with a copy of the guidance booklet from the Standards Board for England, our own e-learning package on the Code of Conduct and a pocket guide to the local codes and protocols for reference purposes. Members on Planning and Licensing Committees also take part in compulsory governance training every year which includes a section on the Code of Conduct. Members are sent the Standards Board for England Bulletin and our own newsletter called 'Governance Matters' which covers the work of the Council's governance committees and has a regular 'spotlight on' section which focuses on a specific conduct or governance subject in each issue. Members are assisted with complying with the requirements for them to register and declare interests through the methods identified in the answer to question 8.3.
Does the Standards Committee have a forward work plan?
Yes
If yes, who outside of the Standards Committee is involved in agreeing the forward work plan? Please explain below.
In consultation with the Chair of the Standards Committee, the Monitoring Officer and other senior officers who support the Standards Committee will suggest adding items as necessary. This might be as a result of national or local developments. However overall the Standards Committee approve the work programme at the end of each Committee meeting. They are also able to comment on the work programme or request that items are added at any point.
Is the Standards Committee given a role in reviewing amendments to the authority's Constitution (or standing orders where appropriate)?
Yes
If yes, when was the last review undertaken and what was the standards committee's role in the review? Please explain below.
The Standards Committee has responsibility for reviewing the local codes and protocols (which supplement the Member and Officer Codes of Conduct) and does so annually. The Standards Committee also reviews its own Procedure Rules on an annual basis and after conducting hearings.
<u>Standards Committee meetings</u>
Please used the table below to indicate how many times between 1 st April 2008 and 31 st March 2009 the Standards Committee has met and for what reasons.

Reason for meeting	Number of times met between 1 st April 2008 and 31 st March 2009
General meeting of whole Standards Committee	5
Training	0
Assessment Sub-Committee	6
Review Sub-Committee	3
Consideration meeting	1
Hearing	0
Other	1

Standards Committee - Annual Report

Does the Standards Committee produce an annual report on its own work?
Yes
If yes, is the annual report received by a meeting of the full authority?
Yes
If yes, is the annual report sent to all Members?
Yes
If yes, is the annual report sent to all senior officers?
No
If yes, how is the annual report publicised to the general public?
The Annual Report is published on the Council's website and is highlighted in the Council's newsletter on governance and standards issues, called 'Governance Matters' – also available on the Council's website.

Standards Committee - Promoting Standards

What else does the Standards Committee do to communicate its role and the importance of high standards internally within the authority to Members and officers?
<p>The Standards Committee features heavily in the Council's own newsletter on governance and standards issues, called 'Governance Matters'. Governance Matters is sent to all Directors and Chief Officers, all staff within Legal and Democratic Services, and all Councillors and co-opted Members of the authority.</p> <p>The Standards Committee maintains close links with the Corporate Governance and Audit Committee (CGA), and the Chair of the Standards Committee is a co-opted (non-voting) member of CGA. The Standards Committee also provide CGA with six monthly progress reports on their work and each receives the others' minutes.</p>
What else has the Standards Committee done to promote confidence in local

democracy to the wider public?

The Standards Committee produces an annual report which is published on the Council's website. The Standards Committee has also taken part in the LGC Awards this year to try to raise the profile of standards and ethics within the Council. This has led to publicity through the Standards Board for England and the LGC due to being short-listed for the standards and ethics award.

Has the authority, or the Standards Committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

Yes

If yes, please provide examples.

The authority has a Governance Framework for Significant Partnerships and has developed a Partnerships Toolkit to support this. A register of the Council's significant partnerships has also been compiled in conjunction with Directors.

The governance framework places requirements on the Council's significant partnerships in terms of their ethical behaviour, and the Standards Committee has had an overview of these requirements.

Standards Committee - Training

Between 1st April 2008 and 31st March 2009, has the authority assessed the training and development needs of Members in relation to their responsibilities on standards of conduct?

Yes

If yes, what training and development needs were identified?

- General training on the Code of Conduct (provided through the induction and when necessary);
- Training on legislation such as Human Rights, Data Protection, Freedom of Information and Equalities (provided through specific guides); and
- Training for Members of Planning and Licensing Panels on relevant governance issues (provided through an annual compulsory training session).

Please provide a list of training and development opportunities that have been provided to Members and officers in the period above that are relevant to ensuring high standards.

Your list should include any training that relates to the operation of the local standards framework e.g. local assessment and hearings.

- Training on the Members' Code of Conduct through Induction (May 2008)
- Briefing Notes issued to all political groups regarding local assessment process
- Compulsory 'Governance and Conduct' training for all Members of Planning and Licensing Committees – update on the Code of Conduct and training on local assessment process

- Training session through the Parish and Town Council Annual Conference on the Members' Code of Conduct and the local assessment process
- Series of lunchtime seminars for officers working within Legal and Democratic Services on registration and declaration of interests for Members, the general obligations of the Members' Code of Conduct and the local assessment process
- Training for officers through the Corporate Induction on the Member and officer Code of Conduct
- Training for officers through an ethical governance package – available on request and identification of a particular training need through the PDP process.

Leadership

How often has the Standards Committee, or its Chair, met the Chief Executive to discuss ethical issues in the last 12 months (from 1st April 2008 to 31st March 2009)?

Two

Please also provide an overview of what the meetings were about.

- Options for increasing the membership of the Standards Committee
- Briefing on the New Local Assessment Arrangements
- Member co-operation with Case Investigations
- Opportunities to review the scope and remit of the Standards Committee Terms of Reference
- Relationships with and between Members

These meetings are scheduled on a quarterly basis.

How often has the Standards Committee, or its Chair, met the leader of the Council to discuss ethical issues in the last 12 months?

Four

Please also provide an overview of what the meetings were about.

- Options for increasing the membership of the Standards Committee
- Briefing on the New Local Assessment Arrangements
- Member co-operation with Case Investigations
- Opportunities to review the scope and remit of the Standards Committee Terms of Reference
- Briefing on the work programme of the Standards Committee
- Briefing on the Annual Report from the Standards Committee

These meetings are scheduled on a quarterly basis, and due to the political composition of Leeds City Council and the shared political leadership, these quarterly meetings are shared between the Leader of the Liberal Democrat Group and the Leader of the Conservative Group. For 2009/2010, a report is proposed to be brought to the Standards Committee to give consideration to inviting leaders of

the political groups and certain senior officers to meetings of the Standards Committee to explain their role in the Council and how they are upholding ethical standards.
How often has the Standards Committee, or its Chair, met the other party group leaders to discuss ethical issues in the last 12 months?
None
Does the Standards Committee, or its Chair, have regular access to the Monitoring Officer? How regular?
The Monitoring Officer attends all meetings of the Standards Committee and its sub-committees. In addition, the Chair is briefed by the Monitoring Officer and other officers who support the committee (from Governance Services and Corporate HR) before these committee meetings. The Monitoring Officer accompanies the Chair to his meetings with the Leader of the Council and the Chief Executive, and they work together on other projects such as the recruitment of standards committee members, ethical audits, and issues relating to Parish Councils and are in regular contact via telephone and email.
How many times in the last year has the Standards Committee Chair been invited to address a full authority meeting?
None
Does the Monitoring Officer sit on the Corporate Management Team, or equivalent?
Yes
Has an Executive Member (or senior Member where appropriate) been given portfolio responsibility for standards?
Yes

Complaints

Can the public access information, from the authority website, about how to make a complaint against a Member?
Yes
What else has the authority done to advertise the complaint process on Member conduct to the general public?
A notice was placed in the major local newspaper, and in all Council buildings with details of telephone numbers and where to access the complaints form. A letter was also sent to all Citizen's Advice Bureaux in the Leeds area asking them to put up a notice and explaining the process to them should they be asked to assist a member of the public with such a complaint. Customer Services Officers have also been provided with details of the new process so that if any complaints are referred to them involving Councillors they can advise and redirect the member of the public accordingly.
Has the authority sought feedback from any of those people involved in an allegation

of Member misconduct about their satisfaction with the Member conduct complaints process?
Yes
How does the authority communicate the outcome of investigations into Member conduct to: <ul style="list-style-type: none"> a) Members b) Officers c) The general public
<p>We have never communicated our findings (except when the Standards Committee conducted a full hearing in May 2006) as all investigation reports and meetings considering those reports have been classified as exempt by the Committee.</p> <p>We have not yet had any investigations completed under the new system. However when this happens, the outcome would be communicated through the minutes of the Assessment Sub-Committee who receive the final investigation report and decide whether to refer the matter to a Standards Committee Hearing (the minutes of the Sub-Committees are anonymised but published on the Council's website and received by Full Council and the full Standards Committee). If there was a finding of no failure the subject Member would have the choice of whether the Committee should publish a summary of their findings in the local press. If the matter went to a hearing and the Member was found to have breached the Code, a notice of the outcome would be placed in the local newspaper.</p>
In allegations of Member conduct which have NOT resulted in investigation, such as those allegations which have not been referred for investigation and those which have resulted in other action, how does the authority communicate the outcome to: <ul style="list-style-type: none"> a) Members b) Officers c) The general public
The outcome would be communicated through the minutes of the Assessment / Review Sub-Committee (which are anonymised but published on the Council's website and received by Full Council and the full Standards Committee), and through the publicly available case summaries. These are available for inspection in the Council's offices.

Member Officer Relations

Does the authority have a protocol for relations between Members and officers?
Yes
If yes, how is the protocol communicated to officers and Members?
The protocol appears in the Constitution. Training on the Code of Conduct for Members makes reference to the protocol, especially with regard to bullying and treating officers with respect. This includes face to face training, e-learning and the pocket guides to the local codes and protocols.

Training on the Members' Code of Conduct for officers within Democratic Services makes reference to the Protocol, in light of their large amount of contact with Members. The Corporate Induction for all new staff also makes appropriate mention to the local codes and protocols. For staff who require more in depth training, there is also a training package on ethical governance available on request (through the appraisal process).

What is the mechanism for reviewing the effectiveness of the protocol?

The protocol is reviewed annually by the Standards Committee. A report is produced by the Monitoring Officer which includes feedback on the following issues:

- The number of complaints made about breaches of the Protocol and the outcomes of these complaints;
- Whether the Protocol has been considered as part of Member/Officer induction training;
- The level of awareness of the Protocol amongst Members and Officers;
- External inspection reports in respect of any relevant issues arising; and
- Changes to legislation which may affect the provisions of the Protocol.

The report sets out whether the arrangements set out in the Protocol have been complied with and includes any proposals for amendments in the light of any issues that have arisen during the year.

Officers are also consulted on whether any amendments should be made through the Trade Union representatives and through Human Resources. Members are consulted on possible amendments to the Protocol through the Group Whips (or individually where appropriate).

Does the authority include training on the importance of high standards of behaviour in the inductions of new Members and officers?

Yes

Does the authority have informal mechanisms for dealing with Member/officer and Member/Member disputes?

Yes

If yes, please provide details of any mechanisms and , if possible, provide an example where this has been used.

Allegations of breaches of the local codes and protocols by Members can be referred to the Monitoring Officer for potential referral to the Standards Committee, the relevant Leader or Whip of the Political Group. Unless the breach could be a breach of the Members' Code of Conduct which would be referred to the Assessment Sub-Committee. As part of this year's review of the Standards Committee Procedure Rules we are looking into whether the assessment alleged local code breaches should be treated in the same way as alleged breaches of the Code of Conduct.

Allegations of breaches by officers are referred to the relevant Director for consideration. Action may include disciplinary investigation.

Registering Member interests

Is the Member Register of Interests accessible to the public on the authority website?
Yes
Is the Register of Gifts and Hospitality available to the public on the authority website?
Yes
What does the authority do to signal to Members the importance of declaring interest and completing the Register of Interests and Register of Gifts and Hospitality?
<p>Members are reminded of the need to check their register of interests (which includes a category about gifts) every three months. They are sent general reminders and also targeted reminders which focus on a particular issue, such as election payments or interests in property. Members also check the current Register entry as part of the Personal Development Plan review meetings and are asked whether they need assistance with this area.</p> <p>Officers also check their register of interests against the declarations of interests Members have made at meetings to ensure that all interests which fall into the correct categories are registered. If any interests are not included the Member is sent an email highlighting the discrepancy and asking whether they wish to amend their entry.</p> <p>Officers who clerk meetings of committees also check their register entries against agenda items to look for potential personal interests. If any are identified, Members are sent an aide memoir detailing the interest and how it has arisen. They are also provided with a reminder as to when a personal interest can become a prejudicial interest and what corresponding action they should take. If a potential prejudicial interest is identified but is not subsequently declared this is notified to the Head of Governance Services who pursues this with the Member concerned.</p> <p>Members are reminded every three months that they should register gifts and hospitality they receive in their capacity as Members. However, officers have developed a separate system for the Leader and the Lord Mayor where officers who support those Members forward details on their behalf of their civic engagements and personal gifts which have been received in order to be registered.</p> <p>Members are also reminded of the need to declare and register interests through training on the Code of Conduct. Exercises are used which include an example register which Members need to complete during the training so that officers can highlight common mistakes or omissions.</p>

Officer conduct

Does the authority have a Code of Conduct for senior officers?
Yes
Does the authority compile a register of senior officers' interests?

Yes
Is the register of senior officers' interests available to the public on the authority website?
No
Does the authority compile a register of senior officers' gifts and hospitality?
Yes
Is the senior officers' register of gifts and hospitality available to the public on the authority website?
No

Optional questions

On what issues, if any, would you appreciate more support or guidance from the Standards Board for England?
<p>Issues regarding the local assessment process, such as clarity over how much information can be provided to subject Members and at what stages, the records of meetings which should be kept, and the scope remaining for informal resolution of complaints.</p> <p>It would also be helpful to have more guidance on the types of other action which are appropriate and the way in which the decision to take other action should be reached i.e. use of adjournment. There also seems to be a lot of confusion in other authorities regarding how the Monitoring Officer should report back to the Standards Committee on the outcome of the other action, in terms of whether the Monitoring Officer should report back to the full Committee or a Sub-Committee and whether it should constitute the same membership as the original Sub-Committee. There is also a lot of confusion regarding how far the notice and publicity requirements apply to such meetings when they are considering the Monitoring Officer's report.</p>
<p>The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements.</p> <p>Has your authority used the Ethical Governance Toolkit?</p>
Yes

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Parish and Town Council Annual Audit 2007

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to update Members of the Standards Committee on the results of the Parish and Town Council profiling exercise, and the actions agreed by the Chair, Monitoring Officer and Parish Members of the Standards Committee at their meeting on 17th February 2009.
2. The Standards Committee received a report on 16th October 2008 which highlighted the results of the Parish profiling exercise (based on the annual audit returns). The Standards Committee agreed that the Monitoring Officer, Chair and Parish Member(s) of the Standards Committee should meet to discuss the results in detail, and then take one of the three actions identified in the report in relation to each Council.
3. The Standards Committee also agreed that the Monitoring Officer and the Chair of the Standards Committee would report back to the Standards Committee in due course on the results of the profile and any action taken.
4. The attached appendix summarises the actions agreed by these Members, and the report summarises the progress made in relation to each of these actions.
5. Members of the Standards Committee are asked to note the decisions of the Chair, Monitoring Officer and Parish Members of the Standards Committee and to note the progress of these actions.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to update Members of the Standards Committee on the results of the Parish and Town Council profiling exercise, and the actions agreed by the Chair, Monitoring Officer and Parish Members of the Standards Committee at their meeting on 17th February 2009.

2.0 Background Information

- 2.1 The Standards Committee received a report on 16th October 2008 which highlighted the results of the Parish profiling exercise (based on the annual audit returns). The Standards Committee agreed that the Monitoring Officer, Chair and Parish Member(s) of the Standards Committee should meet to discuss the results in detail, and then take one of the three actions identified in the report in relation to each Council.
- 2.2 The Members considered the results in a traffic light system. Those Councils highlighted in green had achieved between 240 and 250 points out of a maximum of 250, those highlighted in amber had achieved between 220 and 240, and those highlighted in red had achieved less than 220. There were six Councils identified which fell into the red category and therefore presented concerns for the Monitoring Officer and the Standards Committee.
- 2.3 The group were also presented with a page of information for each Parish or Town Council which listed the questions asked in the audit and the scores for their responses. The overall scores were mostly based on the annual audit returns, although the number of complaints and investigations involving Members of the Council were also included. These individual breakdowns assisted Members with understanding how certain Councils received lower scores than others.
- 2.4 Parish Councils could score more highly for some questions than others, for example, "Has the Council adopted the new Code of Conduct?" was given a potential score of 20. This is because this question relates to a legal obligation and is therefore of more importance than whether Members are willing to take part in further training (which was only given a potential score of five points). Explanatory comments were also provided with the responses which assisted Members with understanding the scores allocated, and were in some cases considered to be mitigating factors.
- 2.6 At the Standards Committee meeting on 16th October 2008, Members of the Committee agreed that:
- Those from the best performing Councils will be congratulated on their results and perhaps asked whether they would like to work with the Standards Committee in order to assist some of their neighbouring Councils.
 - Those Councils who have some weaknesses in their score, but are not of particular concern to the Monitoring Officer and Chair, will be provided with additional guidance and assistance to address those areas.
 - Those who are identified as being poor performers will be asked to meet with the Monitoring Officer, the Chair of the Standards Committee, and the Parish representatives on the Committee to highlight the importance of their obligations and to discuss what help and assistance they require.

- 2.7 The Standards Committee also agreed that the Monitoring Officer and the Chair of the Standards Committee would report back to the Standards Committee in due course on the results of the profile and any action taken.

3.0 Main Issues

Actions agreed by the group

- 3.1 Appendix 1 to this report lists the actions agreed by the Chair, the Monitoring Officer and the Parish Members at their meeting on 17th February 2009. The group considered each of the responses and identified common problem areas, such as the declaration of interests and problems with training for new Parish Clerks.
- 3.2 Members of the Standards Committee should note that the individual letters and guidance packs (if necessary) have not yet been sent to the Parishes due to resource issues in the Corporate Governance Team. It is anticipated that this information will be sent out by the end of August 2009.

Progress against the action plan

- 3.3 Members of the Standards Committee should note that the proposed actions which relate to the adoption of the revised Members Code of Conduct, including assistance for Parish Clerks in publishing a notice about the Code's adoption, will now be delayed until after the Code's publication.
- 3.4 According to the Communities Progress Report, which was published on the Communities and Local Government website on 1st June 2009, the implementation of the revised Members' Code of Conduct has been delayed until Summer 2009. Members will recall that the Code was initially expected to be in place in time for the local elections. In addition, the response to the consultation paper on the revised Code of Conduct has not yet been published.
- 3.5 With regard to the guidance for Clerks and Councillors on declarations of interest, the Corporate Governance Team ran a training session following the Parish and Town Council Conference on 13th May 2009 on the registration and declaration of interests. This was attended by six delegates, including two Clerks.
- 3.6 Further guidance will be distributed with the letters based on the Standards Board guidance on the Code and the guidance notes for Governance Services staff on recording interests in minutes.
- 3.7 In relation to the Induction Pack for Parish Clerks, a resource has been identified on the Standards Board website called the "Governance Toolkit for Parish & Town Councils". This has been produced by the Association of Council Secretaries and Solicitors, the National Association of Local Councils, the Society of Local Council Clerks, the Local Government Association, Milton Keynes Council, and the Standards Board. The contents list for the toolkit is attached as Appendix 2 to this report, and includes a model job description for a Parish Clerk, which was something the group were keen to create.
- 3.8 It is proposed that this induction pack is sent to each new Parish Clerk as soon as the Council is notified that a new Clerk has been appointed.
- 3.9 Finally, attendance at the Parish and Town Council Conference was monitored by the Parish Council Liaison Officer and the Corporate Governance Team will continue to maintain records of who attends the training sessions provided by them.

Only two delegates from 'red' Parish and Town Councils attended the Parish and Town Council Conference and no Clerks.

4.0 Implications For Council Policy And Governance

- 4.1 It is part of the Standards Committee Terms of Reference to promote, monitor and review and Codes of Conduct and to provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols.
- 4.2 It is essential that Parish and Town Councils are assisted with complying with their legal duties in order to maintain high standards of governance, and to ensure public confidence in local democracy.

5.0 Legal And Resource Implications

- 5.1 There are resource implications to providing the additional guidance and arranging the meetings that have been requested as part of the Annual Audit Action Plan, although it is anticipated that these can be met once the resource issues in the Corporate Governance Team have been resolved.
- 5.2 There would be legal implications the Parish and Town Councils not complying with their statutory duties, such as publishing a notice regarding their adoption of the Code of Conduct.

6.0 Conclusions

- 6.1 The Standards Committee received a report on 16th October 2008 which highlighted the results of the Parish profiling exercise (based on the annual audit returns). The Standards Committee agreed that the Monitoring Officer, Chair and Parish Member(s) of the Standards Committee should meet to discuss the results in detail, and then take one of the three actions identified in the report in relation to each Council.
- 6.2 Appendix 1 to this report lists the actions agreed by the Chair, the Monitoring Officer and the Parish Members at their meeting on 17th February 2009. The group considered each of the responses and identified common problem areas, such as the declaration of interests and problems with training for new Parish Clerks.
- 6.3 Members of the Standards Committee should note that the individual letters and guidance packs (if necessary) have not yet been sent to the Parishes due to resource issues in the Corporate Governance Team. It is anticipated that this information will be sent out by the end of August 2009.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note the decisions of the Chair, Monitoring Officer and Parish Members of the Standards Committee and to note the progress of these actions.

Background Documents

Standards Committee Minutes, 16th October 2008

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Parish and Town Council Annual Audit 2007", 16th October 2008

Governance Services Guidance Notes for Staff

“Governance Toolkit for Parish & Town Councils”, available at:
<http://www.standardsboard.gov.uk/Resources/Trainingmaterials/>

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Actions arising from discussion of the Parish Audit results from 2007/08

Issue Area	Action	Deadline	Responsible Officer(s)
Adoption of new Code of Conduct	Leeds City Council should be proactive in terms of getting all Parish and Town Councils to adopt the Code at the same time (or within three months). Leeds City Council should publish a group advert on this basis, getting Parish Councils to contribute to the costs. Leeds City Council should also produce a list of FAQs for Clerks when the new Code is introduced providing them with an example advert, details of the type of newspaper they should place it in, and what the timescales are. Use Wetherby as an example of a local group advertisement.	When the new Code is released (Summer 2009)	Corporate Governance Team
	Where a Council has stated that they have not published a notice, this needs to be flagged up within their letter, stating that it is a breach of legislation and what the penalty is. Liaise with Chief Officer (Legal, Licensing and Registration) to establish if this is a precept issue.	Following adoption of new Code	Corporate Governance Team / Chief Officer (Legal, Licensing and Registration)
Minutes of Parish Council meetings not recording declarations of interest	Provide example minutes and guidance on interests with the letter to Clerks who have found this problematic. Ask the Clerk to ensure that information about the different types of interests are read out at the Council meeting.	August 2009	Corporate Governance Team
If Clerks and Chairs are unco-operative with the Chair and the Monitoring Officer	If the Parish Council refuse to attend a meeting state that this will be recorded for reference in complaints etc. Also offer Councillor Mrs Walker or Councillor Priestley's attendance at one of the Parish meetings for observation and assistance.	September 2009 onwards	Corporate Governance Team / Cllrs Priestley and Walker

Issue Area	Action	Deadline	Responsible Officer(s)
Induction and training for Clerks	<p>Leeds City Council should produce an induction pack for parish Clerks to be sent out when a new Clerk is appointed. Should include:</p> <ul style="list-style-type: none"> • Information on the Code of Conduct; • Template minutes and agenda; • Useful contacts and information about Leeds City Council. • Template job description for a clerk (including code responsibilities) <p>To be amalgamated with information provided already by the Parish Liaison Officer.</p>	ASAP	Corporate Governance Team / Parish Council Liaison Officer
Monitoring improvements within red Councils	Monitor attendance from those Councils with poor scores at the Conference and at training sessions.	April 2009 onwards	Corporate Governance Team / Parish Council Liaison Officer

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**NOTE: The Toolkit does not contain any model Standing Orders.
These can be obtained from NALC.**

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Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Review of the Members' Register of Interests, Gifts and Hospitality 2008/09

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report presents to the Standards Committee statistical data in relation to declarations of gifts and hospitality recorded by Members during the period 2008/09, and draws comparisons with declarations made by Members in 2007/08. The report highlights any trends that have been identified in terms of:
 - the number of gifts / hospitality received;
 - the Members receiving the largest numbers of gifts / hospitality; and
 - the organisations making the largest numbers of donations.
2. The report shows that there has been a decrease in the number of gifts and hospitality received by the Mayor and Deputy Lord Mayor in the last municipal year, and a slight increase in the number of gifts and hospitality received by other Members, however the value of both mayoral and non-mayoral gifts has decreased.
3. The Standards Committee is recommended to consider the information as set out in the report and whether they are satisfied with the assurances provided.

1.0 Purpose Of This Report

1.1 This report presents to the Standard Committee statistical data in relation to declarations of gifts and hospitality recorded by Members during the period 2008/09, and draws comparisons with declarations made by Members in 2007/08. The report highlights any trends that have been identified in terms of:

- the number of gifts / hospitality received;
- the Members receiving the largest numbers of gifts / hospitality; and
- the organisations making the largest numbers of donations.

2.0 Background Information

2.1 Details of the gifts and hospitality which Members have received since May 2007 (including details of the donor and the value of the gift) are available on the Council's website as part of each individual Members' the Register of Interests.

2.2 The Standards Committee received reports that presented them with statistical data in relation to the register of gifts and hospitality from 2002 to May 2007 in October 2007, and for the 2007/08 municipal year in July 2008. This report analyses any trends in the number, frequency and value of gifts received during the year 2008/09 in the same way, and draws comparisons with the register of gifts for 2007/08.

2.3 The top ten donors for the year 2008/09 have also been identified along with the number of gifts throughout the municipal year they account for.

3.0 Main Issues

Procedure for recording gifts and hospitality received by Members

3.1 Members are required to register any gifts or hospitality they receive worth over £25.00 and in connection with their role as a Councillor. In order to register the gift Members must provide the name of the donor, a brief description of the gift or hospitality, the date they received the gift, and its estimated value.

3.2 Members are provided with extensive guidance (available on the Council's intranet site and from their group office) on when to accept gifts and hospitality, and when this would be inappropriate. There is also a form available for Members to use when registering their receipt of a gift which prompts them to provide all the required information. This is attached as Appendix 1 to this report.

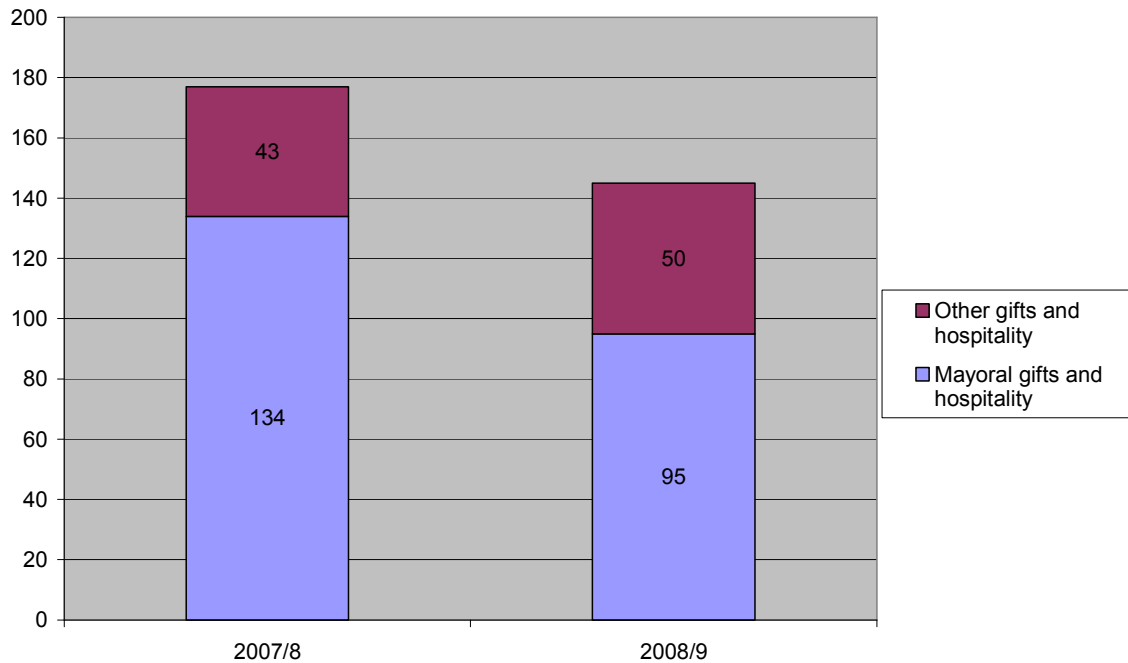
3.3 Members are reminded of the need to register gifts and hospitality through the regular quarterly reminders sent to them regarding the Register of Interests. In addition, Members who also hold special positions, such as the Leader or the Lord Mayor, have special arrangements for officers to forward details of civic engagements and gifts received on their behalf.

3.4 In addition, Members are required to declare a personal interest in any matter under consideration at a meeting if it is likely to affect a person who gave them the gift or hospitality. Members must declare the existence and nature of the gift and hospitality, the person who gave it to them and how the matter relates to that person. Three years after a Member has received a gift, their obligation to declare it at a meeting ceases, although it will remain on their register for the duration of their period as a Councillor.

- 3.5 Members are reminded of the need to declare any personal interests arising from their Register of Interests through an aide memoir sent by the relevant Committee Clerk prior to the Committee meeting.

Number of gifts

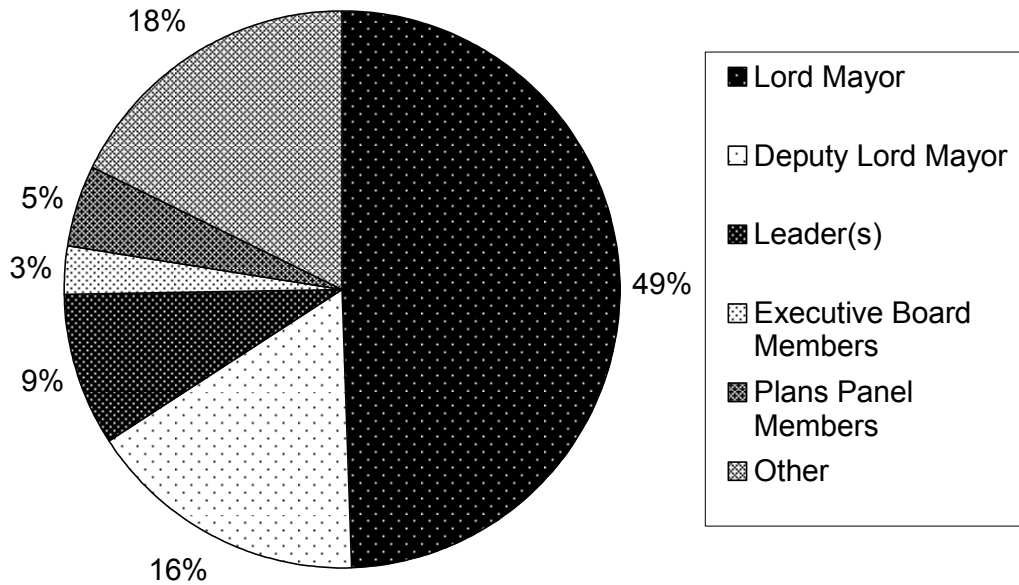
- 3.6 The number of gifts received in the last municipal year in comparison the number received in 2007/08 can be seen in the graph below:



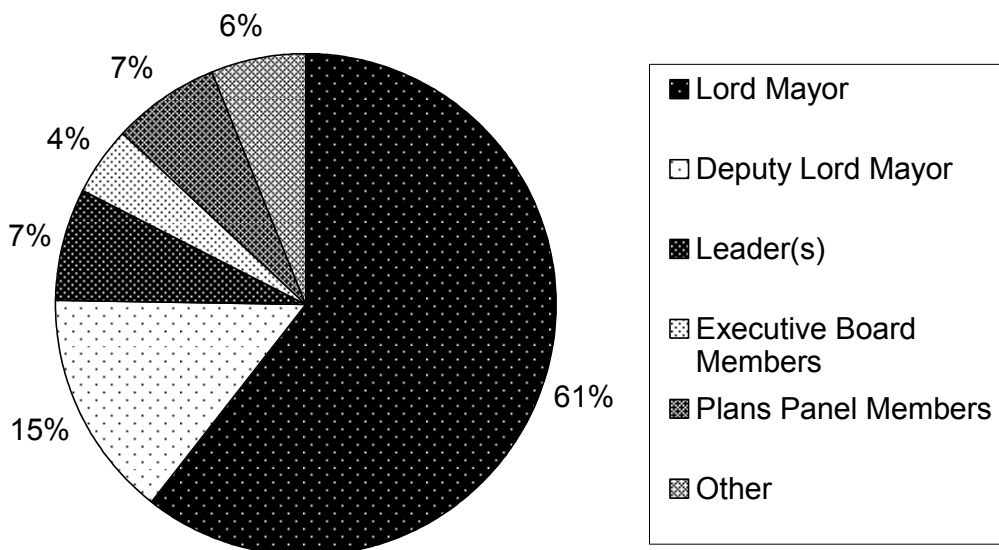
- 3.7 As can be seen in the graph, there has been a decrease in the number of gifts and hospitality received by the Mayor and Deputy Lord Mayor in the last municipal year, and a slight increase in the number of gifts and hospitality received by other Members.
- 3.8 As was reported in July last year, the Lord Mayor's Secretary is required to keep a register of civic gifts for audit purposes. These are gifts given to the Lord Mayor that are not personal gifts, but are intended for the city. These gifts are kept in the Lord Mayor's accommodation. Any personal gifts and all hospitality received are recorded in the register kept for all Members of the Council.

Position of recipient

- 3.9 An analysis of the position of the recipients in 2008/09 can be seen in the graph below:



3.10 The position of the recipients in 2007/08 can also be seen below:

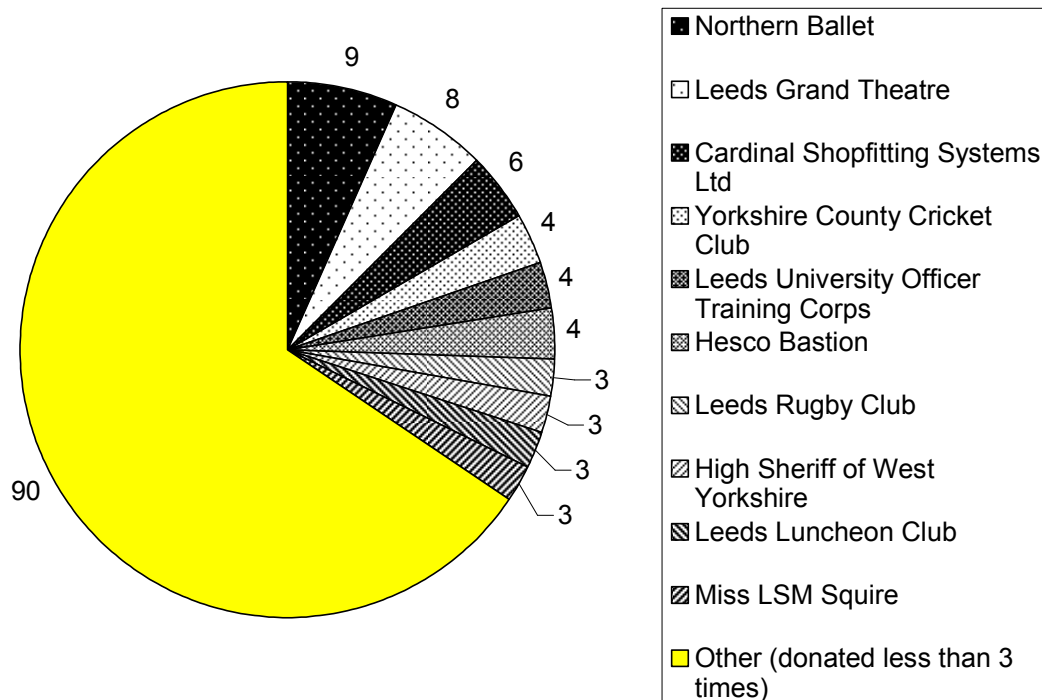


3.11 A comparison of the two graphs shows that the percentage of gifts and hospitality provided to the Lord Mayor have decreased in the past year. The percentage of gifts provided to the Leader(s) has increased slightly.

3.12 As in previous years the Leaders and the Executive Board account for a large proportion of gifts and hospitality, which could be explained by the fact that these are high profile Members who regularly feature in local media. However, they are also the Members of the Council who have the most decision making power.

Frequency of donations

- 3.13 The chart below shows the identity of the top ten providers of gifts and hospitality to Members in 2008/09:



- 3.14 Those who have donated less than three times during the year are grouped together under 'other'. This includes some bodies such as Leeds Civic Trust and Screen Yorkshire.
- 3.15 The two bodies that have provided the most frequent gifts and hospitality have close ties with the Council, such as Leeds Grand Theatre and Northern Ballet, as the Council has Members on their management boards. Therefore the provision of free tickets to shows is fairly commonplace.
- 3.16 Three of the top five donors in the municipal year 2007/08 (Cardinal Shopfitting Systems Ltd, Leeds Grand Theatre and Leeds Luncheon Club) appear in the top ten donors for 2008/09.
- 3.17 Members may be interested to know that according to the Council's records, Cardinal Shopfitting Systems Ltd have not supplied the Council in any way for at least the past three years.

Value of gifts and hospitality

- 3.18 In the municipal year 2008/09, 145 gifts and hospitality were recorded by Members. These amounted to an estimated total of £6,676.50. This comes to an average amount of £45.70 per gift, and represents a 37% decrease in the value of gifts received in 2007/08 which was £10,657.95.
- 3.19 Once the value of gifts and hospitality received by the Lord Mayor are removed from the total, £2,494.00 worth of gifts and hospitality were received in 2008/09, which represents a decrease of 15% in the value of non-mayoral gifts and hospitality received in 2007/08. The average amount per gift has also decreased since 2007/08, which amounted to £60.21 per gift.

- 3.25 The cumulative value of the gifts received in the municipal year 2008/09 can be seen in Appendix 2 to this report. As can be seen from the table, the most valuable single gift came from An Agency Called England Ltd, who provided two tickets to the Drum Awards for the Digital Industries, including drinks.

Declarations of interest arising from gifts and hospitality received

- 3.26 There have been no personal interests declared by Members in the municipal year 2008/09 relating to gifts and hospitality received. As part of the Council's monitoring arrangements in relation to declaration of interests, officers in Governance Services compare meeting agendas with the relevant Committee Members' register of interests, and alert the Member concerned if a potential interest is identified. Officers in Governance Services have confirmed that no potential interests were identified during 2008/09 in relation to gifts and hospitality.

4.0 Implications For Council Policy And Governance

- 4.1 Undertaking the described review of the gifts and hospitality registered by Members enables to the Council to have a better understanding of the nature of gifts and hospitalities received by Members and also the effectiveness of those procedures in place to ensure that the acceptance of any such offers by Members is open and transparent.
- 4.2 The onus is on elected members to declare details of the gifts and hospitality which they receive in the discharge of their duties as a Councillor. The Head of Governance Services, having reviewed the guidance and systems available for Members to register gifts and hospitality, is satisfied that appropriate controls are in place and are operating satisfactorily.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 The report shows that there has been a decrease in the number of gifts and hospitality received by the Mayor and Deputy Lord Mayor in the last municipal year, and a slight increase in the number of gifts and hospitality received by other Members, however the value of both mayoral and non-mayoral gifts has decreased.

7.0 Recommendations

- 7.1 Members of Standards Committee are recommended to consider:
- the information provided in this report; and
 - whether they are satisfied with the assurances provided.

Background Documents

Report to Standards Committee, Review of the Members' Register of Interests, Gifts and Hospitality 2007/08, 1st July 2009

Leeds City Council Members' Register of Interest Forms

Declaration of receipt of gifts and hospitality

You must complete all the following details and return the form to the address below within 28 days of receiving the gift or hospitality in order to comply with the Members' Code of Conduct 2007. This information will then be added to the Members' Register of Interests published on the Council's website.

For more guidance on the rules surrounding registering gifts and hospitality, please refer to the 'Members' Register of Interests – Guidance Notes', available in your group office or to download on the intranet by following this path: Information About – Council and Democracy – Councillors, agendas and minutes – Councillors' Code of Conduct – Guidance on the Members' Register of Interests.

<p>Who donated the gift/hospitality?</p> <p>Please note that you are not required to register gifts or hospitality provided by Leeds City Council.</p>	
<p>What date did you receive the gift/hospitality?</p>	
<p>Please provide a brief description of the gift/hospitality.</p>	
<p>What is the estimated market value of the gift/hospitality?</p> <p>Please note that if you are registering a heavily discounted item, the value will be the difference between the normal market cost and the amount you paid. Also please note that you are only required to register gifts or hospitality worth £25 or more.</p>	

Name of Member:

Date:

Please return your completed form to:
 Laura Ford, Corporate Governance Officer, Governance Services, 4th Floor West, Civic Hall

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Cumulative value of gifts and hospitality received by Members in 2008/09

Donor	Number of gifts/hospitality	Cumulative value of gifts/hospitality
Leeds Grand Theatre	8	£665.00
Yorkshire County Cricket Club	4	£450.00
Northern Ballet	9	£315.00
Leeds Rugby Club	3	£300.00
HMS Ark Royal	2	£280.00
An Agency Called England	1	£240.00
Cardinal Shopfitting Systems Ltd	6	£210.00
Opera North	2	£165.00
High Sheriff of West Yorkshire	3	£150.00
Festival Republic	1	£140.00
Federation of Disability Sports Organisation	2	£120.00
Terry and Cindy Milner (Members of the Variety Club of West Yorkshire and Great Britain)	1	£120.00
Leeds University Officer Training Corps	4	£115.00
Aagrah Restaurants	2	£110.00
Tony Bowry, Yorkshire County Cricket Club	2	£110.00
Leeds Rhinos Foundation	2	£88.00
Anonymous	1	£86.00
Leeds Chamber of Commerce & Industry	1	£80.00
Yorkshire & Humber Chinese Association	1	£80.00
Hesco Bastion	4	£70.00
Leeds Luncheon Club	3	£62.50
Leeds Wah Kwang Chinese Association	2	£60.00
Calverley Rotary Club	1	£60.00
GuildHE	1	£60.00
Ian Ward, CEO of Leeds Building Society	1	£60.00
Junior Chamber International	1	£60.00
Leeds Association of Engineers	1	£60.00
Leeds Caledonian Society	1	£60.00
Leeds Chinese Community Association	1	£60.00
Leeds Estate Agents and Valuers Association	1	£60.00
Local Government Association	1	£60.00
President's Evening and Dinner	1	£60.00
Rifles TA and Cadets Yorkshire	1	£60.00
Society for Latin American Studies	1	£60.00
West Yorkshire Society of Chartered Accountants	1	£60.00

Yorkshire Securities and Investment	1	£60.00
Mac Burnell, Secretary, Leeds Festival Chorus	1	£55.00
Association of Plumbing & Heating	1	£50.00
Federation of Master Builders - Leeds	1	£50.00
Insurance Institute of Leeds	1	£50.00
Leeds City Cruisers Ltd	1	£50.00
Mayor of Harrogate	1	£50.00
Rugby Football League Ltd	1	£50.00
Sense Charity	1	£50.00
Victor Watson	1	£50.00
Delegation from the Czech Republic (Brno)	1	£45.00
Leeds Building Society	1	£40.00
Leeds Civic Trust	1	£40.00
Leeds Combined Courts	1	£40.00
Leeds International Concert Season	1	£40.00
QED-UK	1	£40.00
Showmen's Guild	1	£40.00
University of Leeds	1	£40.00
Yorkshire (N&W) Army Cadet Force	1	£40.00
Gandey World Class Productions	1	£38.00
Inner Wheel Club of Leeds	2	£35.00
Miss LSM Squire	3	£32.00
Barnsley Metropolitan Borough Council	1	£30.00
Belle Isle Tenants Management Organisation	1	£30.00
Leeds International Pianoforte Competition	1	£30.00
Owner of Casa Mia	1	£30.00
Royal Marines Tyne - Leeds Detachment	1	£30.00
Strada Restaurant	1	£30.00
Breast Cancer Haven	1	£25.00
Brno Council, Provincial Council of South Moravia	1	£25.00
Canton Flavour Restaurant	1	£25.00
French Ambassador His Excellency Maurice Gourdault-Montagne	1	£25.00
New Cross Surgery Team	1	£25.00
Rotary Club of Leeds	1	£25.00
Voluntary Action Leeds	1	£25.00
Friends of Temple Newsam Park	1	£20.00
GE Gaz de France	1	£20.00
Gilbert and Sullivan Society	1	£20.00
British Council	1	£20.00
Leeds Barbados Association	1	£20.00
Leeds Children's Holiday Camp Association	1	£20.00

Leeds Civic Arts Guild	1	£20.00
Leeds College of Art & Design	1	£20.00
Leeds School Crossing Patrol Service	1	£20.00
Members of Sikh Temple, Tong Road, Armley	1	£20.00
Moortown Golf Club	1	£20.00
Mr B Hobson	1	£20.00
National Coal Mining Museum	1	£20.00
NW Leeds Divisional Police	1	£20.00
Old Crossleyans Squash Club	1	£20.00
Rotary 1190 District	1	£20.00
Screen Yorkshire	1	£20.00
Shire View Centre for Visually Impaired	1	£20.00
St Aidan's CE High School	1	£20.00
Thali Outlet	1	£20.00
West Riding Opera	1	£20.00
Yorkshire Band of Hope Union	1	£20.00
Yorkshire in Bloom	1	£20.00
Horsforth Gathering Committee	1	£15.00
Leeds Methodist Women's Luncheon Club	1	£15.00
WM Dodgson Funeral Services	1	£15.00
British Amateur Rugby League Association	1	£10.00
Soldiers, Sailors, Airmen and Families Association Forces Help	1	£10.00
St Joseph's Catholic Primary School	1	£10.00
Unison	1	£5.00

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Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 8th July 2009

Subject: Standards Committee Work Programme

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

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

2.0 Background Information

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

3.0 Main Issues

3.1 The work programme for the municipal year 2009/10 is attached at Appendix 1.

4.0 Implications For Council Policy And Governance

4.1 There are no implications for Council policy.

4.2 By ensuring the codes and protocols of the Constitution are reviewed and fit for purpose, the Standards Committee is supporting the Council's governance arrangements.

5.0 Legal And Resource Implications

5.1 There are no legal and resource implications.

6.0 Conclusions

6.1 The work programme is attached at Appendix 1 for the Committee's information.

6.2 The work programme contains information about future agenda items for the Committee.

7.0 Recommendations

7.1 Members of the Committee are asked to note the work programme and advise officers of any items they wish to add.

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Meeting date: 15th October 2009		
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Senior Corporate Governance Officer Amy Kelly
Adjudication Panel Annual Report 2008/09	To receive a report advising Members of the Committee of the contents of the Adjudication Panel's Annual Report for the year ending 31 st March 2009.	Corporate Governance Officer Laura Ford
Standards Board for England Annual Review 2008/09	To consider a report outlining the contents of the Standards Board for England Annual Review 2008/09.	Corporate Governance Officer Laura Ford
Review of Local Assessment Procedures	To receive a report providing details of the outcomes of the review of the Local Assessment procedures (including notifying subject Members of the existence of a complaint).	Senior Corporate Governance Officer Amy Kelly
Code of Practice for the Determination of Planning Matters	To receive an annual report outlining whether the arrangements set out in the Code have been complied with and any proposals for amendment in the light of any issues that have arisen throughout the year, and a review of the updated LGA Guidance on 'Probity in Planning'.	Chief Planning Officer Phil Crabtree
Breach of Local Codes	To receive a report setting out details in relation to the existence and status of Local Codes and Protocols contained within the Constitution, and inviting Standards Committee to consider the mechanisms used to determine complaints against Members in relation to Local Codes.	Principal Corporate Governance Officer Kate Sadler

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Meeting date: 16th December 2009		
Standards Board for England Annual Assembly	To receive a report on the recent Standards Board Annual Assembly, and feedback from those Members of the Committee who attended.	Corporate Governance Officer Laura Ford
Ethical Audit Action Plan – Progress Report	To receive a report outlining the progress against the Ethical Audit Action Plan over the last year.	Principal Corporate Governance Officer Kate Sadler
Standards Committee Media Protocol	To consider the annual review of the Standards Committee Media Protocol.	Principal Corporate Governance Officer Kate Sadler
Standards Committee Communications Plan	To consider a report reviewing the Standards Committee Communications Plan including any proposals for amendment.	Corporate Governance Officer Laura Ford
Standards Committee Half Year Progress Report	To receive a report of the Assistant Chief Executive (Corporate Governance) on the work completed by the Standards Committee in the last six months to be reported to the Corporate Governance and Audit Committee in February 2010.	Corporate Governance Officer Laura Ford
Review of Effectiveness of Standards Committee	To receive a report considering the effectiveness of the Standards Committee.	Head of Governance Services Andy Hodson

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Meeting date: 17th February 2010		
Draft Standards Committee Annual Report 2009/10	To seek Members' input on content of the Standards Committee annual report 2009/10. The report provides proposals and suggestions for content, and a draft report.	Corporate Governance Officer Laura Ford
Annual report on the Monitoring Officer Protocol	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	Senior Corporate Governance Officer Amy Kelly
Standards Committee Training Plan	To receive a report reviewing the Standards Committee training plan, and seeking the Committee's approval of any amendments to the plan.	Corporate Governance Officer Laura Ford
Local Assessment Progress Report	To receive a six-monthly progress report in relation to Local Assessment.	Corporate Governance Officer Laura Ford
Meeting date: 22nd April 2010		
Final Standards Committee Annual Report 2009/2010	To seek Member's approval for the final draft of the Standards Committee Annual Report 2009/2010.	Corporate Governance Officer Laura Ford
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Senior Corporate Governance Officer Amy Kelly

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Code of Practice for the Determination of Licensing Matters	To receive a report outlining whether the arrangements set out in the Code have been complied with and will include any proposals for amendment in light of any issues that have arisen throughout the year.	Section Head Licensing and Enforcement Gill Marshall
Standards Committee Procedure Rules	The Monitoring Officer will report to the Committee on how the “gate-keeping” role has been discharged, in respect of preliminary investigations under paragraph 3.2, and in respect of reports where s/he decided that no further action should be taken, under paragraph 4.1. The Monitoring Officer will report to the Standards Committee annually on whether the arrangements set out in this procedure have been complied with, and will include any proposals for amendments in the light of any issues that have arisen during the year.	Principal Corporate Governance Officer Kate Sadler
Parish Council Annual Audit 2009	To consider a report on the results of the Parish Council Annual Audit and proposals for addressing these results.	Senior Corporate Governance Officer Amy Kelly

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<u>Unscheduled Items</u>		
Officer Code of Conduct	Approval of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code. ¹	Chief Officer (Human Resources) Lorraine Hallam
Politically Restricted Posts	To receive a report setting out details of the Council's new requirements for considering appeals against politically restricted posts and how the Chief Officer (Human Resources) proposes to comply with them under the new duty given to Standards Committees. ²	Head of Human Resources Alex Watson
Member Code of Conduct	Approval of a revised Leeds City Council Member Code of Conduct following receipt of the Model Code.	Principal Corporate Governance Officer Kate Sadler
Protocol for Elected Members/Officer Relations and Protocol for Elected Members / Education Leeds Relations ³	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocols have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year. The Monitoring Officer will also report on any amendments made to the various codes of practice referred to in the Protocols which have been made since the last report.	Senior Corporate Governance Officer Amy Kelly

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

² Regulations regarding this process are not due to be released until later in 2009.

³ To be submitted after the new Officer Code has been released

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Increased Interaction between the Standards Committee and the Council's Leadership	To receive a report presenting proposals to increase interaction between the Standards Committee and the Council's Leadership.	Corporate Governance Officer Laura Ford