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## STANDARDS COMMITTEE

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Wednesday, 16th December, 2009  
at 2.00 pm

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### 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><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATION OF INTERESTS</b></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><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To approve the minutes of the Standards Committee meeting held on 15<sup>th</sup> October 2009.</p>	1 - 6
6			<p><b>MINUTES OF THE REVIEW SUB-COMMITTEE</b></p> <p>To note the minutes of the Review Sub-Committee meeting held on 11<sup>th</sup> November 2009.</p>	7 - 8
7			<p><b>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</b></p> <p>To note the minutes of the Corporate Governance and Audit Committee meetings held on 30<sup>th</sup> September and 12<sup>th</sup> November 2009.</p>	9 - 20
8			<p><b>CODE OF CORPORATE GOVERNANCE</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising Standards Committee of proposed amendments to the Code of Corporate Governance.</p>	21 - 38

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p><b>STANDARDS COMMITTEE MEDIA PROTOCOL</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Media Protocol, and considering the steps to be taken to publicise the complaints process.</p>	39 - 46
10			<p><b>STANDARDS COMMITTEE COMMUNICATIONS PLAN</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Communications Plan, and seeking approval of the proposed amendments.</p>	47 - 56
11			<p><b>REVIEW OF LOCAL ASSESSMENT ARRANGEMENTS</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing an update on the amendments agreed to the administrative processes which underpin the local assessment arrangements, and notifying members of the Standards Committee of any further issues raised during the last ten months.</p>	57 - 80
12			<p><b>STANDARDS COMMITTEE HALF YEAR PROGRESS REPORT</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking comments from the Standards Committee on the draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2009/10 Municipal Year.</p>	81 - 88

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13			<p><b>STANDARDS FOR ENGLAND ANNUAL ASSEMBLY</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising Members of the Committee of the Eighth Annual Assembly of Standards Committees which took place on 12<sup>th</sup> &amp; 13<sup>th</sup> October 2009 at the International Convention Centre (ICC) in Birmingham.</p>	89 - 94
14			<p><b>STANDARDS FOR ENGLAND ANNUAL REVIEW 2008/09</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the contents of Standards for England's Annual Review 2008/09.</p>	95 - 100
15			<p><b>ADJUDICATION PANEL FOR ENGLAND: DECISIONS OF CASE TRIBUNALS</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing summaries of recent decisions made by the Adjudication Panel for England in its role of determining allegations of misconduct.</p>	101 - 114
16			<p><b>STANDARDS COMMITTEE WORK PROGRAMME</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the contents of the draft work programme for the remainder of the 2009/10 municipal year.</p>	115 - 120

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## Standards Committee

Thursday, 15th October, 2009

### PRESENT:

#### 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	R D Feldman	B Selby
C Campbell	B Gettings	
J L Carter	J Harper	

#### 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

### **32 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.

### **33 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

### **34 Late items**

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

### **35 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.

### **36 Minutes of the Previous Meeting**

The minutes of the Standards Committee meeting held on 19<sup>th</sup> August 2009 were approved as a correct record.

Further to Minute 24, the Committee was informed that the response from CLG stated that the Standards Committee's concerns about not being able to inform the subject Member of the nature of the complaint until the Assessment Sub-Committee has considered it will be taken into account when the Local Assessment procedures are reviewed.

The Committee was also informed that letters for the relevant Parish Councils had now been drafted, and would be sent following their approval by the Parish members of the Standards Committee who had been members of the working group.

### **37 Minutes of the Assessment Sub-Committee**

The minutes of the Assessment Sub-Committee meetings held on 14<sup>th</sup> August, 27<sup>th</sup> August and 21<sup>st</sup> September 2009 were received and noted.

### **38 Minutes of the Review Sub-Committee**

The minutes of the Review Sub-Committee meeting held on 14<sup>th</sup> August 2009 were received and noted.

### **39 Politically Restricted Posts**

The Human Resources Manager presented a report of the Chief Officer (Human Resources) providing further information and clarification in relation to Politically Restricted Posts (PRPs), as requested by the Standards Committee at its meeting on 19<sup>th</sup> August 2009.

The Committee was informed that work was ongoing to establish which posts may fall under category C (posts subject to restriction because of duties related criteria). As requested, officers had written to the Secretary of State to ask why guidance had not been issued in relation to PRPs, however a response had not been received.

Members particularly discussed the need to be as transparent as possible when recruiting for posts that are restricted, including stating that the post is restricted within the job advert. Members also requested further information in relation to the process that would be undertaken, should an officer's post become restricted due to a restructure or change in Job Description. It was confirmed that Trade Unions would be consulted prior to any restructuring and that concerns could be raised and dealt with as necessary at that stage (which may include advising that an application for exemption could be made to the Standards Committee).



Members also considered whether a Politically Restricted Posts Sub-Committee should be created. It was agreed that this was unnecessary due to the low number of applications that had previously been received, however this would be reviewed if the number of applications increased.

It was also agreed that an appeals process should not be set up, and that this should be made clear to applicants within the relevant documentation.

**RESOLVED** – Members of the Standards Committee resolved to:

- (a) Note the answers to the questions raised at the meeting held on 19<sup>th</sup> August 2009;
- (b) Recommend that the Chief Officer (Human Resources) consider whether job adverts should state that a post is politically restricted where applicable; and
- (c) Request that the list of category C posts and the response from the Secretary of State are circulated to the Committee prior to the next meeting.

#### **40 Officer Code of Conduct**

The Head of Human Resources presented a report of the Chief Officer (Human Resources) informing the Standards Committee of the current position on the national Officer Code of Conduct, and of proposed changes to Leeds City Council's Officer Code of Conduct.

The Committee particularly discussed:

- The need to update paragraph 5.2 of the Officer Code of Conduct to clarify that senior officers may provide factual information to political groups, however they may not provide political advice;
- The use of social networking sites by officers, and how this would be monitored; and
- The Committee's response to CLG's consultation on the Member and Officer Codes of Conduct, which expressed the Committee's view that officers with delegated powers should be required to publicly register their interests (subject to certain tight exclusions for reasons of personal and family security).

It was also agreed that concerns expressed in relation to paragraph 1.5.1 of the Code would be raised with the appropriate officers outside of the meeting.

**RESOLVED** – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Recommend that officers amend paragraph 5.2 of the current Officer Code of Conduct to clarify that senior officers may provide factual information for political groups, however they may not offer political advice.

#### **41 Code of Practice for the Determination of Licensing Matters**

The Principal Legal Officer presented a report of the Assistant Chief Executive (Corporate Governance) recommending that the Code of Practice for the

Determination of Licensing Matters is amended to include the Protocol for Licensing Site Visits.

Members particularly discussed mandatory training, and it was confirmed that the relevant Whip would be notified if a Member failed to attend such training.

It was also confirmed that the Standards Committee is responsible for reviewing the Code of Practice on an annual basis, which includes reviewing a sample of implemented licensing decisions to assess their quality.

**RESOLVED** – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Approve the revised Code of Practice for the Determination of Licensing Matters, as attached at Appendix 1 to the report.

## **42 Standards Committee Procedure Rules**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) proposing a series of amendments to the Standards Committee Procedure Rules to make them more accessible to subject Members and complainants, and more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process.

In response to the queries raised, it was confirmed that:

- The Member would be informed of a decision to refer a complaint against them for 'other action' within 5 working days of the decision being made by the Assessment or Review Sub-Committee. It was agreed that this timescale would be added to the Procedure Rules;
- In accordance with the Standards Committee (England) Regulations 2008, a copy of the decision notice would not be provided to the subject Member if the Assessment or Review Sub-Committee determined that to do so would be contrary to the public interest or would prejudice the investigation of the complaint;
- Decisions of the Standards Committee can not be called-in by a Scrutiny Board, however an enquiry into the effectiveness of the Committee could be undertaken;
- The Local Assessment procedure is available as a public guidance document; and
- The subject Member would be sent a copy of the Hearings Sub-Committee Procedure as part of the pre-hearing process, which lists the assumptions that would be made if they failed to respond to the questions set out in the Member's Information Form.

**RESOLVED** – Members of the Standards Committee resolved to approve the amendments to the Standards Committee Procedure Rules, as attached at Appendix 1 to the report, subject to an amendment to paragraph 2.7.5 to include the timescale of 5 working days.

#### 43 Procedure for External Code of Conduct Investigations

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) notifying members of the Standards Committee of a procedure for external Code of Conduct investigations which has been drafted.

Members particularly discussed:

- The budget for undertaking investigations, which was confirmed as £30,000 for the 2009/10 financial year;
- How the investigator's performance would be managed. It was confirmed that the procedure sets out the expectations of the Council, and that feedback would be sought on the investigator's performance from all parties involved and reported back to the Procurement Unit;
- The fact that all complaints must be assessed by the Assessment Sub-Committee, even if they appear to be trivial. However, the Assessment Sub-Committee can resolve to take no further action on a complaint if it appears to be too trivial to warrant further action;
- The need to make the public aware of the cost of assessing trivial complaints;
- The need to include the timescales to be adhered to by the Head of Governance Services;
- The possibility of an investigator being jointly appointed by the West Yorkshire Local Authorities, the decision regarding which would be undertaken by the Assistant Chief Executive (Corporate Governance) or Executive Board; and
- The Members' insurance policy.

Members requested that the cost of investigations and comments received regarding investigators' performance be reported to the Committee. It was agreed that such a report would be submitted on a six monthly basis.

**RESOLVED** - Members of the Standards Committee resolved to:

- (a) Note the draft procedure, and recommend the addition of the timescales to be adhered to by the Head of Governance Services; and
- (b) Request that reports be submitted to the Committee on a six monthly basis, outlining the cost of investigations and the comments received regarding investigators' performance.

#### 44 Compulsory Training for Members of Standards Committee

The Assistant Chief Executive (Corporate Governance) submitted a report proposing the introduction of compulsory training for Members of the Standards Committee.

**RESOLVED** – Members of the Standards Committee resolved to defer their consideration of this report until the next Standards Committee meeting (to be held on 16<sup>th</sup> December 2009), pending consideration of the views of the Member Management Committee.

#### **45 Adjudication Panel for England: Decisions of Case Tribunals**

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

**RESOLVED** – Members of the Standards Committee resolved to:

- (a) Note the recent decisions of Adjudication Panel's case and appeals tribunals; and
- (b) Agree to receive such reports at every Standards Committee meeting, rather than on a six monthly basis, due to the number of decisions being published.

#### **46 Standards Committee Work Programme**

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

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

# Agenda Item 6

## Standards Committee - Review Sub-Committee

Wednesday, 11th November, 2009

### PRESENT:

#### Independent Members

Philip Turnpenny (Chair)

#### Councillors

D Blackburn            B Selby

#### Parish Members

Councillor Paul Cook

### 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 0910006**

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 21<sup>st</sup> September 2009.

**RESOLVED** – The Review Sub-Committee resolved:

- That there was no potential breach of the Members' Code of Conduct disclosed by the complaint; and
- To take no further action on the allegations.

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# Agenda Item 7

## Corporate Governance and Audit Committee

Wednesday, 30th September, 2009

<b>PRESENT:</b>	Councillor J Bale in the Chair
	Councillors D Blackburn, G Driver, G Latty, C Campbell, G Kirkland, T Leadley, A Lowe and E Nash (as a substitute for Councillor P Grahame)
Apologies	Councillors N Taggart and P Grahame and Mr Mike Wilkinson (Co-opted Member)

### 31 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

### 32 Exempt Information - Possible Exclusion of the Press and Public

The Committee considered the designation of Appendix 2 to Item 8 (minute 39 refers) as exempt under the terms of Access to Information Procedure Rule 10.4. The Committee considered that the information contained in the report did not contain sufficient details that might reveal the identity of an individual and therefore.

**RESOLVED** - That the exemption applied to Appendix 2 of Item 8 be removed and that, as a consequence, there be no exclusion of the public.

### 33 Late Items

There were no late items added to the agenda.

However a supplementary item to Agenda Item 9 was circulated after the agenda had been issued, which was due to finalising the accounts with the external auditor.

### 34 Declaration of Interests

No declarations of interest were made at this point in the meeting. However a declaration was made at a later point in the meeting (Minute 40 refers).

### 35 Apologies for Absence

Final minutes

Apologies for absence from the meeting were received on behalf of Councillors Grahame and Taggart, and Mr Mike Wilkinson. The Chair welcomed Councillor Nash who was in attendance as a substitute for Councillor Grahame.

### **36 Minutes of The Previous Meeting**

**RESOLVED** – The minutes of the Corporate Governance and Audit Committee meeting held on 29<sup>th</sup> July 2009 were approved as a correct record.

### **37 Matters Arising**

Further to Minute 23, the Auditor from KPMG gave assurances on the rigorous quality procedure adopted when KPMG compile reports and that observations made by the Committee will be taken into account by KPMG.

### **38 Minutes of the Standards Committee**

In response to a question, Members were informed that the Assessment Sub Committee and Review Sub Committee minutes are taken to Full Council as part of the minute book, and it was not within the remit of this Committee to receive them as they deal with specific allegations of misconduct against Members.

**RESOLVED** – That the minutes of the Standards Committee meeting held on 19<sup>th</sup> August 2009 be noted.

### **39 Local Government Ombudsman Annual Letter - 2008/09 Report**

The Corporate Customer Relations Manager presented a report of the Chief Customer Services Officer. The report introduced the Local Government Ombudsman's Annual Review for 2008/09 and considered the Council's performance during the year and particularly any issues raised by the Review.

The Assistant Ombudsman (Neil Hobbs) was in attendance to answer questions from the Committee.

Members had a detailed discussion with both the Local Government Ombudsman representative and the Corporate Customer Relations Manager particularly in relation to:

- Concerns that some departments are above the national target of 28 days to respond to a complaint;
- The upward trend in the total of settlement payments made per annum and how such trends might be skewed by unusually large settlements;
- The level of awareness of the Council's complaints procedure and the role of the Local Government Ombudsman and the likely impact this may have on the most disadvantaged people accessing the Council's services;



- The importance of giving sufficient attention to anti-social behaviour;
- The high level of complaints re-submitted by people unhappy with the way in which the Council had considered their complaint;
- The need to ensure that monitoring data used in the analysis of complaints reflects existing Council structures so that a clearer understanding of where difficulties are can be identified;

**RESOLVED –**

- (a) That the report be noted;
- (b) That a further report be submitted to the Committee during the current municipal year on the arrangements in place regarding how the Council responds to complaints of anti-social behaviour and also providing assurances in relation to the ways in which the Council's complaints system and the role of the Ombudsman are published;
- (c) That future monitoring information presented to the Committee correctly corresponds to the Council's management structures and where possible the median figure for settlements paid be used to identify trends in settlements made.

**40 Audited Statement of Accounts 2008/09**

The Principal Financial Manager presented a report of the Director of Resources informing Members of the report from the Council's external auditors (KPMG) on the 2008/09 accounts attached as Appendix 1 of the report.

Further, Members were asked to consider the Council's latest Use of Resources score which was provided by the External Auditors.

Mike McDonagh, Jillian Burrows and Alison Ormston from KPMG were present for this item.

In relation to the Audited Statement of Accounts, Members particularly discussed:

Concerns over the Housing Revenue Account deficit to be recovered from Aire Valley Homes and how the Council could ensure that this is repaid.

In relation to the Use of Resources Score 2009, Members particularly discussed:

- The requirements needed by the Council in order to achieve scores of 3 or 4 in areas that are currently only achieving a score of 2;
- The potential for benchmarking with other Core Cities;
- The importance of ensuring that the Council produces, and sources from other stakeholders, relevant and reliable data and information to support decision making and managing performance;
- The increasing role of partnerships and the potential for a democratic deficit in the work that partnerships undertake on behalf of the Council;

- The lack of a remuneration committee at the Council and the role such a committee could have in regulating the salaries, bonuses, and retirement agreements for the Chief Executive, Deputy and Assistant Chief Executive(s) and Directors.
- Concerns about the likely decrease in financial resources available to the Council in the future, and the approaches being considered by the Council to respond to this;

**RESOLVED –**

- (a) That the report of the Council's external auditors on the 2008/09 accounts be received and the amendments made to the accounts noted;
- (b) That on the basis of assurances received, the Chair sign the management representation letter on behalf of the Committee;
- (c) That the offer from the Council's external auditors to provide comparative data in relation to Chief Officer pay scales be accepted;
- (d) That officers be requested to prepare a report for the Committee's consideration outlining the arrangements the Council has put in place to respond to the changing financial landscape
- (e) That Officers be requested to prepare a report for the Committee's consideration to explain;
  1. the process by which senior management remuneration is agreed and kept under review in Leeds City Council;
  2. the arrangements in other local authorities with respect to senior officer remuneration;
  3. the scope for the creation of a Remuneration Committee.
- (f) That Officers be requested to prepare a report for the Committee's consideration explaining the arrangements the Council has in place to ensure that the Council produces, and sources from other stakeholders, relevant and reliable data and information to support decision making and managing performance;
- (g) That thanks be conveyed to Officers in Financial Management for their work in preparing the accounts to such a high standard.

(Councillor Driver declared a personal interest during of this item as a member of the Board of Aire Valley Homes).

**41 Members Allowances and Expenses**

The Democratic Services Officer presented a report of the Chief Democratic Services Officer about the arrangements for determining and administering payments to Members.

In response to Members questions the Democratic Services Officers explained that:

- Members utilising PDA devices must pay for any telephone or messaging costs incurred;

- Further feedback would be provided to Members with regard to the provision of annual statements detailing Members' pension contributions;
- That further information would be provided as to what is the notification fee referred to in the report and what this was for;
- The reason for the reasons for the higher allowances being paid to Independent Members (as opposed to Parish and Town Council Members) is because of the chairing responsibilities of Independent Members in respect of Assessment and Review Sub Committees.

**RESOLVED –**

- (a) That the contents of the report be noted;
- (b) That the Democratic Services Officer be requested to provide information on the notification fee and provision of annual pension contribution statements to Members;
- (c) That future reports on Members' allowances and expenses be presented to the Committee should there be any changes to, or identified failings in, the control arrangements currently in place.

**42 Work Programme**

The Committee requested a report into the Council's arrangements for assessing changes in current demographics and how partners contribute to this.

**RESOLVED –**

- (a) That the work programme be updated to reflect the reports requested during the meeting; and
- (b) That the draft work programme for the remainder of the year be noted.

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## Corporate Governance and Audit Committee

Thursday, 12th November, 2009

**PRESENT:** Councillor J Bale in the Chair  
Councillors D Blackburn, G Driver, G Latty,  
N Taggart and T Leadley

**Co-optee**  
Mr M Wilkinson

Apologies Councillors P Grahame, C Campbell and  
A Lowe

### **43 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **44 Exempt Information - Possible Exclusion of the Press and Public**

There were no resolutions to exclude the public.

### **45 Late Items**

There were no late items added to the agenda.

### **46 Declaration of Interests**

Councillor Bale declared a personal interest in Agenda item 8 (Minute 51 refers) as a member of the Area Children's Partnership, and Agenda item 10 (Minute 53 refers) as a member of the Chartered Institute of Building and a member of The Sir Ian Dixon Trust (a charity concerned with Education and Training in the Construction Industry).

Councillor Driver declared a personal interest in Agenda item 9 (Minute 52 refers) as a Board member of Aire Valley Homes ALMO.

### **47 Apologies For absence**

Apologies for absence from the meeting were received on behalf Councillors Campbell, Graham and Lowe.

### **48 Minutes of The Previous Meeting**

Draft minutes to be approved at the meeting  
to be held on Tuesday, 15th December, 2009

**RESOLVED** – The minutes of the Corporate Governance and Audit Committee meeting held on 30<sup>th</sup> September 2009 were approved as a correct record.

#### **49 Minutes of The Standards Committee Meeting**

**RESOLVED** – That the minutes of the Standards Committee meeting held on 25<sup>th</sup> October 2009 be noted.

#### **50 Matters Arising**

Further to Minute 39, the Chair of the Standards Committee informed Members of the responsibilities of the Standard Committee with regards to politically restricted posts. The Committee was also informed of the definition of a politically restricted post this being any officer above spinal column point 44 or any officer who advises the media or Committees on a regular basis.

Further to Minute 44, the Committee was updated on compulsory training for Standards Committee members, and the delay in bringing it into action due to a request from Member Management Committee to consider the matter prior to Standards Committee.

#### **51 Children's Trust Arrangements: Locality Arrangements and Governance**

The Deputy Director of Children's Services (Commissioning and Partnerships) presented a report proposing formal arrangements for the area and locality aspects of the Children's Trust arrangements.

Members particularly discussed:

- The extent to which changes will be required to the Constitution to implement the proposed arrangements;
- Concerns as to the current inner/outer area committee wedge model proposed to be used for the Area Children Leeds Partnerships and the preference of the Committee for alignment to current Area Committee areas;

Members requested that the Deputy Director of Children's Services (Commissioning and Partnerships) undertake further work to identify where changes to the Constitution will be required. Members also requested that the legal powers of the arrangements be emphasised more strongly and that the role of elected members be explained more fully.

**RESOLVED** – Members resolved to request that further work be undertaken to clarify the governance arrangements of the Children's Trust and that these be presented to the Committee early in the new calendar year.

(Councillor Taggart entered the meeting at 2:40pm during the consideration of this item.)

## **52 Tenant Empowerment Framework**

The Housing Policy and Monitoring Manager and the ALMO Policy and Performance Officer presented a report of the Chief Housing Services Officer. The report informed Members of the background to the Tenant Empowerment Programme and potential issues arising from the implementation of Tenant Empowerment options in Leeds.

Members particularly discussed:

- Their support for the Tenant Empowerment principle;
- The need for a wider age range of tenants involved in managing their properties, specifically greater representation of younger people. Highlighting the difficulties in attracting a mixed age range owing to the time consuming work that is often required; and
- The lack of communication between tenants and ALMOs and the importance of information being disseminated to tenants at large.

**RESOLVED** – Members resolved to note the report.

## **53 Bid Rigging in the Construction Industry**

The Strategic Project Manager presented a report of the Chief Procurement Officer. The report informed the Committee of the findings of the Office of Fair Trading following its investigation into 'bid rigging' in the construction sector.

Members discussed the report in detail particularly focussing on:

- The fact that illegality only occurred where contractors colluded in obtaining the prices submitted from another firm;
- The role of Internal Audit and Procurement Officers in identifying bid rigging;
- Whether approved lists are the best way of ensuring that value for money is obtained for goods and services procured by the Council;
- How initial estimates for goods and services are arrived at; and,
- What sanctions are available to the Council where collusion and wrong doing is found to have occurred.

The Committee were informed by the Head of Internal Audit that in his opinion, the controls in place for large contracts are good.

**RESOLVED** – Members resolved to:

- (a) Note the findings of the Office of Fair Trading investigation;
- (b) Request a briefing note be sent to all Members providing legal clarification on ethical conduct;

- (c) Note the action taken by officers to pursue compensation where appropriate and to seek explanation from the contractors involved with the Council; and,

Request that the Assistant Chief Executive (Corporate Governance) considers whether or not contractors named in the Office of Fair Trading investigation report be excluded from any further opportunities to tender with the Council.

#### **54 Leeds City Region - Governance Arrangements**

The Acting Head of Regional Policy presented a report of the Assistant Chief Executive (Planning, Policy and Improvement). The report provided an overview of existing Leeds City Region governance arrangements and updated the Committee on progress being made by the City Region Partnership in securing agreement on the forerunner proposals.

Members particularly discussed:

- The democratic accountability of the Leeds City Region and that the leadership of the Leeds City Region are currently an un-elected body, which gives little opportunity for elected Members to scrutinise decisions made;

Members requested that further reports be submitted to the Committee on a regular basis with regards to the progress of governance of the City Region.

**RESOLVED** – Members resolved to receive regular reports on the governance arrangements for the City Region.

#### **55 Review of Treasury Management Practices following Various Reports on the Icelandic Banking Crisis**

The Chief Officer (Financial Development) presented a report of the Director of Resources. The report updated Members on the recommendations of three reports on the Icelandic banking crisis.

Members agreed that continuing oversight of the Treasury Management Function should sit with the Committee and that training should take place to ensure that the role undertaken by the Committee is effective. Members also requested that the Committee's terms of reference be reviewed to ensure that the new role was covered adequately.

**RESOLVED** – Members resolved to:

- (a) Note that the Treasury Management Function is operating effectively;
- (b) Support proposals for responsibility for the oversight of the Treasury Management Function to rest with the Committee
- (c) Receive training to discharge the responsibilities of scrutinising the Treasury management function; and
- (d) Undertake a review of the terms of reference of the Committee.

#### **56 6 Monthly Update Report on Risk Management**

Draft minutes to be approved at the meeting  
to be held on Tuesday, 15th December, 2009



The Principal Risk Management Officer presented a report of the Director of Resources. The report provided an update on the Council's risk management arrangements since May 2009. The report also provided information to aid discussion on whether or not the full corporate risk register (CRR) should be reported to the Committee.

Members particularly discussed:

- The importance of being as open and transparent as possible and that the corporate risk register should be reported to the Committee and be available to the public; and

**RESOLVED** – Members resolved to:

- (a) Note this report and the progress made on further embedding risk management across the authority; and
- (b) Seek Executive Board support to the committee's proposal for the regular publication of the Council's Corporate Risk Register in a summary form along with the Corporate Risk Map.

## **57 Work Programme**

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

In discussing possible future work programme items members raised concerns in relation to a recent Call In of a decision within Children's Services which had been referred back to the decision taker for further consideration. Members commented that, despite there being unanimous support for the referral back of the decision for further consideration, the officer who originally took the decision had recently reaffirmed the previous decision which they had taken.

The Assistant Chief Executive (Corporate Governance) informed Members that an officer reaffirming a decision in this way was in accordance with the Constitution. However having listened to Members concerns the Assistant Chief Executive (Corporate Governance) assured Members that options would be explored with Leaders as to how decisions that had been referred back from Scrutiny could be subsequently taken.

Further the Assistant Chief Executive (Corporate Governance) commented that should the relevant Scrutiny Board be concerned as to the extent to which their views had been taken into account by a decision taker then the Scrutiny Board concerned should seek a further report from the officer concerned.

**RESOLVED** – Members resolved to:

- (a) Agree that the draft work programme for the remainder of the municipal year be noted.





Originator:	Emily Inman
Tel:	3951710

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Review of the Code of Corporate Governance**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. The 2009 Annual Governance Statement identified the need for a review of the Council's Code of Corporate Governance.
2. The Code of Corporate Governance has been reviewed against other local authorities' Codes, CIPFA/SOLACE Guidance, the Council's Aspirational Culture and the Use of Resources Key Lines of Enquiry.
3. Following the review some amendments to the Code are proposed. These include references to workforce planning and to data security. More detail on what good governance arrangements mean for citizens has also been added. However currently no significant amendments are proposed to Principle 3: Good Conduct and Behaviour.
4. Consultation on the revised Code has taken place with Corporate Governance Board and Corporate Leadership Team.
5. Corporate Governance and Audit Committee have the authority to approve changes to the Code of Corporate Governance. The Committee are due to receive the revised Code for comment at their meeting on 15<sup>th</sup> December. Should the Corporate Governance and Audit Committee and/or the Standards Committee have any observations or further amendments they wish to make, the Code will be amended and a further report seeking approval for the Code will be brought to the next meeting of the Corporate Governance and Audit Committee.
6. Following approval, it is planned to promote the revised Code across the Council and to partner organisations. The Committee is asked to comment on the consultation plan which is attached at Appendix 2.

## **1.0 Purpose Of This Report**

- 1.1 This report advises Standards Committee of proposed amendments to the Code of Corporate Governance.
- 1.2 The report also sets out how the revised Code will be communicated to Members and officers.

## **2.0 Background Information**

- 2.1 The 2009 Annual Governance Statement identified that the Council's Code of Corporate Governance should be reviewed to ensure that it was up to date and fit for purpose.
- 2.2 The Code is an important document, as by applying the principles in the Code the Council commits itself to delivering services to the citizens of Leeds in a way that demonstrates accountability, transparency, effectiveness, integrity, and inclusivity.
- 2.3 The Code provides the framework for the Council's governance arrangements, and informs the work of the Council's governance committees, including the Standards Committee. Assurances on compliance with the Code of Corporate Governance are received annually as part of the Annual Governance Statement, which is approved by the Corporate Governance and Audit Committee.
- 2.4 Under the Council's Constitution, the Corporate Governance and Audit Committee has the authority to approve any amendments to the Code of Corporate Governance.

## **3.0 Main Issues**

- 3.1 The existing Code has been reviewed against:
- Codes from other local authorities – Bristol, Newcastle, Liverpool, Birmingham, Sheffield, and Kirklees;
  - Guidance issued in 2007 by CIPFA/SOLACE;
  - The Council's Aspirational Culture; and
  - The Key Lines of Enquiry in the Use of Resources element of Comprehensive Area Assessment.
- 3.1.1 Bristol City Council Code of Corporate Governance: while overall it was felt that Leeds could not learn much from other local authorities' Codes, it was suggested that some aspects of Bristol's Code, especially those relating to HR, may be of interest. Workforce planning and information and data security were identified as gaps in Leeds' Code. These issues have been addressed in the revised Code.
- 3.1.2 CIPFA/SOLACE Guidance: the Code was reviewed against this guidance when it was first issued, and further review showed that the Code addresses the key points raised in the guidance. Where there were possible gaps identified (for example measuring the environmental impact of policies, plans and decisions), it was felt that these were addressed by other Council policies so did not need to be specifically referred to in the Code.
- 3.1.3 Aspirational Culture: a high-level reference to the Aspirational Culture, explaining how the Code and the Aspirational Culture are linked, has been added as a footnote to the Introduction.

- 3.1.4 KLOEs for the Use of Resources element of CAA: the sub-group felt that the details of the KLOEs should feed into individual professional assurances, and form a key component of the Governance Evidence Framework, rather than the Code itself.
- 3.1.5 General notes: references to the Council documents such as the Council Business Plan, the Strategic Plan and the Governance Framework for Significant Partnerships have been updated. Typographical errors have also been amended.
- 3.1.6 Annual review: For clarity, the revised Code also commits the Corporate Governance Board to considering annually whether the a review of the Code is needed.
- 3.2 Following consultation with Corporate Leadership Team, more detail has been added to the Code to reflect the impact it has on citizens – i.e. what good governance would look like from a citizen point of view.
- 3.3 The amendments suggested as a result of the review have been addressed in the draft revised Code, which is attached as Appendix 1 to this report.
- 3.4 Currently, no significant amendments are proposed to Principle 3: Good Conduct and Behaviour. Standards Committee are asked to consider whether anything else should be included about how the Council will ensure good conduct and behaviour from Elected Members and from Officers.

#### Consultation and Communication

- 3.5 As the Code of Corporate Governance is a key Council document, consultation on the revised Code has taken place with Corporate Governance Board and Corporate Leadership Team.
- 3.6 Corporate Governance and Audit Committee have been asked to comment on the proposed revisions.
- 3.7 Once the revised Code has been agreed, work will be done to communicate the Code across the Council so that it is fully embedded in the work the Council does. A communication plan is attached as Appendix 2. Standards Committee is asked for its comments on this plan.

### **4.0 Implications For Council Policy And Governance**

- 4.1 The Code of Corporate Governance provides the framework for the Council's governance arrangements, therefore it is important that it is up to date and fit for purpose.

### **5.0 Legal And Resource Implications**

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

### **6.0 Conclusions**

- 6.1 Following a review, amendments have been made to the Code of Corporate Governance. The draft revised Code is attached as Appendix 1 for the Committee's consideration.

- 6.2 Currently, no significant amendments are proposed to the detail contained under Principle 3: Good Conduct and Behaviour.
- 6.3 The Corporate Governance and Audit Committee are due to approve the revised Code, pending any observations from the Committee or from the Standards Committee. Should either Committee propose any amendments, a further report will be taken to Corporate Governance and Audit Committee seeking approval for the Code.
- 6.4 The revised Code will be communicated across the Council and to key partners.

## **7.0 Recommendations**

- 7.1 Standards Committee is asked to consider the revised Code of Corporate Governance attached at Appendix 1, and in particular whether any further amendments are required under Principle 3: Good Conduct and Behaviour.
- 7.2 The Committee is also asked to consider the communication plan attached at Appendix 2.

### Background Documents

Leeds City Council Code of Corporate Governance

Annual Governance Statement 2009



**LEEDS CITY COUNCIL  
CODE OF CORPORATE  
GOVERNANCE**

## INTRODUCTION

Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this also includes how a council relates to the communities that it serves. ▼

Leeds City Council wishes to be at the forefront of those local authorities that are able to demonstrate that they have the necessary corporate governance to excel in the public sector. By applying the principles in this Code<sup>1</sup> the Council commits itself to delivering services to the citizens of Leeds in a way that demonstrates accountability, transparency, effectiveness, integrity, and inclusivity.

**Deleted:** Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, and inclusivity.

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▼ The Code is based upon the following 6 Principles:

- 1. Focussing on the Council's purpose and community needs;**
- 2. Having clear responsibilities and arrangements for accountability;**
- 3. Good conduct and behaviour;**
- 4. Taking informed and transparent decisions which are subject to effective scrutiny and risk management;**
- 5. Developing the capacity and capability of members and officers to be effective;**
- 6. Engaging with local people and other stakeholders.**

**Deleted:** This Code is a public statement that sets out the way in which the Council will meet that commitment. ¶  
¶

Each of these Principles is an important part of Leeds City Council's corporate governance arrangements. This statement describes how the Council will meet and demonstrate its commitment to good corporate governance.

Also described in this document is how and by whom the Council's corporate governance arrangements will be monitored and reviewed.

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<sup>1</sup> The Code also underpins elements of the Council's Aspirational Culture.



# THE COUNCIL'S CORPORATE GOVERNANCE PRINCIPLES

## 1. Focussing on the Council's Purpose and Community Needs

In delivering the Council's objectives the Council will aim to ensure that services put the needs of the public first, are non-discriminatory and are appropriate to the different needs within the community.

The Council will develop and promote its purpose and vision in partnership with Leeds Initiative. It will do this by:

- communicating this vision through the publication of the "Vision for Leeds: A Strategy for Sustainable Development";
- Keeping the Vision for Leeds under regular review, and consulting partners about this;
- Producing the Leeds Strategic Plan and Council Business Plan, to support the Vision for Leeds. These documents set out the strategic outcomes and improvement priorities, to be delivered by the Council on its own or in partnership with others, over a three year period.

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Deleted: . This document is reviewed regularly, including consultation with relevant partners. The Vision is supported by the

The Council will explain and report regularly on activities, performance and the Council's financial position. The Council will do this by publishing regular performance information against the strategic priorities and key performance indicators and externally audited accounts.

The performance of the Council and its partners is monitored and challenged independently through the Comprehensive Area Assessment.

The Council will aim to make best use of resources and aim to ensure that tax payers and service users receive excellent value for money. The Council will do this by:

- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.
- Ensuring that services are prioritised so that resources are directed to those that need services most.
- Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors, and considering commissioning where it is efficient and effective to do so.
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
- Comparing information about our services with services provided by similar organisations and assessing why levels of efficiency, effectiveness and quality are different elsewhere.
- Considering the long-term implications of decisions on the environmental, social and economic well-being of the City.
- Considering the impact of decisions upon the City's diverse and disadvantaged communities and the positive promotion of equality of opportunity.
- Continually seek to drive down costs and improve value for money.

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## 2. Having clear responsibilities and arrangements for accountability

The Council will ensure that the necessary roles and responsibilities of those with responsibility for the governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made. The Council's governance processes will be structured to:

- enable the Council to provide visible, accountable and effective leadership to the community in partnership with citizens, businesses and other organisations;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no-one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

The Council will do this by:

- Appointing a Leader of the Council with powers to:
  - appoint Executive Members with defined executive responsibilities; and
  - agree a scheme of delegated executive responsibilities to Directors.
- Agreeing a scheme of delegated Council responsibilities to Directors and other appropriate officers.
- Appointing Statutory Officers that have the skills, resources and support necessary to perform effectively in their roles and ensuring that these roles are properly understood throughout the authority.
- Annually appointing Committees to discharge the Council's regulatory responsibilities.
- Annually appointing Committees to discharge the Council's scrutiny responsibilities.
- Ensuring that appropriate senior officers are responsible for:
  - all aspects of operational management;
  - ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control; and
  - ensuring that agreed procedures are followed and that all applicable statutes, regulations, procedure rules and other relevant statements of good practice are complied with.
- Publishing and reviewing, annually, a Constitution which includes:
  - schemes of delegation of both Council and Executive functions;
  - a Members Allowances Scheme, developed taking into account the recommendations of the Independent Remuneration Panel;
  - protocols governing Member / officer relations and the roles of Members and officers in decision making; and
  - procedures and protocols regarding the role of scrutiny.
- In line with the requirements of the Council's Governance Framework for Significant Partnerships, ensuring all partnerships agree a governing document which sets out the roles and responsibilities of partnership members and which details decision making procedures.

### 3. Good Conduct and Behaviour

The Council will foster a culture of behaviour based on shared values, ethical principles and good conduct. It will put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders.

The Council will do this by:

- Establishing and keeping under review:
  - The Council's values;
  - A Member Code of Conduct;
  - An Officer Code of Conduct;
  - A Protocol governing Member/Officer relations;
  - A Protocol for Elected Members/Education Leeds relations;
  - A Protocol detailing the roles of Members and officers in decision-making;
  - A Code of Practice for Members responsible for determining Planning Applications;
  - A Code of Practice for Members responsible for determining Licensing Applications; and
  - Systems for reporting and dealing with any incidents of fraud and corruption.
- Appointing a Standards Committee with responsibilities for promoting and monitoring the application of these protocols.
- Developing and maintaining a set of Council values, including leadership values for both the organisation and staff, which are a basis for developing positive and trusting relationships within the authority.
- Implementing and monitoring compliance with a Governance Framework for Significant Partnerships which requires the partnerships to agree a Code of Conduct.

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#### **4. Taking informed and transparent decisions which are subject to effective scrutiny and risk management**

The Council will ensure that:

- its decision-making processes enable those making decisions to be provided with information that is relevant, timely and gives clear explanations of technical issues and their implications; and
- appropriate legal, financial and other professional advice is considered as part of the decision-making process.

The Council will be transparent about how decisions are taken and recorded. The Council will do this by:

- ensuring that all Key and Major decisions taken by the Executive Board and Area Committees are made in public and that information relating to those decisions is made available to the public<sup>2</sup>;
- ensuring that all decisions of Regulatory Committees of the Council are made in Public and that information relating to those decisions is made available to the public<sup>3</sup>;
- recording all decisions that are made by committees and officers<sup>4</sup> and making the details publicly available; and
- having rules and procedures which govern how decisions are made.

The Council will put in place a range of arrangements to ensure that decision-makers can be held to account, including:

- establishing an effective scrutiny function which is able to constructively challenge decision-makers, including those who work in partnership with the Council;
- establishing an effective Corporate Governance and Audit Committee, to oversee the Council's corporate governance arrangements and ensure that they are operating effectively;
- establishing an accessible system for dealing with customer complaints, and a separate system for dealing with complaints of misconduct against Councillors; and
- establishing, reviewing and publicising a whistleblowing policy.

The Council will operate a risk management framework that aids the achievement of its strategic and business outcomes and priorities, protects the Council's reputation and other assets and is compliant with statutory and regulatory obligations. The Council will ensure that the risk management framework:

- enables officers to formally identify, evaluate and manage risks;
- maps risks to financial and other key internal controls;
- involves elected members in the risk management process;
- is applied to the Council's key business processes, including strategic planning, financial planning, policy-making and review, performance management and project management;
- is applied to the Council's significant partnerships; and
- includes business continuity management.

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<sup>2</sup> Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council

<sup>3</sup> Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council

<sup>4</sup> For Officers this relates to Key, Major and significant operational decisions only

The Council will review and, if necessary, update its risk management framework at least annually. It will also ensure that there is appropriate training and awareness-raising activity to ensure that risk management is embedded into the culture of the authority, with elected members and managers at all levels recognising that risk management is part of their jobs.

The Council will ensure that it collects, uses and stores information and data appropriately. It will do this by establishing and keeping under review:

- policies relating to records management, data quality and information security;
- a corporate records management facility;
- an information governance framework;
- a regional information governance policy; and
- an electronic document and records management system.

## **5. Developing the capacity and capability of members and officers to be effective.**

The Council will ensure that all Members and officers have the skills, knowledge and experience they need to perform effectively in their roles. The Council will do this by:

- providing induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis;
- assessing the skills required by members and officers and making a commitment to develop those skills to enable roles to be carried out effectively; and
- developing skills on a continuing basis to improve performance.

The Council will support these activities by:

- implementing a Member Development Strategy;
- achieving and maintaining the Investor in People Standard;
- cascading regular information to Members and staff;
- [establishing and keeping under review a Workforce Development Plan; and](#)
- developing a set of core competencies for managers, which include skills and knowledge relating to ethical governance.

## 6. Engaging with local people and other stakeholders

The Council will aim to support the active involvement of local people and other stakeholders in its activities and decision-making. It will do this in line with the rights of citizens which are set out in the Council's Constitution.

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The Council will do this by:

- forming and maintaining relationships with the leaders of other organisations;
- producing and making available to the public an annual report on the work of the scrutiny function, the Corporate Governance and Audit Committee, and the Standards Committee;
- holding all meetings in public<sup>5</sup>;
- providing and supporting ways for citizens to present community concerns to the Full Council, Area Committees and Plans Panels;
- producing Area Delivery Plans for services within the community;
- publishing a Forward Plan of Key Decisions;
- encouraging and supporting the public in submitting requests for Scrutiny;
- having a community engagement policy which sets out the Council's overall approach to community engagement and which is supported by a community engagement toolkit, which provides managers and staff with comprehensive practical guidance and contacts;
- setting up and using a citizens panel; and
- maintaining an online consultation portal.

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<sup>5</sup> Except where information to be discussed is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council

## MONITORING AND REVIEW

The Council has three Committees that are jointly responsible for monitoring and reviewing the Council's corporate governance arrangements.

The Corporate Governance and Audit Committee is responsible for the Council's arrangements relating to:

- approving the Council's accounts;
- external audit;
- policies and practices that ensure compliance with statutory and other guidance; and
- internal audit.

The Standards Committee has responsibility for providing an overview of the implementation of member and officer codes and protocols relating to probity and conduct.

The General Purposes Committee has responsibility for making recommendations concerning the operation of the Constitution.

The Council also has a Corporate Governance Board which maintains an overview of the authority's corporate governance arrangements and which reports to these Committees on any areas of concern.

The Council will ensure that its corporate governance arrangements are kept under continual review by reporting to these bodies on:

- the work of internal audit;
- external audit opinion;
- the opinion of other review agencies and Inspectorates;
- opinion from the Council's Statutory Officers; and
- general matters relating to the implementation of this Code.

Each year, as part of the annual review of the Council's Constitution, the Corporate Governance Board will consider whether a review of the Code of Corporate Governance is needed.

### **Assurance Framework**

The Council will establish and keep under review a framework of Directorate and professional lead officer assurances. This will provide evidence for the Annual Governance Statement.

### **The Annual Governance Statement**

Each year the Council will publish an Annual Governance Statement. This will provide an overall assessment of the Council's corporate governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks. The Statement will also provide details of where improvements need to be made<sup>6</sup>. The Annual Governance Statement will be

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<sup>6</sup> This is in accordance with the Council's duty to publish an Annual Governance Statement as set out in Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2006.



published as part of the Council's Annual Statement of Accounts and will be audited by our external auditors.

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**Code of Corporate Governance:  
Consultation, Approval and Communication Plan**

	<b>Audience</b>	<b>Method of Communication</b>	<b>Owner</b>
<b>Communication</b>	Elected Members	'Governance Matters'  Standards Committee Corporate Governance and Audit Committee	Governance Services
	Directors, Chief Officers, managers	Message on 'In Brief'  'Governance Matters'	Communications  Governance Services
	Key partners	Email to all partners on Leeds Initiative with explanation and link to updated Code.  Email to all lead officers for significant partnerships	Governance Services
	Parish Councils	Email or letter to all Parish Council clerks with link/document and explanation	Governance Services
	General public	Update web page	Governance Services

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Originator: Kate Sadler

Tel: 0113 39 51711

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**Report of Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Review of the Standards Committee Media Protocol**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. This report informs the Standards Committee of a recent review of the Standards Committee Media Protocol.
2. This review has been undertaken in consultation with the Corporate Communications Unit.
3. Members of the Standards Committee are asked to consider the proposals with regard to the publication of the complaints procedure as required by the Standards Committee (England) Regulations 2008.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to review the Standards Committee Media Protocol, and to consider the steps to be taken to publicise the complaints process.

## **2.0 Background Information**

- 2.1 The Standards Committee Media Protocol is contained within part 5 of the Constitution. It sets out the principles and procedure by which the Council will interact with the Media in relation to complaints made against members under the Code of Conduct. A copy of the Protocol is attached as Appendix 1 to this report for ease of reference.
- 2.2 Members of the Standards Committee will note that Paragraph 6 of the Protocol provides that it will be monitored on an ongoing basis.
- 2.3 The Standards Committee Media Protocol was substantially amended in December 2008 to incorporate the requirements of the new regime of local assessment and review of allegations of misconduct made against Members of Leeds City Council and Parish and Town Councillors in the Leeds Area.

## **3.0 Main Issues**

- 3.1 There have been no further changes to the legislation in relation to publication of the complaints process as a whole or individual complaints since the review of the Protocol which took place in December 2008.
- 3.2 The Corporate Communications Unit have also reviewed this protocol and do not wish to propose any amendments.

### Publication of Complaints Procedure

- 3.3 The Standards Committee (England) Regulations 2008 require that the Standards Committee take reasonable steps to bring to the attention of the public details of where complaints should be addressed to and the procedures it will follow when in receipt of a written allegation under the Code of Conduct. The Protocol includes details of how it is intended that the Standards Committee should fulfill these obligations.
- 3.4 At the Standards Committee meeting of 1<sup>st</sup> July 2008, it was agreed that an annual notice would be published in a newspaper circulating in the local area and that further information would be published in About Leeds from time to time in order to raise the profile of the local assessment regime. In addition it was agreed that notices would be displayed in Citizens Advice Bureaux, Libraries and other Council buildings as well as a link being provided from the front page of the Council's web site.
- 3.5 As agreed at that meeting a notice was published in July 2008 giving the relevant details. As officers have been anticipating the introduction of a new Code of Conduct during the course of this year, it has been planned to include the details in relation to complaints, together with the formal Notice which will have to be published when the Council adopts this new Code. This will ensure that the public are clear about what the code is and how to complain should they wish to do so. Members are requested to confirm that they are content for this amalgamation of notices to take place.

- 3.6 Members of the Standards Committee are also requested to consider whether they wish to continue to publish an annual notice detailing the complaints process. Members may be of the view that the notices displayed in Council buildings, together with the link from the Council's web site and the information published in About Leeds, give sufficient information to fulfil the obligation imposed by the regulations to 'take reasonable steps'.
- 3.7 If Members of the Standards Committee are of the view that there should no longer be an annual notice to publicise the Complaints process then they are asked to authorise the necessary amendment to remove this requirement from the Protocol.
- 3.8 As part of the annual review of the Local Assessment Procedures consideration has been given to the complaint form. This form has been amended to include a question asking how the complainant became aware of the complaints procedure. The responses to this question will be reported to the Standards Committee in order that they can be used to inform future decisions as to how the Committee wishes to publicise the complaints process.

#### Breaches of the Protocol

- 3.9 There have been no reported breaches of the protocol in the last year.

#### Monitoring and Review

- 3.10 The Protocol requires that it should be monitored on an ongoing basis but without the requirement of an annual report to Committee. Members of the Standards Committee are therefore asked to indicate whether they would wish to continue to receive annual reports in relation to the protocol or whether they would prefer the Monitoring Officer to keep the Protocol under review and to raise issues with the Committee as and when required.

### **4.0 Implications For Council Policy And Governance**

- 4.1 The Standards Committee Media Protocol ensures a consistent approach and equality of treatment for any Member who is the subject of a complaint or investigation. In addition it ensures consistency with existing protocols and compliance with relevant legislation and codes of practice.

### **5.0 Legal And Resource Implications**

- 5.1 There are no legal implications to this report.
- 5.2 The combination of the annual notice in relation to the complaints process with the notice required upon adoption of a new code will create a financial saving for the authority.

### **6.0 Conclusions**

- 6.1 The purpose of this report is to review the Standards Committee Media Protocol. The review has been undertaken in consultation with the Corporate Communications Unit.
- 6.2 Members of the Standards Committee are asked to give particular attention to the publication of details in relation to how to make a complaint. For this municipal year it is proposed that a notice should be published in conjunction with the notice that the Council is required to publish upon adoption of a new Code of Conduct.

Members are asked to consider whether they wish to publish an annual notice in future years.

- 6.3 Members of the Standards Committee are also requested to consider whether there should continue to be an annual report to Committee in relation to the Protocol.

## **7.0 Recommendations**

7.1 Members of the Standards Committee are asked to:

7.1.1 note the contents of this report,

7.1.2 confirm that it is acceptable to combine the publication of a notice giving details of the complaints procedure with a notice to be published giving formal notification of adoption of a new Members' Code of Conduct at such time as is required;

7.1.3 determine whether an annual notice should be published in future municipal years giving details of the complaints procedure; and

7.1.4 indicate whether they wish to receive further annual reports in relation to the Standards Committee Media Protocol.

### Background Documents

Standards Committee Media Protocol

Standards Committee (England) Regulations 2008

Standards Board for England Press Toolkit



<b>STANDARDS COMMITTEE MEDIA PROTOCOL</b>
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## **1 INTRODUCTION**

- 1.1 The Standards Committee, and its Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee are established under the provisions of the Local Government Act 2000 (as amended). The terms of reference of the Committee and its Sub-Committees are set out in Part 3 Section 2B of the Constitution.
- 1.2 The Standards Committee, Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee are made up of elected Members, Parish Council representatives and Independent Members. Detailed provisions as to the membership of each are set out in Article 9 of the Constitution.
- 1.3 This Protocol has been prepared for the guidance of the Standards Committee, Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee on the appropriate procedures for dealing with the media in respect of complaints and investigations considered by the Committee. It affects all Members serving on the Committees, including Independent Members and Parish Council representatives.
- 1.4 The underlying principle of the Protocol is to ensure the adherence with policies of open Government and accountability. In addition the Protocol is intended to ensure a consistent approach and equality of treatment for any Member who is the subject of a complaint or investigation.

## **2 GENERAL ENQUIRIES FROM THE MEDIA**

- 2.1 There is no requirement to publish details in respect of a complaint under the Code of Conduct at any stage other than those mentioned at Paragraph 4 below. However, there may well be local or national media interest in any complaint.
- 2.2 Any enquiries made by the media in relation to a complaint will be dealt with by the Corporate Communications Unit in consultation with the Monitoring Officer and/or the Chair of the Committee as appropriate. In considering how to respond to an enquiry the Corporate Communications Unit will consider advice and guidance issued by Standards for England, particularly the Press Toolkit.
- 2.3 The Monitoring Officer should keep the Member concerned informed of any media interest shown.
- 2.4 Where a complaint is upheld and action taken the Corporate Communications Unit shall, in consultation with the Monitoring Officer and the Chair of the Standards Committee, consider whether a proactive press release should be made alongside the publication of the official notice. The elected Member who is the subject of the complaint should be informed by the Monitoring Officer if a proactive press release will be issued in respect of the decision taken.

- 2.5 Any proactive release should be issued to the relevant media as soon as practicable after the conclusion of the hearing.
- 2.6 Any reactive statement should be released as quickly as practicable on receipt of a media enquiry being received.
- 2.7 The Monitoring Officer will arrange for all releases and statements to be copied to all Members of the Committee for information and, where appropriate, to the Member subject of the investigation.
- 2.8 Any enquiries from the media received directly by members of the Committee should be referred to the Corporate Communications Unit to ensure a consistent response. The Member should endeavour to forewarn the Corporate Communications Unit that they have received such an approach so that the enquiry can be anticipated.

### **3 DEALING WITH THE MEDIA : KEY PRINCIPLES**

- 3.1 In order to ensure a consistent approach, all press releases and media statements regarding Committee business should be issued through the Corporate Communications Unit in accordance with the procedure detailed below.
- 3.2 All press releases/media statements must be authorised by the Monitoring Officer<sup>1</sup> in consultation with the Committee Chair<sup>2</sup>.
- 3.3 The appropriate spokesperson to be quoted in any press release/statement will normally be the Committee Chair who will comment on behalf of all Members of the Committee.
- 3.4 Where a proactive press release is issued this should be to the local media as appropriate and include distribution to the Yorkshire Evening Post, Yorkshire Post and relevant local/community paper(s). Any press release will also be recorded on the Council's Information Systems (e.g. Intranet/Internet) in accordance with normal procedures.

### **4 PUBLICATION OF NOTICES REQUIRED BY LAW**

#### **4.1 Publication Of Complaints Procedure**

- 4.1.1 The Standards Committee is required to take reasonable steps to ensure that details of the address to which written allegations should be sent continue to be brought to the attention of the public.<sup>3</sup>
- 4.1.2 The Standards Committee is required to publish details of the procedures it will follow in relation to any written allegation.<sup>4</sup>

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<sup>1</sup> Throughout this Protocol the term 'Monitoring Officer' shall be understood to include the Deputy Monitoring Officer if for any reason the Monitoring Officer is unavailable. Tasks for which the Monitoring Officer is responsible may be delegated appropriately to the Corporate Governance Team.

<sup>2</sup> Throughout this Protocol references to 'the Committee Chair' shall be understood to be the Chair of the Standards Committee, or the Chair of the Assessment Sub Committee, or the Chair of the Review Sub Committee as appropriate in view of the stage and status of the complaint.

<sup>3</sup> Reg 10 (1) and (2), The Standards Committee (England) Regulations 2008

<sup>4</sup> Reg 10 (3), The Standards Committee (England) Regulations 2008

- 4.1.3 In fulfilling these obligations the Standards Committee will take into account any relevant guidance issued by the Standards Board.<sup>5</sup>
- 4.1.4 The Monitoring Officer will arrange to publish a notice annually in a newspaper circulating in the local area giving appropriate details. Further information will be published in About Leeds from time to time, in order to raise the profile of the Local Assessment regime.
- 4.1.5 The front page of the Leeds City Council web site will display a link to the pages giving details in relation to Complaints about Councillors.
- 4.1.6 In addition notices will be displayed in Citizens Advice Bureaus, Libraries and other Council buildings.

## **4.2 Final Report: Accepted Finding of No Failure**

- 4.2.1 Where the investigation has been undertaken by the Monitoring Officer or her nominee, the final report is considered by the Assessment Sub-Committee. If the Assessment Sub-Committee accepts a finding of no failure the Committee is required to arrange for a notice to be published stating that the Committee have found that there has not been a failure on the part of the Member to comply<sup>6</sup>. This notice shall not be published if the Member requests that it is not published<sup>7</sup>.
- 4.2.2 As soon as practicable after the meeting of the Assessment Sub-Committee the Monitoring Officer will contact the Member concerned and explain their right to request that a notice shall not be published. A letter will be sent to the Member confirming whether or not a notice is to be published.

## **4.3 After the Hearing**

- 4.3.1 Where a hearing has taken place and there has been a finding of breach, the Hearings Sub-Committee is required to arrange for a notice to be published containing a summary of their finding<sup>8</sup>. If there is a finding of no breach the Hearings Sub-Committee is required to arrange for a notice to be published containing a summary of their finding unless the Member requests that it is not published<sup>9</sup>.
- 4.4 As soon as practicable after the hearing the Monitoring Officer will contact the Member concerned and explain their right to request that a notice shall not be published. A letter will be sent to the Member confirming whether or not a notice is to be published.

- 4.4.1 The summary which is published should include information detailing:

- The nature of the complaint
- The outcome

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<sup>5</sup> Reg 10 (4), The Standards Committee (England) Regulations 2008

<sup>6</sup> Reg 17 (3), The Standards Committee (England) Regulations 2008

<sup>7</sup> Reg 17 (4), The Standards Committee (England) Regulations 2008

<sup>8</sup> Reg 20 (1)(b), The Standards Committee (England) Regulations 2008

<sup>9</sup> Reg 20 (2)(b), The Standards Committee (England) Regulations 2008

- The Committee's reasons for reaching its decision
- The nature of the action taken (e.g. nature of censure)

## **5 BREACHES OF THE PROTOCOL**

- 5.1 Allegation of breaches of this protocol by Members may be referred to the Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group.
- 5.2 The Monitoring Officer will refer any complaint which amounts to a complaint of breach of the Members' Code of Conduct to the Standards Committee in accordance with the Local Assessment process.
- 5.3 Members of the Committee should be particularly aware of the requirements of the Members' Code of Conduct in relation to the disclosure of confidential information.
- 5.4 Allegations of breaches by officers are to be referred to the employees' Director for consideration of appropriate action including disciplinary investigation under the Council's Disciplinary Rules.

## **6 MONITORING AND REVIEW**

- 6.1 The workings of this protocol will be reviewed and monitored by the Monitoring Officer on an ongoing basis and any issues reported to the Standards Committee as necessary.



Originator: Laura Ford

Tel: 0113 39 51712

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Review of the Standards Committee Communications Plan**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. The purpose of this report is to review the Standards Committee's Communications Plan and to seek approval of any proposed amendments.
2. The communications plan has been reviewed to ascertain whether it has been complied with and whether any amendments to the plan are required. The amended communications plan is attached as Appendix 1.
3. Members of the Committee are asked to comment on and approve the communications plan attached at Appendix 1.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to review the Standards Committee's Communications Plan and to seek approval of any proposed amendments.

## **2.0 Background Information**

- 2.1 Members of the Committee first approved a communications plan for the Standards Committee and conduct issues in January 2006.
- 2.2 Following the results of the Ethical Audit 2006, the Standards Committee chose to request that a communications plan was created for the Standards Committee to identify and segment audiences and objectives, to identify appropriate media for communication and allocate timescales (Ethical Audit Action 10a).
- 2.3 Following this update in October 2007, the communications plan was updated again in October 2008 to reflect the Committee's new local assessment role.

## **3.0 Main Issues**

- 3.1 The Standards Committee has complied with the communications plan adopted in October 2008 overall, although the need for some specific actions, such as press releases following a Standards Committee Hearing, has not arisen.
- 3.2 Information on the ethical framework has not been published in About Leeds in the last year because officers have been anticipating the introduction of a new Code of Conduct during the course of this year. Therefore, an article will appear in About Leeds as soon as the new Code has been released.
- 3.3 Members of the Committee were asked at item 9 (Standards Committee Media Protocol) on this agenda whether they wish for an annual notice to be published in future years in relation to complaints. If the Committee agrees to this, the Communications Plan will be amended to include this requirement.
- 3.4 An additional press release in relation to the local assessment process was not produced in October 2008, as this was deemed to be unnecessary due to the number of complaints that were being received by the authority. There are no plans to produce any further press releases, therefore it is proposed to remove this requirement from the Communications Plan.
- 3.5 A series of minor amendments are also proposed, as follows:
- (a) Officers – to reflect that the Standards Committee Annual Report will be sent directly to senior officers in future;
  - (b) Public – to reflect that a press release will be issued in relation to the Standards Committee Annual Report in future; and
  - (c) Parish Councils – to reflect that quarterly reminders in relation to registration of interests is the responsibility of the Parish Clerk. Links have also been added to the Parish Council pages on the internet to the Standards Committee Annual Reports, Governance Matters newsletter and Members Code of Conduct on the Council's website.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 Communicating messages about the ethical agenda and the work of the Standards Committee more widely supports good governance by ensuring that all Members and officers are aware of their responsibilities.

#### **5.0 Legal And Resource Implications**

- 5.1 There are no legal implications to this report.
- 5.2 There are resource implications to some of the communications actions listed in the report, particularly with regard to press notices. However it is anticipated that these can be met from within existing resources.

#### **6.0 Conclusions**

- 6.1 The communications plan has been reviewed to ascertain whether it has been complied with and whether any amendments to the plan are required. The amended communications plan is attached as Appendix 1 and the amendments are shown as tracked changes.

#### **7.0 Recommendations**

- 7.1 Members of the Standards Committee are asked to comment on and approve the communications plan attached at Appendix 1.

#### Background documents

“Standards Committee Communications Plan”, report of the Assistant Chief Executive (Corporate Governance) to Standards Committee on 16<sup>th</sup> October 2008.

Ethical Audit Action Plan 2006

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## STANDARDS COMMITTEE COMMUNICATION PLAN – MEMBERS

<b>Message</b>	<b>Method</b>	<b>Distribution</b>	<b>Dates</b>
To raise awareness of the whole ethical framework governing local authorities	Governance Matters newsletter. Intranet	Via e-mail / Intranet Via Corp Gov Pages	Bi monthly – began October 2005 Update periodically when there are changes and review yearly (AGM)
	Induction	Handouts / Presentation	
	Training	Handouts / Presentation / E-learning module / DVD	
	External publications	E-mail / hardcopy.	Periodically when publications / news received.
Raise awareness of the Code of Conduct for Members, the Member/officer protocol and other local codes and protocols	Governance Matters newsletter. Intranet	Via e-mail / Intranet Via Corp Gov Pages	Bi monthly – began October 2005 Update yearly
	Induction	Handouts / Presentation	
	Training	Handouts / Presentation / E-learning module / DVD	
	Pocket guide to local codes and protocols	Distributed through induction packs / training sessions	
Inform and remind Members of the need to register interests (including gifts and hospitality).	Governance Matters newsletter. Intranet	Via e-mail / Intranet Via Corp Gov Pages	Bi monthly – began October 2005 Update yearly
	Induction	Handouts / Presentation	
	Training	Handouts / Presentation / E-learning module / DVD	
	E-mail reminders		Every three months.
Inform, remind and explain to Members the requirement to declare interests at meetings.	Governance Matters newsletter. Intranet	Via e-mail / Intranet Via Corp Gov Pages	Bi monthly – began October 2005 Update yearly (AGM)
	Induction	Handouts / Presentation	
	Training	Handouts / Presentation / E-learning module / DVD	
	Aide Memoir (to identify potential interests)	Personal email to Committee Members	Before Committee meetings
To inform Members of the role of the Council's Standards Committee – its terms of reference, and inputs and	Governance Matters newsletter Intranet	Via e-mail / Intranet Via Corp Gov pages	Bi monthly – began October 2005 Update periodically if there are changes to committee TOR.

<b>Message</b>	<b>Method</b>	<b>Distribution</b>	<b>Dates</b>
outputs throughout the year.	Internet	Via Committee pages (created by Modern Gov)	Update pre/post each committee.
	Induction	Handouts / Presentation	
	Training	Handouts / Presentation / E-learning module / DVD	
	Standards Committee Annual Report	Published on internet / considered at Full Council	Annual
To inform Members of Standards Committee hearings outcomes.	General Press Release	Via local papers	When SC hearings are completed.
	Intranet	Portal News Bulletin	When SC hearings are completed.
	Governance Matters newsletter	Via e-mail / Intranet	Bi monthly – began October 2005
To inform Members of general news relating to standards issues referred to us by other sections of the Council and / or external bodies.	Intra-net	News Portal	
	External publications	Via e-mail / hardcopy	
	Governance Matters newsletter	Via e-mail / Intranet	Bi monthly – began October 2005
	Intranet	Via Committee and Corp Gov Pages	Updated July 2008
To raise awareness of the local assessment process and the work of the Standards Committee's Sub-Committees.	Induction	Handouts / Presentation	
	Standards Committee Annual Report	Published on internet / considered at Full Council	Annual
	External publications	Via e-mail / hardcopy	
	Briefing note on the new process	Provided to each political group	September 2008

**STANDARDS COMMITTEE COMMUNICATIONS PLAN – OFFICERS**

<b>Message</b>	<b>Method</b>	<b>Distribution</b>	<b>Dates</b>
To inform and remind officers of their responsibilities in relation to the Council's ethical framework. For example, to register gifts and hospitality, to declare interests and other local codes and protocols.	Governance Matters newsletter.	Via e-mail / Intranet	Bi monthly – began October 2005
	Intranet	Via Corp Gov Pages	Update yearly (AGM)
	Intranet	Portal news	Once yearly
	Induction	Handouts / Presentation	
	Staff appraisal scheme	Build in governance issues into senior officer appraisal scheme	
	Away days	Handouts / presentation / DVD	
To inform senior officers of the role of the Council's Standards Committee – it's terms of reference, and inputs and outputs throughout the year.	Training	Handouts / Presentation / E-learning module / DVD	
	Governance Matters newsletter	Via e-mail / Intranet	Bi monthly – began October 2005
	Intra-net	Via Corp Gov pages	Update periodically if there are changes to committee TOR.
	Intra-net	Via Committee pages	Update pre/post each committee.
To inform officers of general news relating to standards issues referred to us by other sections of the Council and / or external bodies.	Governance Matters Newsletter.	Via e-mail / intranet	Bi monthly – began October 2005
	Intra-net	News portal	Periodically
	External publications	E-mail / hardcopy.	Periodically when publications / news received.
To raise awareness of the local assessment process and the work of the Standards Committee's Sub-Committees.	Governance Matters newsletter	Via e-mail / Intranet	Bi monthly – began October 2005
	Intranet	Via Committee and Corp Gov Pages	Updated July 2008
	Article in Democratic Services Newsletter	Via email	July 2008
	Standards Committee Annual Report	Published on internet <b>and distributed to senior officers</b>	Annual
	Presentation during Democratic Services Lunchtime Seminar	Presentation / handouts	October 2008
	Message in Team Talk	Team meetings / intranet	October 2008

## STANDARDS COMMITTEE COMMUNICATION PLAN – PUBLIC (Leeds Residents)

Message	Method	Distribution	Dates
To raise awareness among members of the public of the Councils ethical framework including the register of interest, codes of conduct and other codes and protocols.	About Leeds Internet	News in Brief Items Via Corp Gov pages	<u>Periodically</u> Update yearly  <b>Deleted:</b> Bi monthly – began October 2005
	About Leeds Internet	News in Brief Items Via Corp Gov pages	Periodically Update yearly
To inform members of the public of their rights of access to information related to the Council's ethical framework. For example, the register of interest, codes of conduct and other codes and protocols.	Governance Matters newsletter Internet	Via internet Via Corp Gov pages	Bi monthly – began October 2005 Update periodically if there are changes to committee TOR.
	Internet	Via committee pages	Update pre / post committee
	Press Release <u>regarding the Committee's Annual Report</u>	<u>Local media</u>	<u>Annually</u> <b>Deleted:</b> Yorkshire Post <b>Deleted:</b> s
	Internet Internet	Via Council and Democracy pages Via the individual committee pages	
To raise awareness among members of the public of the roles and responsibilities of their local councillors, including membership of committees.	Governance Matters newsletter Internet	Internet Via Committee and Corp Gov Pages	Bi monthly – began October 2005 Updated July 2008
	Leaflet on how to make complaints	Internet	July 2008
To raise awareness of the local assessment process and the work of the Standards Committee's Sub-Committees.	Notice about changes to process	Poster in all Council buildings	July 2008
	Press notice in Council and local newspapers	Notice in About Leeds and Yorkshire Post	July and September 2008
	Letters and Notices to all Citizen's Advice Bureaux	Poster	July 2008 <b>Deleted:</b> Press release <b>Deleted:</b> Internet <b>Deleted:</b> October 2008
	Standards Committee Annual Report	Published on internet	Annual

## STANDARDS COMMITTEE COMMUNICATION PLAN – PARISH COUNCILS

Message	Method	Distribution	Dates
To raise awareness of the whole ethical framework governing local authorities.	Training	Handouts/Presentations	
	Induction	Handouts/Presentations	
	Governance Matters newsletter	Via Internet	Bi monthly – began October 2005
	Internet	Via Corp Gov pages	
	Correspondence	Standards Board publications	
Inform and remind Members of the need to register interests, and gifts and hospitality.	Correspondence	Reminders sent by parish clerks via letter and email	Quarterly Deleted: to
	Internet	Via Parish Council pages	Update yearly
	Governance Matters newsletter	Via Internet	Bi monthly – began October 2005
	Training	Handouts/Presentations	
	Induction	Handouts/Presentations	
Inform, remind and explain to Members the requirement to declare interests at meetings.	Internet	Governance Matters newsletter	Bi monthly – began October 2005
	Internet	Via Parish Council pages	Update yearly
	Induction	Handouts/Presentations	
	Training	Handouts/Presentations	
	Correspondence	Standards Committee Agenda/Minutes/Annual Report	Update pre / post committee
To inform Members of the role of the Council's Standards Committee – its terms of reference, and inputs and outputs throughout the year.	Internet	Governance Matters	Bi monthly – began October 2005
	Internet	Via committee pages	Update pre / post committee
	Correspondence		
	Correspondence	Via email and letter to parish clerks	
	Correspondence	Via Standards Board for England publications	
To inform Members of general news relating to standards issues referred to us by other sections of the Council and / or external bodies.	Internet	Governance Matters newsletter	Bi monthly – began October 2005
	Internet	Via parish council pages	
	Report	Via Parish Council Liaison Forum	
	General Press Release	Via local papers	When SC hearings are completed

<b>Message</b>	<b>Method</b>	<b>Distribution</b>	<b>Dates</b>	
To raise awareness of the local assessment process and the work of the Standards Committee's Sub-Committees.	Governance Matters newsletter	Internet	Bi monthly – began October 2005	
	Internet	Via Committee and Corp Gov Pages	Updated July 2008	
	Leaflet on how to make complaints	Internet		July 2008
	Notice about changes to process	Correspondence		July 2008
	Press notice in Council and local newspapers	Notice in About Leeds and Yorkshire Post		July and September 2008
	Standards Committee Annual Report	Published on internet		Annual
	Training sessions on Code	Handouts / Presentation		Deleted: Press release
	External publications	Via email or correspondence		Deleted: Internet
				Deleted: October 2008



Originator: Amy Kelly

Tel: 0113 39 50261

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Review of Local Assessment Arrangements**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. At its meetings on 16<sup>th</sup> December 2008 and 17<sup>th</sup> February 2009, the Standards Committee agreed to a series of amendments to the administrative processes which underpin the local assessment arrangements. This report updates Members on the progress of these amendments, and notifies Members of any further issues raised during the last ten months.
2. On 24<sup>th</sup> April 2009 the Standards Committee agreed that the Monitoring Officer should no longer notify Members who had had a complaint made about them prior to the Assessment Sub-Committee meeting to consider that complaint. This was because the limited amount of information which could be provided was causing Members unnecessary distress and frustration. The Standards Committee also decided that this decision should be reviewed after six months. Officers have carried out a survey of all Leeds City Council Members and the results are outlined in Appendix A. Parish and Town Councillors (through the Parish and Town Council Liaison Forum) have also been asked whether they wish to be notified in future if a complaint is made about them.
3. Members of the Standards Committee are asked to:
  - Consider whether to continue with the current arrangement of not notifying Members that a complaint has been received until after the Assessment Sub-Committee has met (through the Assessment Sub-Committee's Decision Notice);
  - Consider whether to make any other amendments to the local assessment arrangements arising from the results of the survey (Appendix A);
  - Note the responses to the lessons learned (Appendix B); and
  - Consider whether to create a Consideration Sub-Committee to receive and consider final investigation reports, and if so, to approve the terms of reference at Appendix C.

## **1.0 Purpose Of This Report**

- 1.1 At its meetings on 16<sup>th</sup> December 2008 and 17<sup>th</sup> February 2009, the Standards Committee agreed to a series of amendments to the administrative processes which underpin the local assessment arrangements. This report updates Members on the progress of these amendments, and notifies Members of any further issues raised during the last ten months.

## **2.0 Background Information**

- 2.1 On 24<sup>th</sup> April 2009 the Standards Committee agreed that the Monitoring Officer should no longer notify Members who had had a complaint made about them prior to the Assessment Sub-Committee meeting to consider that complaint. This was because the limited amount of information which could be provided was causing Members unnecessary distress and frustration. The Standards Committee also decided that this decision should be reviewed after six months.
- 2.2 Officers have carried out a survey of all Leeds City Council Members on the local assessment process, and the results are attached at Appendix A. Parish and Town Councillors (through the Parish and Town Council Liaison Forum) have also been asked whether they wish to be notified in future if a complaint is made about them.
- 2.3 Members of the Sub-Committees have been asked at the conclusion of every Sub-Committee meeting whether there are any lessons to learn from each case. These "lessons to learn" have been compiled by officers and where these matters can be addressed the possible options are outlined in this report.

## **3.0 Main Issues**

### **Progress of amendments agreed on 16<sup>th</sup> December 2008 and 17<sup>th</sup> February 2009**

#### Amendments to the complaints form

- 3.1 Members of the Standards Committee agreed to amend the complaints form so that it is addressed to the Monitoring Officer in the first instance. It was hoped that this would allow the Monitoring Officer to identify whether a complaint should be directed to the Assessment Sub-Committee or would be better dealt with elsewhere.
- 3.2 In order to formalise this decision officers have introduced another step into the process which allows the Head of Governance Services or the Chief Democratic Services to formally decide whether the matter is a valid Code of Conduct complaint which should be forwarded to the Assessment Sub-Committee, or whether it should be referred back to the Monitoring Officer for another form of action. The criteria for a complaint being referred to the Assessment Sub-Committee include such considerations as:
- Is the subject Member a Member of Leeds City Council or one of the Parish or Town Councils in Leeds, and was there a Code of Conduct in force at the time of the incident?
  - Is the complaint made on the proper form, or has the complainant requested that it be considered by the Standards Committee?
  - Does the complaint relate to the Code of Conduct and has the complainant specified any paragraphs of the Code of Conduct which may apply?
  - Is there enough information within the allegations for the Assessment Sub-Committee to make a decision on the matter?



- 3.3 Depending upon the results to the above questions, the complaint can either be forwarded to the Assessment Sub-Committee for consideration, returned to the complainant to seek further information, forwarded to the Monitoring Officer to consider some other form of action, or forwarded through the corporate complaints process (if the complaint relates to a Council service as oppose to the behaviour of a Councillor). As a result of this additional step some complaints have been dealt with to the complainant's satisfaction outside of the formal complaints process.

#### Amendments to Sub-Committee meeting arrangements

- 3.4 Members of the Standards Committee also agreed the following changes to the local assessment arrangements:
- that the Sub-Committee Members should be notified of the subject Member's and complainant's identities prior to the agenda being distributed;
  - that Sub-Committee meetings should be arranged at least six months in advance, that case summaries should no longer be published on the Council's website;
  - that minutes of the Sub-Committee meetings should be prepared;
  - that the final version of each decision notice should be sent to the Sub-Committee Members for information after it has been approved by the Chair; and
  - Parish and Town Council Members of the Standards Committee should receive training on the role of a City Councillor.
- 3.5 All the above actions have been completed. Sub-Committee meetings are now arranged up to a year in advance and appear in the Council's diary, and minutes of the Sub-Committee meetings are now prepared and received by the Standards Committee and full Council. With regard to training for external members of the Standards Committee, they are already encouraged to attend several different types of Committee meetings in order to observe and gain an understanding of Council business and political context and they have attended the ward surgeries of some City Councillors during the last year.

#### Timescales for investigations

- 3.6 The Standards Committee asked officers to consider ensuring that covering letters sent out with the decision notices included a timescale for the investigation to be completed. This has not been done, as it was considered inappropriate to outline a timescale without having first considered the issue properly with the chosen investigator and agreed an investigations plan. Given that the Council aims to send out decision notices within five working days of the Sub-Committee's decision, it would not be possible to identify an appropriate investigator and agree an investigations plan within the same timescale. Instead the plain English guide on local investigation (which is sent out as an appendix to the decision notice in such cases) states that the Standards for England's guidance is that investigations should be completed within six months and that it will always be the investigator's intention to complete the investigation as quickly as possible.

#### Amendments to notification arrangements

- 3.7 In February the Standards Committee also requested that the subject Member be told the nature of the complaint when they are informed that a complaint has been made about them. This was not completed as this course of action is not currently allowed under the Regulations, as confirmed by the letter the Committee received from Communities and Local Government at the last meeting. Instead this issue

was dealt with by the Standards Committee's decision in April to no longer provide Members with notification that a complaint has been received until the Assessment Sub-Committee has met to consider the matter.

#### Guidance for subject Members

- 3.8 The Standards Committee asked officers to consider producing a set of guidance notes for Members on the local assessment process, incorporating example decision notices, case summaries and letters, and that these guidance notes be placed in each group office so that Members know what to expect should a complaint be made about them. This has not been completed, as now that subject Members are no longer being advised that a complaint has been made about them prior to the Assessment Sub-Committee having made a decision on the matter, more relevant information can be provided to the subject Member as soon as they become aware of the complaint. For example, if the complaint is referred for investigation, the subject Member is provided with guidance on the investigations process with the decision notice. In addition, Members have been provided with a briefing note on the local assessment process through their group whips and training on the local assessment process is now incorporated into training on the Members' Code of Conduct wherever possible.

#### **Matters arising from the survey**

- 3.9 One completed survey has been created to show all the responses (which is attached at Appendix A). The results of the survey show that Members are still broadly unhappy with the local assessment process. Members may wish to note that as only two final investigation reports have so far been considered by the Assessment Sub-Committee, some of the responses to questions 7 and 8 in the survey may have been provided in error.
- 3.10 In relation to the review of the decision to no longer notify Members that a complaint has been received until the Assessment Sub-Committee has met to consider the matter, 16 out of 18 respondents have stated that they would prefer to know that a complaint has been made about them, even though they would not be able to know the nature of the complaint, provide any information or attend the meeting of the Sub-Committee.
- 3.11 Some Members also made general comments in relation to the local assessment process which are reproduced at the end of Appendix A for the Committee's information. Unfortunately the majority of these comments relate to the content of the Regulations and therefore cannot be addressed by the Standards Committee.

#### **“Lessons to Learn” raised by Standards Committee Members**

- 3.12 Those lessons to learn which have been identified by Standards Committee Members at the conclusion of Assessment or Review Sub-Committee meetings have been listed in the attached table (Appendix B). Responses to the issues raised are shown in the second column.

#### **Other issues with local assessment**

##### Legal representation for subject Members

- 3.13 Member Management Committee have considered issues around the insurance policy for Members who are the subject of a complaint and the quality of the legal

representation provided. Member Management Committee received a report on this subject on 14<sup>th</sup> April 2009.

- 3.14 This issue has since been dealt with by the Council's Insurance Manager and an agreement has been reached with the Council's insurance providers that a more local, specialised firm can be used to represent Members in future cases. Members are advised how to make a claim on the policy in the covering letter they are sent with their decision notice.

#### Length of investigations

- 3.15 Concerns have been raised by Members of the Standards Committee and others regarding the length of investigations. Leeds City Council has now adopted a "Procedure for External Code of Conduct Investigations" which contains a requirement for the investigator to produce and continually update an investigations plan, which includes deadlines for interviews, the production of the draft report, and the issue of the final report. It is hoped that having clearer, agreed deadlines will mean that investigations are completed in a more timely manner in the future.

#### Consideration of final investigation reports

- 3.16 Finally, some Members have experienced confusion over the role of the Assessment Sub-Committee, given that the Standards Committee has decided to also delegate the function of receiving final investigation reports to the Assessment Sub-Committee. This is especially confusing given that when the Sub-Committee meets to initially assess complaints it meets in private, but when it meets to receive final investigation reports it meets in public.
- 3.17 One solution to the above problem would be to delegate the function of receiving final investigation reports elsewhere. However, if the Standards Committee were to delegate the function to the Review Sub-Committee there would be the same problem regarding confusion over public access to the meetings, and if the function were to be delegated to the Hearings Sub-Committee this may cause additional confusion as to whether the complaint has been referred to a hearing or not. The Standards Committee is therefore asked to consider whether to create an additional Sub-Committee, the Consideration Sub-Committee, to receive and consider final investigation reports.
- 3.18 The proposed terms of reference for such a Sub-Committee, and revised terms of reference for the Assessment Sub-Committee, are attached as Appendix C.

### **4.0 Implications For Council Policy And Governance**

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

### **5.0 Legal And Resource Implications**

- 5.1 The legal implications are dealt with in the main body of this report.
- 5.2 There are no resource implications to this report.

## **6.0 Conclusions**

- 6.1 On 24<sup>th</sup> April 2009 the Standards Committee agreed that the Monitoring Officer should no longer notify Members who had had a complaint made about them prior to the Assessment Sub-Committee meeting to consider that complaint. This was because the limited amount of information which could be provided was causing Members unnecessary distress and frustration. The Standards Committee also decided that this decision should be reviewed after six months.
- 6.2 Officers have carried out a survey of all Leeds City Council Members on the local assessment process, and the results are attached at Appendix A. Parish and Town Councillors (through the Parish and Town Council Liaison Forum) have also been asked whether they wish to be notified in future if a complaint is made about them.
- 6.3 One completed survey has been created to show all the responses (which is attached at Appendix A). The results of the survey show that Members are still broadly unhappy with the local assessment process.
- 6.4 In relation to the review of the decision to no longer notify Members that a complaint has been received until the Assessment Sub-Committee has met to consider the matter, the vast majority of respondents have stated that they would prefer to know that a complaint has been made about them, even though they would not be able to know the nature of the complaint, provide any information or attend the meeting of the Sub-Committee.

## **7.0 Recommendations**

- 7.1 Members of the Standards Committee are asked to:
- Consider whether to continue with the current arrangement of not notifying Members that a complaint has been received until after the Assessment Sub-Committee has met (through the Assessment Sub-Committee's Decision Notice);
  - Consider whether to make any other amendments to the local assessment arrangements arising from the results of the survey (Appendix A);
  - Note the responses to the lessons learned (Appendix B); and
  - Consider whether to create a Consideration Sub-Committee to receive and consider final investigation reports, and if so, to approve the terms of reference at Appendix C.

### Background Documents

Standards Committee (England) Regulations 2008

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

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

Standards Committee Minutes, 16<sup>th</sup> December 2008

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Administrative Processes underpinning the Local Assessment Arrangements", 17<sup>th</sup> February 2009

Standards Committee Minutes, 17<sup>th</sup> February 2009

Standards Committee Minutes, 24<sup>th</sup> April 2009

Procedure for External Code of Conduct Investigations, approved by the Head of Governance Services, 22<sup>nd</sup> October 2009

Minute 48, Member Management Committee Minutes, 14<sup>th</sup> April 2009

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## Review of local assessment procedures – Councillor feedback form

If you have had a complaint made against you which has been referred to the Assessment Sub-Committee, please answer all the following questions. If you have not, please only answer questions 1 and 9.

### ALL MEMBERS

#### Information regarding a complaint

1. During the last review of the local assessment procedures, some Members who had been the subject of a complaint suggested that receiving a limited amount of information prior to the Assessment Sub-Committee meeting had caused them unnecessary distress, as they were unable to tell how serious the complaint was or provide the Sub-Committee with their side of the story. In response to this feedback the Standards Committee decided that the Monitoring Officer should no longer notify Members that a complaint had been received about them prior to the Assessment Sub-Committee having met to make a decision on the matter, but that this decision would be reviewed after six months.

According to the Regulations, the Monitoring Officer can provide you with the following information:

- Confirmation that a complaint has been made about you;
- The name of the complainant (unless they have requested confidentiality);
- The paragraphs of the Code of Conduct which are alleged to have been breached (but no details of the complaint itself); and
- The date your complaint will be considered.

However, the Monitoring Officer **cannot** provide you with a summary of the complaint, the Sub-Committee is unable to take into account any information you provide at this stage, and you are unable to attend the meeting.

Given the above limitations, would you prefer to know if a complaint is made about you **before** the Assessment Sub-Committee has met to make a decision on the matter?

Yes – I would prefer to know	No – I would prefer not to know	No preference
<b>16</b>	<b>2</b>	<b>0</b>

**Response:** The Standards Committee is asked to consider whether to begin notifying subject Members that a complaint has been received about them prior to the Assessment Sub-Committee having met to consider the matter.

No responses have been received from Parish and Town Councillors in relation to this question.

## MEMBERS THE SUBJECT OF A COMPLAINT

### The Assessment Sub-Committee

2. Did you feel you were provided with enough information about the role of the Assessment Sub-Committee following the meeting?

Yes	No	Don't Know
5	3	0

**Response:** There is information about the role of the Assessment Sub-Committee contained in the decision notice. It would seem that this information is sufficient for most Members. There is also further information available in the guidance leaflet which is available on the Council's website and on request.

### Decision Notices

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

Very clear	Quite clear	Average	Not very clear	Not clear at all
1	6	0	0	1

**Response:** Most Members seem to find the decision notices to be clear and easy to understand. The decision notices used in Leeds are based on the templates issued by Standards for England.

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

"The possible outcomes if someone is being referred on through the process"

"Involve Members in the process rather than being detached from the activities of Elected Members and how they operate"

**Response:** If a Member is being referred for investigation an appendix is attached to the decision notice which explains the investigation process. This includes information about the final report and how it will be considered, the possible outcomes of the Assessment Sub-Committee meeting and the possible sanctions which could be applied by the Standards Committee after a finding of breach. The Standards Committee could consider including this information within the decision notice itself, if applicable.

The Elected Members on the Assessment and Review Sub-Committees have the opportunity to contribute to and amend the decision notices, as do the Independent Members and Parish Members. It would not be appropriate to involve other Elected Members in the drafting process for decision notices as they would not have been party to the making of that decision.



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

Much more information	Slightly more information	About right	Slightly less information	Much less information
<b>3</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Response:** The majority of respondents to this question would like more details to be added to the decision notices. However, as only two comments were received regarding what improvements could be made, it is unclear what types of detail the Members would like to see added.

Compared to those from Standards for England and other local authorities, the decision notices issued by Leeds City Council appear to be very detailed and provide thorough reasons for every decision.

#### **The Review Sub-Committee**

6. Did you feel you were provided with enough detail about the role of the Review Sub-Committee? (if applicable)

Yes	No	Don't Know	Not applicable
<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>

**Response:** Details about the role of the Review Sub-Committee are contained in the letter sent to the subject Member when a review request is received. Again further information would be available in the guidance leaflet which is available on the Council's website and on request.

Information about the review process could be provided to Members when they are first told about the complaint, but this information will not be relevant if the Assessment Sub-Committee decide to refer the case for some form of action or if the complainant does not request a review.

#### **Investigations**

7. Did you feel you were provided with enough detail about the investigations process? (if applicable)

Yes	No	Don't Know	Not applicable
<b>1</b>	<b>4</b>	<b>0</b>	<b>2</b>

**Response:** Most Members feel that they did not receive enough information about the investigations process. Members are only sent information about the investigations process if their complaint is referred for investigation. There is a standard appendix sent out with the decision notice which explains who will conduct the investigation, under what circumstances the case may be referred to an Ethical Standards Officer, how the investigation will be conducted, how long it is likely to take, and what the possible outcomes of the investigation are. More detailed information regarding their specific investigation would be provided by the investigator once they have been formally appointed and an investigation plan produced and agreed.

The Standards Committee is asked to consider what further information may be provided to subject Members whose case is referred for investigation at the stage that the decision notice is distributed. The Standards Committee is also asked to consider whether to provide a briefing note to all Councillors explaining the investigations process and the possible outcomes.

8. Were you provided with enough information about how the final investigation report would be considered and the procedure the Assessment Sub-Committee would follow when receiving that report? (if applicable)

Yes	No	Don't Know	Not applicable
<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>

**Response:** Information about how a final report will be considered is included in the attachment to the decision notice regarding investigations. In addition, when a final report has been issued and is scheduled to be considered by the Assessment Sub-Committee, the subject Member is sent a letter notifying them of the date of the meeting and providing them with the relevant section of the Standards Committee Procedure Rules. So far only two subject Members have reached this stage of the process. Since the Assessment Sub-Committee considered the two final investigation reports the Standards Committee has also revised the Procedure Rules to make them clearer and easier to follow.

The Standards Committee is asked to consider what further information can be provided and at what stage of the process this information should be provided to the subject Member.

## **ALL MEMBERS**

### **General Comments**

9. Please provide any other comments or feedback on the local assessment process you would like the Standards Committee to consider.

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"I consider it a fundamental principle of law that a person should know his accuser. I think it is a breach of human rights to have a charge made against a person and that person not be told the accuser and details of the accusation.

A completely unsupported accusation / complaint was made about me. I was refused details of the accusation even though the charge / accusation was dismissed before I knew it had been made. The present process lays members of the Council open to abuse. There appears to be no steps taken against malevolent, malicious or tendentious complainants."

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"I firmly believe that the present system is firmly loaded in favour of those who have a grudge against a ward member for whatever reason.

I don't believe that a complainant should have a right to confidentiality and nor do I believe that the details of the complaint should be withheld.

Members should be provided with full information about the complaint and have the opportunity to either respond in writing or attend the meeting of the sub committee.

I believe that having a section entitled, 'Complaining about the Conduct of Your Councillor' on the home page of Leeds City Council's website is an invitation to everybody who has made a request to a councillor, that has been refused for the good of the wider community, to waste a great deal of officer and member time on the complaints process."

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"There must be mechanisms for dealing with those who make vexatious, malicious or trivial complaints, such as having Standards Committee reports which name and shame such complainants. It is not enough merely to issue a "not proven" or "no case to answer" decision when clearly there is much more behind the complaint than that.

Regulations should be changed to compel full disclosure of everything about a complaint from the beginning, so that those complained against can gather information before memories fade or notes are lost or destroyed."

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"The name of the complainant would help me to identify the likely nature of the complaint and the degree of seriousness with which I would take it. I am sure my Ward will not be alone in having some people who complain on a knee-jerk rather than a rational basis.

Having said that, I appreciate that the public, who elect us, should have a vehicle for comment if they genuinely believe we are not fulfilling the role appropriately."

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"Where else in public life can allegations be made, considered by a panel, provisionally investigated and concluded before the victim is told?

What are the arrangements for complaints against officers?

If I were to write each month to ask if a complaint had been made against me, under the present arrangements, would I be told?"

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"Natural justice suggests everyone accused should be aware as early as possible of the allegation. No publicity should be generated until case properly heard and decisions have been made. Vexatious and trivial allegations need to be dealt with early."

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"In the interest of fairness and transparency all details of a complaint should be made available to the Member who is the subject of the complaint at the earliest opportunity."

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“I started filling out the questionnaire but struggled to answer the questions, as it is such an inherently unfair process.

- The process allows the complainant to remain anonymous throughout. Where we have malicious individuals known to the Council, these people are dealt with in exactly the same manner as those who are normal members of the public. Is this incompetence on behalf of the Council or is it a slavish requirement set down by Central Government?
- Do I want to know if a sub-committee, which presumably only decides whether there may be grounds to start investigating a complaint, should tell me? Probably not. I was furious to receive a letter telling me I was being investigated and could not find out what it was about or represent myself. This was a total disgrace but it is implied that the national legislation allowed this. I don't know what stage of the process this was, it was badly explained in the less than helpful letter which felt quite menacing to receive.
- All I received, having had the sub-committee consider the complaint, was a letter saying the anonymous complainant had appealed and no details were provided about the complaint - unacceptable.

This whole process is very poor, and I'm hoping will be swept away after the next election, or at least completely reformed. What did we have before this nonsense was brought in?

In the meantime, I can't see that I can offer much in the way of making a terrible process work a little better.”

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“My big concern regarding the current process is how you receive an anonymous letter informing you that someone has complained about you. You cannot be informed what they have complained about or who they are etc. That process continues until you are cleared by the sub-committee, and it is only when the process goes further that there is any possibility of the claimant being disclosed.

This does make it very difficult from a Elected Member point of view, because you do not know who has complained about you, and you then make the assumption that everybody you meet could be that person and treat them with suspicion. That affects the good working relationship that you have with many constituents.

I think that this is unique because, with every other complaints or objection process, you have to put your name on the line and be prepared to stand up for that, whether it be complaining about service or staff in a retail establishment, service that you have received from Royal Mail, or indeed objecting to a planning application. You are given the opportunity that if you do not want your name to be recorded, you can withdraw your application. Whereas it seems that complaining about a Councillor through the Standards Process, you can remain anonymous, as can your complaint.

I feel that the whole process is not very transparent and I would hope that in the future that will change.”

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“My case is still being investigated but I have been given no info about what could happen and potential outcomes.

I also feel I should be able to put my response to the Assessment Cttee before they make their decision. It is not natural justice to take someone thru the process when it could be decided not to pursue, at an earlier stage. My constituent told lots of lies, this was never taken into account & should have been. The Assessment Cttee is also not a fair process if Members cannot have some input.”

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“The process of the Standards Committee Leeds is in my view less than satisfactory. I could use stronger words.

There is little respect amongst Elected Members for the way in which Standards issues are handled in Leeds.

Officers interpretation of the Code is dramatically different than that in other authorities and results in minor complaints being deferred. There is little or no appreciation by officers or non Elected Members of the Standards Committee of the work of Members.

All of this has manifested itself in relation to Local Assessment Process. This Questionnaire is a further example of Elected Member procedures not being followed and demonstrates disrespect to senior Members.”

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“There should be a way of recognising and dealing with political agitators.”

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### **Responses to general comments:**

#### Confidentiality and withholding of information

Under normal circumstances, once the subject Member receives the decision notice from the Assessment Sub-Committee they are provided with the name of the complainant and a summary of the complaint.

The Assessment Sub-Committee can decide to withhold the name of the complainant if the complainant has requested confidentiality on the grounds that they will be at risk of physical harm, that they are an officer who works closely with the subject Member and they are concerned that their job may be at risk, or there is a risk to their health, and the Sub-Committee have agreed to their request on one of these grounds.

The Assessment Sub-Committee can only withhold a summary of the complaint on the grounds that it would prejudice any investigation into the complaint i.e. if the subject Member is likely to destroy evidence. However a summary of the complaint could not be withheld if the complaint was not referred for investigation. To date the Assessment Sub-Committee has not granted any requests for confidentiality nor withheld a summary of a complaint. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Vexatious complainants

According to the current legislation and guidance from Standards for England vexatious complainants cannot be prevented from making complaints against Councillors and these complaints must be considered by the Assessment Sub-Committee. However, should a complaint reveal a potential breach of the Members' Code of Conduct the Assessment Sub-Committee have adopted assessment criteria which allow them to take no action on a complaint which appears to be malicious, politically motivated or tit-for-tat. If the complaint does not reveal a potential breach of the Code of Conduct, no action can be taken anyway. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Information provided to Members and right to attend the Sub-Committee

The Standards Committee (England) Regulations 2008 only allow the following information to be provided to the subject Member prior to the meeting:

- Confirmation that a complaint has been made;
- The name of the complainant (unless they have requested confidentiality);
- The paragraphs of the Code of Conduct which are alleged to have been breached (but no details of the complaint itself); and
- The date the complaint will be considered.

The Regulations also prevent both the subject Member and the complainant from attending the Sub-Committee meeting. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Publicity regarding the complaints process and individual complaints

The Standards Committee (England) Regulations 2008 require the Standards Committee to publish details of the address to which complaints against Councillors should be sent along with the procedure for how the Standards Committee will consider such complaints. The Regulations also require the

Standards Committee to take reasonable steps to ensure that these details continue to be brought to the attention of the public. One of the methods identified in the guidance from Standards for England is the authority's website.

No publicity regarding a specific complaint (e.g. newspaper notices) would be generated by the Council until after the final investigation report had been considered by the Assessment Sub-Committee and/or the Hearings Sub-Committee, and if the subject Member was found not to have breached the Code of Conduct they would be entitled to request that no such notice was produced. Case summaries are no longer published on the Council's website, and the minutes of Sub-Committee meetings are anonymised. Members of the public can view a summary of the complaint on request, as required by the Regulations. **There are no options currently open to the Standards Committee to change these arrangements. However the Standards Committee could consider forwarding these comments to Standards for England and Communities and Local Government to consider when reviewing the relevant regulations and statutory guidance.**

#### Preliminary investigation

Complaints cannot be investigated prior to the Assessment Sub-Committee having met to consider the complaint and deciding to refer the matter for investigation. Officers are able to carry out pre-assessment enquiries and gather readily obtainable information (such as copies of minutes or the Register of Interests), but must not seek opinions on the allegation or stray into investigation. The subject Member would always receive notification that the complaint was being referred for investigation before the investigation actually commenced. **There are no options currently open to the Standards Committee to change these arrangements.**

#### Review requests

It would not be possible for the subject Member to receive a letter explaining that their case was being reviewed until after they had received a decision notice from the Assessment Sub-Committee containing a summary of the complaint. This is because the complainant's right of review does not commence until they have also received a copy of the decision notice. **However, in order to ensure that the subject Member understands which complaint is being reviewed the Standards Committee could consider including a further summary of the complaint or attaching a further copy of the decision notice to the letter to the subject Member.**

#### Interpretation of the Code of Conduct

The guidance provided to the Assessment and Review Sub-Committee Members on the Code of Conduct is either taken directly from published guidance by Standards for England or is sought directly from the Standards for England advice team. Therefore the interpretation of the Code of Conduct in Leeds City Council should be the same as that in other authorities. **There are no options open to the Standards Committee to change these arrangements.**

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Lessons to learn identified by Sub-Committee Members since February 2009

Lessons to learn	Comments and proposals
<p>When requesting additional information from the complainants officers should send these letters by recorded delivery – similarly for decision notices which specify no further action will be taken unless or until further information is provided.</p>	<p><b>AGREED</b> This service is provided by the Civic Hall Mailroom.</p>
<p>The complaints form should make clear that complainants should provide any evidence or documents they have which prove their complaint.</p>	<p><b>AGREED</b> The complaint form asks the complainant to provide information showing they have “reasonable grounds” for believing that the Member has breached the Code. Also, if the Assessment Sub-Committee feels that there is not enough information available for it to judge the severity of the allegations, it can decide to take no further action on the complaint, unless or until the specified information is provided.</p> <p>However, according to the statutory guidance the Standards Committee cannot require the complainant to “prove” their complaint, as the Assessment Sub-Committee are making no findings of fact at this stage. This would be part of the function of any investigation. The Assessment Sub-Committee have to decide <i>if</i> the complaint were proven, would there be a potential breach of the Code of Conduct?</p>
<p>Need to ensure that when the Assessment or Review Sub-Committee decide to take other action it is worded in the decision notice as “recommend” rather than “ask” so that it sounds less optional.</p>	<p><b>AGREED</b> The Assessment or Review Sub-Committee will ensure that in future cases where they decide to refer an allegation for other action, this is worded in the decision notice as a recommendation. However, as stated in the guidance from Standards for England “there is no formal route for dealing with a Member who categorically refuses to comply with other action” and therefore other action is unenforceable.</p>

Lessons to learn	Comments and proposals
<p>Complainants should submit their complaints as soon as possible after the incident, and if not the Sub-Committee should be able to take no action.</p>	<p>Complaints about incidents which occurred since 5<sup>th</sup> May 2002<sup>1</sup> must be considered.</p> <p>The Standards Committee has adopted some assessment criteria which may be of use if the Assessment or Review Sub-Committee decide that there may be a potential breach of the Code of Conduct disclosed by the complaint and they are considering what action to take, if any, on the complaint. These are:</p> <ul style="list-style-type: none"> <li>• If a long period of time has passed since the alleged conduct occurred, it may be considered of little benefit to take any further action in relation to the complaint.</li> <li>• Except in the most serious of cases, complaints that disclose a potential breach under the 2001 Code of Conduct but would not constitute a breach under the 2007 Code of Conduct are unlikely to be referred for investigation or further action.</li> </ul>
<p>Officers need to ensure that they provide as much readily obtainable information as possible, perhaps including background information on the complainant.</p>	<p>A report on this subject will be prepared for consideration by the Standards Committee in February 2010.</p>

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<sup>1</sup> When the Members' Code of Conduct (Local Authorities) (England) Order 2001 came into force.

### **The Standards Committee – Consideration Sub-Committee**

The Standards Committee – Consideration Sub-Committee is authorised to perform the following functions<sup>1</sup>:

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 Rules<sup>2</sup>.

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<sup>1</sup> '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.

<sup>2</sup> Standards Committee Procedure Rule 5.7

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**The Standards Committee – Assessment Sub-Committee**

The Standards Committee - Assessment Sub-Committee is authorised to discharge the following functions<sup>1</sup>:

1. To receive, consider and initially assess<sup>2</sup> any written allegations<sup>3</sup> of misconduct<sup>4</sup> made against Members in relation to Code of Conduct Complaints.

2. To receive and consider written reports from the Monitoring Officer giving details of the actions taken or proposed to comply with any direction from the Assessment Sub-Committee to take steps other than an investigation.<sup>6</sup>

**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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<sup>1</sup> '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.

<sup>2</sup> Section 57A Local Government Act 2000

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

<sup>4</sup> "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.

<sup>6</sup> In accordance with Regulation 13 of the Standards Committee (England) Regulations 2009.

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Originator: Laura Ford

Tel: 0113 39 51712

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## Report of the Assistant Chief Executive (Corporate Governance)

### Standards Committee

Date: 16<sup>th</sup> December 2009

Subject: Standards Committee Half Year Progress Report

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

1. The purpose of the report is to seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2009/10 Municipal Year.
2. It is proposed that this report constitutes the second of the 6 monthly updates, to be presented to the Corporate Governance and Audit Committee at its meeting on 13<sup>th</sup> January 2010.
3. The Standards Committee Terms of Reference<sup>1</sup> outlines the functions that the Committee is authorised to discharge. Paragraph 3 of this report sets out the work the Committee has done since May 2009 to fulfil each of these functions. In some cases, further information will need to be added after this meeting. These areas are highlighted in bold.
4. Members of the Committee are asked to:
  - approve the draft report;
  - make any suggestions for additional content; and
  - agree to refer this report to the Corporate Governance and Audit Committee for further consideration.

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<sup>1</sup> See Part 3 Section 2B of the Council's Constitution.

## 1.0 Purpose Of This Report

- 1.1 To seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2009/10 Municipal Year.

## 2.0 Background Information

- 2.1 The terms of reference of the Corporate Governance and Audit Committee include the function to “review the adequacy of Council’s Corporate Governance arrangements”, which includes the arrangements to ensure the appropriate conduct of Members and officers.
- 2.2 In order to support this function Corporate Governance and Audit Committee, at its meeting on the 19<sup>th</sup> April 2006<sup>2</sup>, requested that the Standards Committee produce a report on their work to be presented to this committee every 6 months.
- 2.3 The Standards Committee Annual Report for 2008/09 was presented to the Corporate Governance and Audit Committee on 30<sup>th</sup> June 2009, to constitute the first of these 6 monthly updates for 2009/10. It is proposed that this report constitute the second of these 6 monthly updates to be presented to the Corporate Governance and Audit Committee at its meeting on 13<sup>th</sup> January 2010.

## 3.0 Main Issues

- 3.1 The Standards Committee Terms of Reference<sup>3</sup> outlines the functions that the Committee is authorised to discharge. The paragraphs below set out the work the Committee has done since May 2009 to fulfil each of these functions.

***To advise the authority on the adoption or revision of a Code of Conduct for Members and to promote, monitor and review the operation of the Members’ Code of Conduct.***

- 3.2 The Standards Committee submitted a response to the Communities and Local Government consultation paper ‘Communities in control: Real people, real power – Codes of conduct for local authority members and employees’ on 24<sup>th</sup> December 2008. The consultation response is due to be published shortly, and the revised Members Code of Conduct is due to be released by May 2010.
- 3.3 The Standards Committee seeks to reassure itself that the Members’ register of interests (which includes gifts and hospitality) is being reviewed and updated by Members on a regular basis. The Committee receives annual reports to this effect, the last report on this subject having been considered on 8<sup>th</sup> July 2009. The Committee was satisfied that the review arrangements in place are fit for purpose.
- 3.4 A questionnaire was also sent to Parish Clerks at the end of October 2007 to assess the ethical arrangements in place at their Parish or Town Council, the results of which were presented to the Committee at its meeting on 16<sup>th</sup> October 2008. The Monitoring Officer, Chair and Parish Members of the Committee then met to discuss the results in detail and agree on the actions to be taken. The results of this meeting

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<sup>2</sup> See Minute 60 of the meeting of the 19<sup>th</sup> April 2006.

<sup>3</sup> See Part 3 Section 2B of the Council’s Constitution.



were reported to the Committee on 8<sup>th</sup> July 2009. Individual letters and guidance packs will be sent to the Parish Councils that took part in the audit, however any actions relating to the Members' Code of Conduct will be delayed until after the release of the new Code by Communities and Local Government.

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

- 3.5 The Standards Committee has responsibility for several local codes and protocols in the Constitution. To ensure that these are operating effectively, are being complied with, and are fit for purpose the Standards Committee receives regular reports regarding these codes and protocols during the municipal year.
- 3.6 To date the Standards Committee has amended the Code of Practice for the Determination of Licensing Matters, which now includes a Protocol for Licensing Site Visits. The Standards Committee Media Protocol was considered in December 2009 (***further information to be added after 16<sup>th</sup> December meeting***), and the Monitoring Officer Protocol will be considered in February 2010.
- 3.7 Member Management Committee is currently reviewing the relevant Local Codes and Protocols to ensure that a representative Member's view is fed into the process. Therefore, the review of the Code of Practice for the Determination of Planning Matters will not be considered until April 2010. The annual review of the Code of Practice for the Determination of Licensing Matters will also be submitted to the Committee in April 2010. In addition, the Committee has delayed consideration of any of the Codes and Protocols which will be affected by the introduction of the new Member and Officer Codes of Conduct.

***To appoint sub-committees to consider and initially assess or review decisions not to act in respect of any written allegations made against Members.***

- 3.8 At its meeting on 1<sup>st</sup> July 2008, the Standards Committee approved the final proposals for the local assessment arrangements. The Committee agreed to appoint an Assessment Sub-Committee to carry out the initial assessment of any written allegation of misconduct under the Members Code of Conduct, and a Review Sub-Committee to review such allegations.
- 3.9 During the current municipal year, the Assessment Sub-Committee has considered six complaints in total. In relation to three of the complaints, no further action was taken. In two cases, part of the complaint was referred for investigation, and in the remaining case the whole complaint was referred for investigation. All of these investigations are currently ongoing. The Sub-Committee has also considered a report on the action taken to comply with the Sub-Committee's direction to take 'other action' in relation to part of a complaint. The Sub-Committee decided that it was satisfied with the action taken by the Monitoring Officer.
- 3.10 The Review Sub-Committee has met three times, and has considered five review requests. The decision of the Assessment Sub-Committee that no further action should be taken was upheld in all cases.

- 3.11 When the Corporate Governance and Audit Committee considered the Standards Committee Annual Report on 30<sup>th</sup> June 2009, it requested that future update reports provide information in relation to the complaints received, such as the number of Councillors involved, and the number of complaints received per ward. The six complaints received so far this year concern a total of six Councillors (five Leeds City Councillors and one Parish Councillor). The five Leeds City Councillors represent different wards.
- 3.12 In July 2009, the Standards Committee received a progress report in relation to all complaints received under the Members' Code of Conduct in the previous 12 months. This report also compared Leeds City Council with the national statistics on complaints compiled by Standards for England. The Committee agreed to receive progress reports on a six monthly basis, and the next report is due to be submitted in February 2010.
- 3.13 In October 2009, the Committee was asked to provide comments on a draft procedure for external Code of Conduct investigations, which had been written to address concerns raised by the Committee in relation to the management and length of investigations since the introduction of the local assessment regime. Members of the Committee requested that information regarding the cost of investigations and relevant assurances regarding the investigators' performance be reported to the Committee. This information will be included in the Local Assessment progress reports highlighted in paragraph 3.12.
- 3.14 In December, the Committee considered a report reviewing its Local Assessment arrangements, including whether the subject Member should be notified of the existence of a complaint before the Assessment Sub-Committee has met to consider it (***further information to be added after the 16<sup>th</sup> December meeting***).
- To arrange for the consideration and determination of any complaints made against Members and the determination of any sanction to be imposed on a finding of misconduct.***
- 3.15 Due to the increased membership of the Standards Committee (from ten members to fourteen), and in the light of updated guidance from Standards for England, the Committee received a report in July asking it to consider options for receiving final investigation reports, and how hearings might be conducted.
- 3.16 The Committee agreed that a Hearings Sub-Committee should be created to hold determination hearings as too many Members would be involved if this function was carried out by the full Standards Committee, which may intimidate the parties involved, and could also cause difficulties in reaching a decision. It was agreed that the Hearings Sub-Committee should consist of five members (two independent, two Leeds City Councillors and one Parish Councillor), and should be chaired by the Chair of the Standards Committee or his nominee.
- 3.17 Members also decided that the function of receiving final investigation reports should remain with the Assessment Sub-Committee, as these meetings are already scheduled, and there would be no need to set up a fourth Sub-Committee.
- 3.18 The Assessment Sub-Committee considered two final investigation reports in August. In one case, the subject Member was alleged to have used their position as a Member improperly to confer or secure an advantage or disadvantage, and

brought their office or authority into disrepute. In the second case, the complainant alleged that the subject Member had brought their office or authority into disrepute. In both cases, the investigating officer found no evidence of any failure to comply with the Code of Conduct, and the Assessment Sub-Committee agreed with this finding. Therefore, no hearings have been carried out during the current municipal year.

***To consider and determine applications for dispensations.***

- 3.19 The Standards Committee has not received any applications for dispensations in the current municipal year.

***To make representations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to external agencies, about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council and to make representations on its own behalf.***

- 3.20 The Council was shortlisted in the 'Standards and Ethics' category of the Local Government Chronicle (LGC) Awards 2009, and an entry has been submitted for the 2010 awards. Entries to this award must show how local politicians, officers and the standards committee are working together to champion ethical standards in their authority, and how this work has made a positive difference to perceptions of local democracy and public trust in their area. The Council will find out whether it has been shortlisted in December 2009.

- 3.21 In March 2008, Standards for England commissioned Cardiff University to assess the impact and effectiveness of the ethical framework in local government. The research is being carried out over 5 years using in-depth case studies of nine local authorities. Leeds City Council was selected to take part and accepted. It will focus on the impacts of standards frameworks on processes, systems, cultures and values within local government. The project will also use public surveys and focus groups to explore any impacts of local standards frameworks on levels of public trust in local government.

- 3.22 Case study work is being conducted with Council at two-yearly intervals, the first round of which took place in September 2008. This included interviews being conducted with Members, key officers, local stakeholders and public focus groups. The results of the first case study were provided to the Council in July 2009, and are available on Standards for England's website at:  
<http://www.standardsforengland.gov.uk/Resources/Research/2009reports/SBE%20Research%20Report%20Final%20Year1%202022.04.09.doc2.pdf>

- 3.23 The Chair and a Parish member of the Standards Committee also attended the Eighth Annual Assembly of Standards Committees held by Standards for England on 12<sup>th</sup> and 13<sup>th</sup> October 2009, which provided opportunity for training and guidance and also feedback to Standards for England on their work. The Chair of the Standards Committee was also a member of the steering committee for this year's conference, and was a speaker on the features of highly effective standards committees. The Monitoring Officer also attended and co-presented a workshop on managing investigations with confidence.

- 3.24 The Independent Members of the Committee have maintained their involvement with the Standards Committee Independent Members Forum for the Yorkshire and Humberside Region this year. The Forum enables the sharing of good practice between local authorities and consultation and discussion on the various codes and protocols.
- 3.25 The Standards Committee is kept up to date on national conduct issues by receiving regular Standards for England Bulletins via email and issues of the Town and Parish Standard. Members also considered the Standards for England Annual Review 2008/09, which included a feature on Leeds City Council as a best practice case study. Finally the Standards Committee is able to monitor the way in which the Code of Conduct is being interpreted and how sanctions are applied at a national level through the regular reports it receives on Adjudication Panel for England cases.
- 3.26 From 2009, the Council is required to produce an annual return for Standards for England. This asks questions on topics such as the role of the Standards Committee, what the Committee does to promote standards, and Member/officer relations. Standards for England will use this information to drive up performance, champion the work of standards committees and ensure they have an overview of local standards frameworks.
- 3.27 The annual return for 2009 was submitted in June (incorporating comments from the Monitoring Officer and the Chair of the Standards Committee), and was presented to the Committee in July. It was agreed that the annual return should be published on the Council's website and received by full Council. In future, the annual return will be included within the Committee's annual report to avoid any duplication. Quarterly returns are also submitted to Standards for England in relation to local assessment.

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

- 3.28 Through the results of the ethical audit carried out in 2006 with the Audit Commission, the Standards Committee identified a general lack of awareness and understanding amongst officers of the ethical framework. As a result the Committee requested that work be carried out by Human Resources to create a new ethical framework training and awareness programme for officers. The Committee were provided with an update on progress with this in October 2008. A further progress report was presented to the Committee in July 2009, which detailed some of the activities undertaken such as including ethical governance questions in the Staff Survey and the 360 degree appraisals for senior officers. A report detailing the results of these ethical governance questions is due to be presented to the Committee in February 2010.
- 3.29 The Standards Committee also features heavily in the regular bulletin 'Governance Matters' which is distributed to all Members of the Council and selected officers. This bulletin contains a 'spotlight on' section which provides advice on specific standards or governance issues, front page news and feedback from the Council's governance committees.

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

- 3.30 As reported at paragraph 3.2 the Standards Committee submitted a response to the Communities and Local Government consultation on the Code of Conduct for Members and officers. The introduction of a national model officer code was supported by the Committee. A further consultation on the officer code is expected in 2010.
- 3.31 Further to the recommendation of the Corporate Governance Committee that the Council's Officer Code of Conduct be reviewed to ensure that it is fit-for-purpose, a report was presented to the Standards Committee in October proposing a series of minor amendments to ensure that the Code is up-to-date, particularly in relation to technological changes. The Committee supported these amendments which will now be consulted upon with representative trade unions.

***To consider any application for exemption from political restriction which is made to the Committee.***

- 3.32 The Local Government and Public Involvement in Health Act 2007 amended the Local Government and Housing Act 1989, transferring powers in relation to politically restricted posts from an Independent Adjudicator to Standards Committees. Therefore, the Standards Committee terms of reference were amended in August 2009 to include the functions of considering applications for exemption from political restriction and giving directions to the authority requiring it to include a post in the list of politically restricted posts.
- 3.33 The Committee considered a proposed procedure for the consideration of politically restricted posts at its meeting on 19<sup>th</sup> August 2009. Several queries were raised in relation to the procedure, such as how political restriction would be dealt with as part of the Council's recruitment process and how the list of restricted posts would be reviewed and monitored. A further report was submitted to the Committee in October to address these issues.
- 3.34 An application for exemption from the list of politically restricted posts was received by the Committee in August 2009, in relation to the post of Economic Policy and Information Manager. Members of the Committee were advised that this role does not involve reporting to Council Committees or the Executive on a regular basis, therefore it was resolved that the post be removed from the list of politically restricted posts.

***On the application of any person or otherwise, to give directions to the relevant authority requiring it to include a post in the list of politically restricted posts.***

- 3.35 The Committee has not given any direction to the authority requiring it to include a post in the list of politically restricted posts during the current municipal year.

**4.0 Implications For Council Policy And Governance**

- 4.1 Producing a report which details the Committee's work throughout the year and the key decisions it has taken promotes transparency in the Committee's actions.

4.2 Through 6 monthly reports to the Corporate Governance and Audit Committee Members and officers can be informed of the Standards Committee's role and its inputs and outputs. This is an objective of the communication plan which seeks to cascade regular information to Members and officers. The annual report will therefore have a fundamental contribution to the corporate governance arrangements of the Council.

## **5.0 Legal And Resource Implications**

5.1 There have been resource implications to some of the work described above, however these costs have been met through existing resources.

5.2 Through monitoring case decisions the Committee is able to keep abreast of any changes in legislation and development of case law.

## **6.0 Conclusions**

6.1 The Corporate Governance and Audit Committee have requested that the Standards Committee produce a 6 monthly report to them on their work throughout the municipal year. The first of these reports for the current municipal year was the Standards Committee Annual Report, presented to the Corporate Governance and Audit Committee on 30<sup>th</sup> June 2009.

6.2 It is proposed that the above report be presented to the Corporate Governance and Audit Committee at their meeting on 13<sup>th</sup> January 2010 as the second of these reports.

6.3 Paragraph 3 outlines the Standards Committee Terms of Reference and how the work undertaken by the Committee since May 2009 corresponds with each of the objectives.

## **7.0 Recommendations**

7.1 Members of the Committee are asked to:

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

### Background Documents

Standards Committee agendas: 8<sup>th</sup> July 2009, 19<sup>th</sup> August 2009, and 15<sup>th</sup> October 2009

Report to Corporate Governance and Audit Committee: 'Standards Committee Annual Report 2008/09', 30<sup>th</sup> June 2009

Minutes of the Corporate Governance and Audit Committee, 30<sup>th</sup> June 2009



Originator: Laura Ford

Tel: 0113 39 51712

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Eighth Annual Assembly of Standards Committees: 'Bringing Standards into Focus'**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. The purpose of this report is to advise Members of the Committee of the Eighth Annual Assembly of Standards Committees which took place on 12<sup>th</sup> & 13<sup>th</sup> October 2009 at the International Convention Centre (ICC) in Birmingham.
2. This year, the Annual Assembly's emphasis was on listening to delegates' experiences, responding to their concerns and sharing ideas and innovations in relation to the local standards framework.
3. Members of the Committee are asked to note the contents of this report and the attached newsletter.

## 1.0 Purpose Of This Report

- 1.1 To advise Members of the Committee of the Eighth Annual Assembly of Standards Committees which took place on 12<sup>th</sup> & 13<sup>th</sup> October 2009 at the International Convention Centre (ICC) in Birmingham.

## 2.0 Background Information

- 2.1 The theme of this year's conference was 'Bringing Standards into Focus'. One edition of 'The Standard' newsletter has been published since the conference took place, and is attached at Appendix 1 for information.
- 2.2 The Assembly was attended by the Chair and Councillor Mrs Walker on behalf of the Committee and by Nicolé Jackson, Assistant Chief Executive (Corporate Governance) and Monitoring Officer. Both the Chair of the Committee and the Monitoring Officer co-presented a workshop.

## 3.0 Main Issues

- 3.1 Three main plenary sessions were held:

- State of the Nation – Dr Robert Chilton and Glenys Stacey, Chair and Chief Executive of Standards for England respectively, provided the latest standards statistics and trends, highlighted the successes of local assessment and explained some of the challenges that authorities have dealt with;
- The Big Debate: the Local Standards Framework – force for good or necessary evil? – Kirsty Cole, Strategic Director and Monitoring Officer at Newark and Sherwood District Council spoke about her experiences as a Monitoring Officer since the inception of the standards framework. She believes that the standards framework is necessary, however she does not believe that it is proportionate for a number of reasons (for example, the Monitoring Officer cannot deal with complaints which are obviously trivial or politically motivated, and parts of the Code of Conduct are too complex and difficult to interpret). She also believes that, for the standards framework to have an impact, the authority must first have embedded a strong ethical culture and values; and
- On the brink: coming back from ethical collapse – during this session, Professor Alan Lawton from the University of Hull discussed the possible causes and impacts of ethical collapse, and how to recover from it. Kym Ryley, former Chief Executive of Hull City Council and Pete Moore, Executive Director of Lincolnshire County Council also spoke about their own experiences, and how their Councils recovered from ethical collapse.

- 3.2 Several workshop sessions and discussion forums were also held throughout the conference, including 'Other action: examples and results', 'Local assessment, sharing lessons learnt' and 'Focus on Code changes'. The Chair of the Standards Committee co-presented a workshop with Professor Alan Lawton from Hull University Business School and Anne Rehill from Standards for England looking at the features of highly effective standards committees. The Monitoring Officer co-presented a workshop with two officers from Standards for England on 'Managing Investigations with Confidence', which allowed delegates to share their experiences to develop a checklist for effective investigations management.



#### **4.0 Implications For Council Policy And Governance**

- 4.1 The Annual Assembly provides an opportunity for Members of standards committees to discuss their experiences and exchange examples of good practice. The Assembly also provides training on a range of standards issues.

#### **5.0 Legal And Resource Implications**

- 5.1 There are no legal or resource implications.

#### **6.0 Conclusions**

- 6.1 This year, the Annual Assembly's emphasis was on listening to delegates' experiences, responding to their concerns and sharing ideas and innovations in relation to the local standards framework.
- 6.2 The Chair of the Committee is invited to feedback to the Committee on the Annual Assembly.

#### **7.0 Recommendations**

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

#### Background Documents

All background documents used are available from the Annual Assembly website (<http://www.annualassembly.co.uk>).

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## Building the framework together

At the close of last year's conference, we listed a number of areas that raised concerns among those involved with the local standards framework – issues that we have identified as 'hot topics'.

Glenys Stacey, Chief Executive of Standards for England, talked through these topics in yesterday's opening plenary and discussed the measures we have taken to address your concerns.

Here's a summary of her responses:

**Best practice** – We have been developing our approach to best practice throughout the year. Our annual returns have helped us identify 'notable practice', which features throughout our current Annual Review and on our new website (see below). We also sponsor the Standards and Ethics category at the Local Government Chronicle Awards, details of which are in the article overleaf.

**Communications** – Many were keen for ideas on how best to put across the good work of standards committees. We have



**Glenys Stacey, Chief Executive Standards for England**

been working to identify ways of promoting best practice and attended a local government communications officers' conference in May to spread our views.

**Other action** – You asked for information on how to get the best out of other action and when you should use it. We have continued to offer advice on this over the past year, and in May we published specific guidance on it, which is available on our website.

**Parishes** – We have talked to authorities about practical

ways of dealing with difficult parishes, in particular those that are serial complainants and that have a high volume of tit-for-tat complaints. We have worked with representative organisations in the parish sector to improve relations between standards committees and parishes in general. We have also tried a different way of working with parishes – whole parish mentoring – the initial results of which look promising.

**Standards in local partnerships** – We said that we were going to look at standards in local partnerships and identify any risks across all councils. We believe that there is a role for standards committees in taking a look at partnerships. A typical challenge is good governance arrangements. Advice is available on this and it is a topic of one of the sessions at this year's assembly.

**Training** – We have produced a new DVD on local assessment, copies of which are currently being distributed (see article overleaf).

### AGENDA: Day two

08.00 – 09.00	Registration for 1-day delegates
08.15 – 09.00	Drop in sessions
09.15 – 10.30	Breakout sessions
10.30 – 11.00	Networking and refreshments
11.15 – 12.15	On the brink: Coming back from ethical collapse
12.15 – 13.00	Drop-in sessions
12.15 – 13.15	Lunch
13.30 – 15.00	Breakout sessions
15.00 – 15.15	Comfort break
15.15 – 16.45	Breakout sessions
16.45 – 17.15	Networking and refreshments
17.15	Close of conference

## New website features Standards Forum

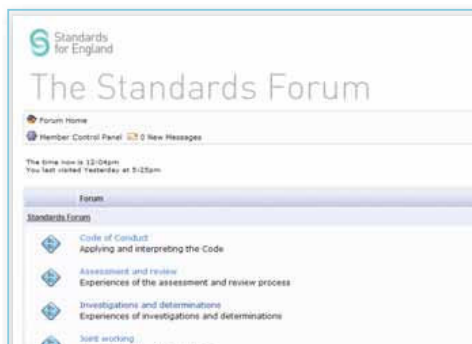
- Would you like to discuss your experiences of the local standards framework?
- Would you like to network with other monitoring officers and standards committee members?
- Are you looking for a way to help recruit independent members?

Our newly-launched Standards Forum is an online resource that allows those involved with the local standards framework to share experiences and ideas.

We emailed monitoring officers their login details last week and have asked them to send us details of standards committee

members who would like to join. To find out more about joining the forum, please visit the Standards Forum page on our website, or email [forum@standardsforengland.gov.uk](mailto:forum@standardsforengland.gov.uk).

The forum is part of our new website, which has recently been redesigned to better reflect our new role and identity. We hope you find the new menu and design clearer and easier to use. As well as the forum, you can find a useful resource library containing training materials and presentations and speeches from previous Annual Assemblies, and



a Notable Practice section which gives examples of activities undertaken by a variety of standards committees.

We welcome your feedback on our new website – please follow the links on the site or email [website-enquiries@standardsforengland.gov.uk](mailto:website-enquiries@standardsforengland.gov.uk) to send us your thoughts.

## Back from the brink

Ethical collapse can have serious consequences on an authority or organisation no matter what the size. It can affect an organisation's reputation, performance, legitimacy and credibility as well as impact on its recruitment and retention of staff.

This morning's plenary *On the brink: Coming back from ethical collapse* looks at the experiences of authorities who have managed to return from the brink of ethical collapse. We examine the cases of two local authorities, which both managed to reverse their fortunes through testing times.

Professor Alan Lawton of the University of Hull will show how high standards played a role in getting the authorities back on track. He will explore the strategies used and show how they can be applied in future cases.

*On the brink: Coming back from ethical collapse* is open to all delegates and will be in Hall 1 today at 11am.

# Annual Review 2008-09 now published

Our *Annual Review 2008-09* is now published. Copies were sent out to authorities at the end of last week and an electronic version is available on our website. The main conclusions drawn in the review were mentioned by Glenys Stacey in yesterday's opening plenary. Here's an additional glance at some figures revealed in the document:

## Key figures from the Annual Review

- 2,863 complaints were received by local authorities
- standards committees took an average of 20 working days to make initial assessment decisions about complaints
- from 8 May 2007 to 31 March 2009, Standards for England received 177 referrals from standards committees. We accepted 123 of these for investigation
- 74% of our stakeholders agree that the local standards framework is now successfully bedded in<sup>1</sup>
- 94% of our stakeholders support the need for members to sign up to the Code of Conduct<sup>1</sup>

This year's annual review differs to previous editions as it is split into two sections. The first is our view of what is happening among our regulated community, which has been guided by information from our monitoring and research. It includes figures from local investigations, information on standards committees and how local authorities have been promoting the new complaints system. Examples of notable practice gathered from our annual survey appear throughout this first section. These take the form of interesting examples collected



from our annual survey and of longer case studies of particular authorities, whose overall approach highlighted a number of areas of notable practice.

The second section deals with what we have done at Standards for England to position ourselves in our new role as a strategic regulator. We discuss the wider standards environment, including any particular challenges and concerns associated with running the local standards framework. We look over how we have been supporting and guiding authorities throughout the last year, our approach to risk, and we review our investigations role which includes summaries of notable cases we have investigated.

We have sent copies by post to monitoring officers, for them and their standards committee chairs. Further copies are available from our conference information stand or you can visit [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk) to download the pdf.

<sup>1</sup>BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

## CPD accreditation

Solicitors attending the Assembly can earn bonus credits towards their continuing professional development, as the event is certified to count towards SRA's CPD scheme.

This year the amount of credit available is 10.25 hours. To claim credits, please register

your attendance at the enquiries desk, quoting CYA/SBFE.

The Assembly is also accredited by the Bar Standards Board and barristers can earn 10 CPD hours. If you would like to register your attendance, please obtain a form from the enquiries desk.

## Lights, camera, local assessment!

Standards for England's latest training DVD is being sent out to monitoring officers and county association secretaries today.

The DVD is aimed at standards committee members and local authority officers involved in the assessment of complaints. It features dramatised case studies that will guide you through the four main stages of the local assessment process – pre-assessment, assessment, decision and review.

Dramatised case studies will demonstrate the criteria used

to guide each decision – such as if an investigation should be conducted locally or referred to Standards for England. You can pause the DVD after each case to discuss it or to think about what you would do if you were the standards committee assessing the case.

If you are a standards committee member that would like to use the DVD, then please contact your monitoring officer. Additional copies cost £12.50 and are available by contacting us on 0161 817 5000 or by emailing [publications@standardsforengland.gov.uk](mailto:publications@standardsforengland.gov.uk).

## Spreading the word

A new award recognises authorities that are best demonstrating how their work in ethical standards is contributing to public trust in local democracy.

The Standards and Ethics Award category was newly introduced at the Local Government Chronicle Awards last year. Sponsored by Standards for England, the award is given to the authority judged to be among the most ethical in the country. To win, authorities must demonstrate how work on ethical standards has made a difference to the perception of local democracy and public trust in their areas.

Rossendale Borough Council was the first recipient of the award – and we were impressed by how the council's standards agenda made a real difference. Rossendale had a strong, visible standards campaign, headed

by the strapline 'Serious About Standards'. This campaign helped Rossendale substantially improve its corporate assessment rating, saw resident satisfaction rise by 8% and led to an increased turnout at local elections.

Yesterday, communications professionals including Nick Molyneux, Communications Manager at Rossendale Borough Council, discussed ways of promoting standards in a workshop session. Best practice ideas, and ways of working with your authority's communications team to promote standards were among the topics discussed.

Your authority still has time to enter for the award as the deadline is 13 November 2009, with the award ceremony taking place on 24 March 2010. Please visit [www.lgcawards.co.uk](http://www.lgcawards.co.uk) for more information and to enter.



## Reduce, reuse, recycle ...

Please put any of your unwanted papers in the recycle bins situated around the conference centre. Thank you.

## 2010 Annual Assembly dates:

Monday 18 and Tuesday 19 October, ICC, Birmingham

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Fourth Floor, Griffin House  
40 Lever Street  
Manchester M1 1BB

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Originator: Laura Ford

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Standards for England Annual Review 2008- 09**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. The purpose of this report is to outline the contents of Standards for England's Annual Review for 2008-09. The review provides an overview of how things went during the first year of operation of the local standards framework, and the action that Standards for England has undertaken to position itself as a strategic regulator.
2. Copies of the Annual Review have been provided to the Leader of the Council, the Chief Executive, the Monitoring Officer and the Chair of the Standards Committee for information.
3. Members of the Standards Committee are recommended to note the information in this report.

## 1.0 Purpose Of This Report

- 1.1 The purpose of this report is to outline the contents of Standards for England's Annual Review for 2008-09. The review provides an overview of how things went during the first year of operation of the local standards framework, and the action that Standards for England has undertaken to position itself as a strategic regulator.

## 2.0 Background Information

- 2.1 The key conclusions drawn by Standards for England from its Annual Review are as follows:

- Standards of behaviour are generally high and there are relatively low numbers of complaints overall (one for approximately every 25 Members per year);
- Numbers of complaints are broadly consistent with previous years when they were received by Standards for England. However, significantly more are being investigated than under the previous regime, and more than two thirds of all investigations are revealing no breach of the Code;
- In a small but not insignificant number of authorities, taking on the role of overseeing standards for local parish and town councils had been onerous. Standards for England is working with representative groups active in this sector to find ways of helping principal authorities to provide leadership in the good governance of the local councils in their area;
- A key responsibility for Standards for England in 2009/10 will be to reach judgements over the proportionality of the local standards framework, with regard to issues such as effort expended, timeliness, cost and sanctions; and
- Whilst there is considerable officer and Member confidence in the Code of Conduct and local standards framework, it has made little impact on the public.

- 2.2 A copy of Standards for England's Annual Review 2008-09 has been sent to the Leader of the Council, the Chief Executive, and the Chair of the Standards Committee for their information. Copies of the Annual Review are available on request from the report author or can be accessed on Standards for England's website at:

<http://www.standardsforengland.gov.uk/Aboutus/Corporateinformation/AnnualReviewandReport/>

## 3.0 Main Issues

- 3.1 Standards for England's Annual Review has been split into two main areas: The local standards framework: One year on, and Standards for England: Our work as a strategic regulator.

### **The local standards framework: One year on**

- 3.2 Since May 2008, Monitoring Officers have been responsible for providing periodic information to Standards for England about their Standards Committees and complaints received about member conduct. The first annual survey on standards committee activity also took place in May 2009, and the results are summarised below. This section of the Annual Review also includes several examples of best practice, and Leeds City Council is included as a case study.

### 3.3 Receiving, assessing and reviewing complaints

- 2,863 complaints were recorded by 345 different authorities between May 2008 and March 2009;
- Three authorities received more than 50 complaints, the largest being 209 as received by Sedgemoor District Council. However this was mostly due to a single complainant;
- More than half of all complaints were made by the public, and over a third by council members. The remainder came from officers, parish or town clerks, MPs, and other sources;
- Standards Committees decided to take no further action on over half of all complaints received and to refer almost a third for investigation;
- 12% (327) were referred to the Monitoring Officer for other action; and
- Standards Committees took an average of 20 working days to make initial assessment decisions.

### 3.4 Local investigations

- In almost 40% of cases where the Standards Committee decided to take no further action, the complainant asked for the decision to be reviewed. In 93% of cases the original decision was upheld;
- 233 investigations were completed at local level during the year. In 71% of investigations, no breach of the Code was found;
- Investigations took an average of 100 working days, however a small number took more than twice the average time;
- The most common breaches of the Code involved failure to treat others with respect and behaving in a manner that could bring the authority into disrepute; and
- Standards for England were disappointed that authorities weren't doing more to inform the public about standards hearings. The most common methods used were press notices and the authority's website, however, the information on websites is often hidden among records of Standards Committee meetings rather than being featured clearly as the outcome of a complaints process.

### 3.5 Promotion of standards in public life

- Training – over half of all Standards Committees said they have been involved in training, for example on the role and function of the Standards Committee, determinations and sanctions and how to identify when other action may be appropriate. Standards for England are encouraged by the energy that has been put into helping to educate Members and officers.
- Publications – almost a fifth of Standards Committees contribute articles to Council newsletters, and several have their own sections on the Council website and intranet. 60% of Standards Committees produce an annual report, and most are published on the authority's website. One of the more innovative methods of raising awareness is to conduct poster campaigns, an area where Standards for England is keen to see more good practice develop.
- Informing and engaging the public – the Council website is the most popular vehicle for promoting confidence in local democracy to the public. Some Standards Committees have opted to survey public perceptions to gain awareness of current understanding before starting to build up their profile and, in turn, public confidence;

- Promoting standards in partnerships – almost half of local authorities have considered how they monitor and ensure high standards of behaviour when working in partnership with other organisations;
- Other ways of promoting standards – some Standards Committees are engaged in specific ethical governance activities, such as self assessment and standards surveys. One way that Standards Committees can help nurture strong ethical standards is to embed them in their authority’s human resources framework, for example by contributing to inductions and training.

### Helping Members to follow the Code of Conduct

- 3.6 Standards Committees and their associated officers have carried out a range of activities to help Members to follow the Code of Conduct, such as briefings, advice from officers and giving regular reminders to declare interests. Other initiatives included providing a flow chart that explains when to declare interests, supplying Members with information about decisions from the Adjudication Panel for England and enlisting officers to proactively check the register of interests before meetings.

### Standards Committees and leadership

- 3.7 Standards for England believes that a key factor in creating a strong ethical framework is clear ethical leadership from Leaders and Chief Executives. On average, Standards Committees (or Standards Committee Chairs) met with the Chief Executive of their authority to discuss ethical issues at least once per year. Standards for England also believes that a regular dialogue on standards issues between the Chair and the Leader, senior politicians and senior managers is an indicator of healthy standards arrangements.

## **Standards for England: Our work as a strategic regulator**

### The Standards Environment

- 3.8 Standards for England’s annual survey of local authorities found that:
- 72% of respondents supported the devolved local standards framework;
  - 94% of Members and officers support the need for Members to sign up to the Code of Conduct (up by 10% since 2004);
  - 83% consider maintaining high standards to be one of the most important issues facing local government;
  - 75% of stakeholders have confidence in the way their local standards committee deals with complaints about Members;
  - 89% are confident that their authority is doing a good job of upholding standards; and
  - 47% of stakeholders think Members’ standard of behaviour has improved in recent times.
- 3.9 Standards for England will continue to monitor, evaluate and respond to the challenges and concerns raised by local authorities in managing the local standards framework. For example, further advice and guidance was issued on the appropriate use of ‘other action’, and evidence will be gathered to conclude whether politically motivated and vexatious complaints are a systematic burden.



- 3.10 As Members of the Committee will be aware, Standards for England have commissioned Cardiff University to carry out a five-year project examining the impact of the local standards framework within nine local authorities (including Leeds). The year one findings reveal that the local standards framework has become established and accepted in most Councils, and many participants identified the local standards framework as helping to achieve an improvement in Councillor conduct.

#### Supporting and guiding local authorities

- 3.11 Standards for England produced a range of guidance materials following the launch of the new local framework in May 2008. The seventh Annual Assembly was held in October 2008, and focussed on helping delegates and their authorities to effectively deliver the local standards framework. Work has also been undertaken with the National Association of Local Councils on two strands of a project funded through the government's capacity building scheme for local councils, an evaluation report on which will be published in 2009/10.

#### Identifying risk, providing solutions

- 3.12 Standards for England's engagements with local authorities have taken various forms, such as providing advice about recruitment of independent members, and visiting authorities to assist with training. A key part of Standards for England's new role is assessing and mitigating against risk of standards failure, which means gathering information from local authorities to spot potential problems. A risk assessment model is being developed to assess the level of risk that authorities pose to the standards framework.
- 3.13 Work has also been undertaken with Manchester City Council and its partners to set guidelines for the culture of partnership working between local authorities and their delivery partners. The guidelines will prescribe appropriate behaviour that can be applied to day-to-day partnership working. This work will be built upon in 2009/10 to produce a final protocol for partnership working.

#### Investigations

- 3.14 From May 2008 – March 2009, Standards for England received 177 referrals from local authorities, of which 123 were accepted for investigation. 66 of these were completed by 31 March 2009, and in the majority of cases there had been no failure to comply with the Code, although seven cases were referred to the Adjudication Panel for England for consideration. This year Ethical Standards Officers also completed 123 investigations that had been referred to them before the introduction of the local standards framework.
- 3.15 During 2008/09, Standards for England began an organisation-wide review of the investigations process, and have already achieved a significant reduction in the average time taken to conduct an investigation. Work will continue to improve the level of quality and consistency on investigations in terms of thoroughness, equity and sound decision making.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 It is part of the Standards Committee Terms of Reference to make representations to and to liaise with external agencies about any matter relating to general principles of conduct or codes and protocols. It is therefore important that the Standards Committee ensure they are familiar with the role and work of Standards for England.

#### **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 Review provides an overview of how things went during the first year of operation of the local standards framework, and the action that Standards for England has undertaken to position itself as a strategic regulator.
- 6.2 Copies of the Annual Review have been provided to the Leader of the Council, the Chief Executive, the Monitoring Officer and the Chair of the Standards Committee for information.

#### **7.0 Recommendations**

- 7.1 Members of the Standards Committee are recommended to note the information in this report.

#### **Background documents**

Standards for England's Annual Review 2008-09 available at  
<http://www.standardsforengland.gov.uk/media/Annual%20Review%202008-09.pdf>



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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Adjudication Panel for England: Decisions of Case Tribunals**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. This report provides summaries of the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members. The case tribunal decisions have each been summarised and then conclusions drawn regarding whether there are any lessons to be learnt for Leeds City Council.
2. Members of the Committee are asked to note the recent decisions of the case tribunals and to consider the lessons to be learnt for Leeds City Council.

## **1.0 Purpose Of This Report**

- 1.1 This report provides summaries of recent decisions made by the Adjudication Panel for England in its role of determining allegations of misconduct. Further details of specific cases are available at [www.adjudicationpanel.co.uk](http://www.adjudicationpanel.co.uk)

## **2.0 Background Information**

- 2.1 Three case tribunal decisions and seven appeals tribunal decisions have been published since the last report, however two cases which related to the same Council were considered together at one tribunal. The decisions are summarised below, in order that Members of the Committee may consider if there are any lessons to be learned by this authority. Copies of each case summary published on the Adjudication Panel for England's website have been sent separately to those Members who have requested them.
- 2.2 The Committee will note that the majority of cases highlight the need for comprehensive and regular training for elected and co-opted Members, on the detailed requirements of the Code of Conduct.
- 2.3 Members of the Committee may wish to note that the cases have been separated into those involving case tribunal decisions, and those which are appeals against local standards committee decisions, for ease of reference.

## **3.0 Main Issues**

### **Case Tribunal Decisions**

#### **Suffolk County Council**

- 3.1 It was alleged that a former Councillor had brought their office or authority into disrepute by voting twice on the same motion using the Council's electronic voting system. It was alleged that she had used her own delegate unit and then the unit of another Member who was not present at the time and who had not given his consent or permission.
- 3.2 The case tribunal considered that, by voting twice on the same motion and by using another Member's vote without his permission, the former Councillor had undermined the whole integrity of the democratic process. This conduct would reduce public trust and confidence in the former Councillor, and her integrity and judgement would be severely damaged. This conduct also impacted on the confidence that the public would have in the decisions of the authority as a whole and would seriously harm the reputation of the Council. The case tribunal therefore concluded that the former Councillor had breached Paragraph 5 of the Code of Conduct.
- 3.3 The case tribunal was of the view that this breach of the Code of Conduct was a serious one which undermined the integrity of the democratic process. As the respondent was no longer a Member of Suffolk County Council, only censure and/or disqualification were available as possible sanctions.
- 3.4 The former Councillor did not appear before the case tribunal and there was nothing in the papers before the tribunal which provided mitigating factors for the tribunal to

consider. An aggravating factor was that the former Councillor had denied the fact despite clear contrary evidence.

- 3.5 The case tribunal concluded that, in order to restore public trust and confidence in the local democratic process, a period of disqualification for one year was fair, reasonable and proportionate for this breach.
- 3.6 **In Leeds, Members are provided with electronic voting pads in full Council meetings. Members are allocated a seat prior to the meeting, and are asked to use the voting pad from their allocated seat only. The Chief Executive reminds Members to check that they are in their allocated seat before a recorded vote is taken.**

#### Forest Heath District Council

- 3.7 It was alleged that Councillor M had used his position as a Councillor improperly to secure an advantage for former Councillor W's son in relation to his planning application, and in doing so had brought his authority into disrepute.
- 3.8 It was also alleged that former Councillor W had:
- (a) used his position as a Councillor improperly to secure an advantage for his son in relation to his planning application and to influence the decision in relation to that application;
  - (b) treated the Senior Planning Officer in a bullying and disrespectful manner, compromising his impartiality and using his position as a Councillor improperly to gain an advantage for himself and his family; and
  - (c) brought his office or authority into disrepute.
- 3.9 The son of former Councillor W submitted a planning application in relation to a proposed development of new houses, situated in former Councillor W's ward. Former Councillor W and his son asked Councillor M to become involved in the planning application, as they were '*having troubles with planning*' and '*getting the application through to Committee*'.
- 3.10 Councillor M attended a delegation panel meeting at which the application was discussed, and requested that it be determined by the Planning Committee.
- 3.11 Former Councillor W's son made a complaint as to the Council's procedural handling of his application, which resulted in a meeting in the Chief Executive's office. Former Councillor W attended the meeting, at which he was also complaining more generally about the conduct of the planning department and in particular about the Senior Planning Officer. He also accused the Senior Planning Officer of telling lies in relation to the his pre-application discussions with his son's planning agents.
- 3.12 Prior to the Planning Committee meeting, former Councillor W asked Councillor M to attend as his substitute for the item relating to his son's planning application (as he would have to withdraw due to his prejudicial interest). In the event, Councillor M substituted for a different Councillor, for the whole meeting. Councillor M spoke in support of the application and moved a recommendation that the application be approved. However, he then withdrew this proposal, to allow instead the application to be deferred for further investigations to be undertaken by officers.

- 3.13 The planning application was considered at a further Planning Committee meeting. Councillor M was not in attendance. The Planning Committee decided it was minded to approve the application, the decision being deferred in order that officers might prepare a further report for the Committee to consider. This was normal practice where members were minded to vote against an officer recommendation.
- 3.14 Further to this, a second meeting was held in the Chief Executive's office with regards to former Councillor W's son's complaint. Councillor M also attended, as he had been invited by former Councillor W to attend as a witness. The day after this, the Audit and Complaints Manager (who had investigated the complaint), sent an e-mail to the Senior Planning Officer following a telephone call from former Councillor W. This stated:
- 'Councillor W has just rung and wasn't satisfied with the outcomes of the meeting yesterday... and he asked me to tell you that he will prove that you lied at Cttee and if you want to take him to standards he will look forward to it.'*
- 3.15 Councillor M attended the next Planning Committee meeting as a substitute for former Councillor W when the application was discussed again. He again spoke in support of the application and voted in favour of it. The application was approved.
- 3.16 Further to evidence provided by two members of the public who had attended the meeting, and by the Senior Planning Officer, the case tribunal found that there had been some kind of non-verbal communication which may have been by way of gesture, a smile or mouthed words on the part of Councillor M and at least one other Councillor indicating to former Councillor W's son and his planning agent their support for the way the debate had gone.
- 3.17 The case tribunal further found that Councillor M shook former Councillor W's son's hand at the end of the Planning Committee partly for the purposes of congratulating him on the successful approval of the application.
- 3.18 Former Councillor W made further accusations of the Senior Planning Officer lying in letters to the Leader of the Council. The Leader asked the former Councillor to provide evidence to support his accusations, but he failed to do so.
- 3.19 Following this, the Senior Planning Officer attended former Councillor W's home, as they had agreed to a 'clear the air' meeting. The Senior Planning Officer made a note of the meeting which stated that former Councillor W said *'the Waters have lots of land and property and connections to others and that there would be things coming across my desk in future and that if you put one foot out of line I'll have you'*. The former Councillor also told him that he was *'prepared to bet me anything I wanted, from £10 to £10,000 that he could get me out of my job'*. He also told the Senior Planning Officer that he knew where he lived. He referred to an earlier standards investigation which resulted in his suspension and said he would welcome another investigation. He said he thought he would be exonerated and felt he had been re-elected by people who wanted him to *'sort out those liars at the council'*.
- 3.20 Former Councillor W went on to say that he expected to be able to discuss future planning applications with him even though he was no longer Head of Planning. The note of the meeting concluded by saying *'we parted pleasantly, shaking hands'*.

- 3.21 The case tribunal found that former Councillor W had used his position as a Councillor improperly to secure an advantage for his son and to influence a decision in relation to his planning application. The meetings with the Chief Executive were, in the case tribunal's view, an attempt by former Councillor W to place pressure on officers to deal with his son's planning application in a more favourable way.
- 3.22 The case tribunal saw former Councillor W's requests for Councillor M to substitute for him at the Planning Committee and the previous requests for assistance as an attempt to get round the rules in relation to prejudicial interests.
- 3.23 Through his treatment of the Senior Planning Officer both in calling him a 'liar' repeatedly without foundation or explanation, and his comments to him at their 'clear the air' meeting, he had failed to treat him with respect and bullied him, over a sustained period. Former Councillor W had also sought to compromise his impartiality and to secure an advantage for him and his family.
- 3.24 The case tribunal considered that former Councillor W's conduct during this period had fallen far below the standards expected of elected Members. The case tribunal concluded that his conduct would reduce the public's confidence in the planning applications being fairly and properly handled and also adversely affect the reputation of Members generally. Taking all the points above together, the case tribunal was of the view that he had brought his office or authority into disrepute.
- 3.25 With regards to Councillor M, in the case tribunal's view, he had acted with mixed motivation. The case tribunal accepted that his involvement with the planning application had been partly on account of his own views that the application should exceed, partly to assist a constituent and partly in furtherance of the view of the Parish Council. Had these factors been his sole motivation, there would not, in the tribunal's view, have been a finding of breach. The facts were however that Councillor M had been drawn into acting on behalf of former Councillor W's son. The case tribunal was of the view that he ought not to have allowed himself to be drawn in this way, bearing in mind that former Councillor W had an obvious prejudicial interest in the matter. Therefore, the case tribunal was of the view that Councillor M had used his position as a Councillor improperly to secure an advantage for Councillor W's son, contrary to paragraph 5(a) of the 2002 Code of Conduct.
- 3.26 The case tribunal accepted that Councillor M had acted inadvertently and had honestly believed that what he was doing was not in breach of the Code. The case tribunal considered that, on the basis that the reasonable member of the public was aware that Councillor M had acted inadvertently, and taking into account that he was only one of ten voting in favour of the planning application at Planning Committee, it concluded that this should not amount to a breach of the disrepute provision of the Code.
- 3.27 In the case tribunal's view, whilst it was regrettable that Councillor M's non-verbal communication with former Councillor W's son took place at the public Planning Committee meeting, it concluded that this was not sufficient to give rise to a breach of disrepute.
- 3.28 The case tribunal decided that former Councillor W should be disqualified from being, or becoming a member of any relevant authority for a period of three years. This case was at the most serious end of matters given his previous breach of the

Code. That breach had similarities to the current matter and indicated that he had learned nothing from his previous sanction.

- 3.29 The case tribunal ordered that Councillor M be censured. The case tribunal accepted that Councillor M had not fully appreciated the import of his actions. However, he ought to have seen clearly that he should have nothing to do with former Councillor W's request for assistance. It was important that the rules on prejudicial interest should not be subverted by the use of other Councillors to act effectively as the voice of the Councillor with the prejudicial interest. The tribunal therefore recommended that Councillor M receive training on the Code of Conduct.
- 3.30 **In Leeds, Members are strongly advised that where their interest in a matter is prejudicial, they should not participate or give the appearance of trying to participate in the making of any decision on the matter by the authority.**
- 3.31 **In Leeds, Members who have concerns about the capabilities or conduct of an officer are advised through the Protocol on Member Officer Relations to avoid personal attacks on or abuse of the officer, ensure that any criticism is well founded and constructive, never make a criticism in public, and to take up the concern with the officer privately. If this is inappropriate, Members are advised to raise their concerns with the relevant director.**

### **Appeals against Standards Committee decisions**

#### Pendle Borough Council and Barnoldswick Town Council

- 3.32 A Councillor appealed against the Standards Committee's decision that he had failed to treat others with respect by using the words '*It is you who owe the apology as you are the liars. The CPS got it wrong. You are the guilty ones*' in responding to a question from a member of the public at a meeting of Barnoldswick Town Council. The Councillor also appealed against the action which the Standards Committee decided to take, which was to require him to submit a letter of apology to the Council.
- 3.33 The Councillor appealed on the grounds that he did not show disrespect by the use of the words he used at the Council meeting; and there were irregularities the procedures adopted by the Standards Committee.
- 3.34 In relation to the Councillor's ground of appeal that he did not show disrespect, the appeals tribunal considered that the approach adopted by both the Investigating Officer and the Standards Committee was flawed. They considered simply whether or not the word 'liar' went beyond political expression, was rude and offensive and amounted to an expression of anger and personal abuse. They did not appear to have considered whether or not the Councillor was justified in using the word on the basis that it might be true.
- 3.35 There was insufficient evidence for the appeals tribunal to determine whether or not the Councillor's words were justifiable. The question which needed to be explored was whether the persons responsible for the publication of the leaflet (about which the Councillor had complained to the Police) deliberately and knowingly included false information in the leaflet and manipulated it for electoral gain, or simply made a genuine error which can reasonably be explained. If the persons responsible had deliberately and knowingly included false information, then no reasonable person



could consider that there had been disrespect. In the absence of relevant evidence to answer that question, the appeals tribunal decided to overturn the decision of the Standards Committee.

- 3.36 The appeals tribunal considered, however, that the use of the word 'liars' is inappropriate in the proceedings of a public body even where it does not amount to disrespect. Its use might breach the provisions of the Code of Conduct which require a Councillor not to do anything which might bring his office or authority into disrepute. This did not appear to have been considered by the Standards Committee and there was an absence of evidence and submissions on which the appeals tribunal could make a determination.
- 3.37 The appeals tribunal also had regard to the fact that the person presiding at the meeting does not appear to have called upon the Councillor to temper his language, to withdraw the remark or to apologise. There was also insufficient evidence to make an assessment of the engagement of the Councillor's right to freedom of expression.
- 3.38 Whilst allowing the appeal, the appeals tribunal noted that the investigation report made reference to the word 'liars' being deemed unparliamentary language in the House of Commons. Local authorities are not bound by the rules of debate adopted by the House of Commons, however some local authorities adopt similar rules by custom and practice. There was no evidence that there is such a custom and practice in Barnoldswick Town Council, but, whether or not there is, the appeals tribunal advised that the Councillor may wish to consider apologising to the Council for breaching the normal rules of debate by the use of inappropriate language.
- 3.39 Having found that there was no sustainable evidence upon which the Standards Committee could properly conclude that there was a breach of Paragraph 3(1) of the Code of Conduct, there was no need to reach formal conclusions in respect of the alleged irregularities of procedure. However, the appeals tribunal commented on what might be considered good practice in respect of the matters raised:
- A Standards Committee has a duty to consider any allegation of bias. It is good practice for a Standards Committee to ensure that its proceedings are free from actual or perceived bias, and should take a proactive role rather than relying on individuals to declare interests;
  - It is the Chairman's duty to exercise control and ensure that the proceedings are run smoothly and efficiently. It requires a fine balance and support from competent advisers;
  - The Standards Committee has a duty to consider the relevance of the evidence to be given by potential witnesses and to give reasons for not calling witnesses;
  - If a person does have knowledge which would assist by way of evidence or has played any material role in the circumstances given rise to the complaint, he should not be appointed as Investigating Officer;
  - The circulation of papers prior to the hearing is a fundamental requirement, as is ensuring that all persons have access to the same documentation. Paginated bundles should be prepared for all parties and members of the Standards Committee; and
  - Any investigations and consequential proceedings should be undertaken with the minimum of delay, particularly if any delay prejudices a party by the timing of a decision.

West Dorset District Council and Crossways Parish Council

- 3.40 A Councillor appealed against the Standards Committee's finding that he had failed to follow Paragraph 12 (1)(a) of the Code of Conduct by failing to declare a personal interest and failing to leave the Council Chamber during a meeting. The Councillor also appealed against the sanction imposed by the Standards Committee, which was to suspend him for three months.
- 3.41 The appeals tribunal determined that the Councillor did fail to follow the provisions of the Code because:
- An application for remission of charges for the Scout Association (of which the Councillor is a leading and long-standing member) was considered by the Council;
  - The Councillor declared a personal interest but remained in the room and did not speak; and
  - Given his long-standing and close association with the Scouts and his position of responsibility within the Crossways Scout Group a member of the public would reasonably consider that his interest was so significant that it was likely to prejudice his judgement of the public interest.
- 3.42 In deciding whether the sanction applied was appropriate, the appeals tribunal took the following points into consideration:
- The Councillor was shown advice of the Monitoring Officer on his situation at the start of the meeting, however he did not have time to consider it properly and the tribunal was satisfied that his actions in the meeting were not in deliberate disregard of the advice and were a mistaken interpretation of the position;
  - The Councillor did not seek to improperly influence the proceedings; and
  - At the time of the meeting, the Councillor had not received further training on the Code of Conduct as previously directed by the Standards Committee. He had subsequently undergone the training, learnt from it and indicated that in future whenever any item relating to his interests is raised he will declare a personal and prejudicial interest and leave the room.
- 3.43 Therefore, the appeals tribunal decided that censure was a sufficient sanction in the circumstances, rather than the three months suspension that was imposed by the Standards Committee.
- 3.44 **In Leeds, Members are strongly advised that where their interest in a matter is prejudicial, they should not participate or give the appearance of trying to participate in the making of any decision on the matter by the authority. Before each meeting, 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.**

## Bristol City Council

- 3.45 A Councillor appealed the action which the Standards Committee decided to take in the light of her failure to follow paragraphs 3(1) and 5 of the Code of Conduct. The action was censure and that the Councillor be suspended for four weeks.
- 3.46 The Councillor accepted that her actions did amount to a failure to follow the Code of Conduct, therefore the appeal was limited to the question of whether the sanction was appropriate.
- 3.47 A meeting of Bristol City Council took place at which the debate was heated and fractious, and there was political tension. In response to a contribution to the debate from Councillor J, the Councillor said, *'In our culture we have a word for you...we have a word that we use and I am sure many in our city will understand...it's coconut. At the end of the day I look at you as that' and 'the water is either thrown away or drinking it'.*
- 3.48 Although the Standards Committee did not make an express finding as to the meaning of the term 'coconut', they accepted the conclusion of the Investigating Officer that:
- 'the term 'coconut' related to someone in denial of their heritage who had forgotten their roots. It had racial elements, was deeply offensive and insulting, however it was not a racist term in legal terms.'*
- 3.49 The grounds of appeal were:
- The Sub-Committee chose to go against the Investigating Officer's recommendation that no further action be taken;
  - The sanction was disproportionate in view of the Councillor's acceptance of fault and her apology and did not accord with Standards for England's guidance to Standards Committees; and
  - The impartiality of the Sub-Committee may have been prejudiced by one of its members seeking to gain political capital from the decision.
- 3.50 The appeals tribunal saw no evidence to suggest that the impartiality of the Standards Committee could reasonably be questioned on political or other grounds and it therefore rejected that contention on behalf of the Councillor.
- 3.51 In deciding whether the sanction was appropriate, the appeals tribunal had regard to guidance issued by Standards for England and the Adjudication Panel for England. It follows from this guidance that, given the Standards Committee's decision that the Councillor had brought her office or authority into disrepute, suspension was a sanction which it was both reasonable and proportionate for it to consider imposing. However, it does not follow that it was reasonable or proportionate to impose a suspension on the facts of this case. The guidance stresses that the appropriate sanction in any case requires consideration of all mitigating and aggravating factors.
- 3.52 On the side of mitigation were the following:
- The comment was a one off comment uttered in the context of a heated debate;
  - The Councillor apologised for her conduct as soon as she appreciated that it had caused offence;

- No issues of dishonesty, financial impropriety or intent to secure personal financial or other gain were involved;
- The Councillor acknowledged her wrongdoing throughout;
- The Councillor had not previously failed to follow the provisions of the Code; and
- There was no suggestion that there was any risk of future non-compliance.

3.53 The factors which may reasonably be said to have aggravated the misconduct are:

- The intention of the Councillor to insult in using the words that she did;
- The offensive and insulting nature of the words used;
- The fact that the words were uttered at a meeting of the full Council where the press and public were likely to witness them; and
- The harm which resulted to the reputation of the Council and the office of Councillor from the use of the words.

3.54 In the appeals tribunal's view, the Standards Committee's balancing of the mitigating and aggravating factors led to the imposition of an unreasonable and disproportionate sanction in this case. It was not reasonable or proportionate to conclude that suspension was the appropriate sanction where there had been a prompt and full apology for an off the cuff insult which did not itself have any aggravating feature beyond being gratuitously offensive and which was made in the context of a heated meeting when feelings were running high. Looked at objectively, whilst the Councillor's behaviour breached paragraph 5 of the Code, the effect on the reputation of the Council and the office of Councillor could not reasonably justify suspension.

3.55 The appeals tribunal concluded that the Councillor should be censured for her failure to comply with the Code of Conduct.

3.56 **This case highlights the importance of considering the aggravating and mitigating factors in each case before deciding upon the sanction to be imposed. In Leeds, the Standards Committee Procedure Rules state that the Hearings Sub-Committee must have regard to Standards for England's guidance on 'Standards Committee Determinations', which lists examples of aggravating and mitigating factors.**

West Lindsey District Council and Bardney Group Parish Council

3.57 A Councillor appealed against the Standards Committee's decision that he had failed to follow paragraph 9 of the Code of Conduct by failing to declare a personal interest in an item relating to 'Village Signage' at an Extraordinary General Meeting of the Parish Council. He also appealed against the sanction imposed which was to censure the Councillor and require him to attend training on the Code of Conduct within the next six months.

3.58 Paragraph 9 of the Code would only have been engaged in this case if the decision on village signage might reasonably have been regarded as affecting the Councillor's well-being or financial position to a greater extent than the majority of the other council tax payers, rate payers or inhabitants of the Parish.

3.59 There was no question of the decision having any bearing on the Councillor's financial position, therefore the issue narrowed to the effect on his well-being. The

appeals tribunal concluded that it is more likely than not that the contentedness and therefore well-being of the Councillor would have been affected to a greater extent by the decision of the Parish Council at its meeting than that of the majority of the tax payers and inhabitants of the Parish Council's area. He was the Treasurer of the voluntary organisation which had a longstanding project to erect the signs and he himself supported the project as demonstrated by his seconding of the motion for the acceptance of the signs. An inability to erect the signs would at the very least have led to additional complications for the Treasurer of the organisation, therefore acceptance of the signs was likely to have a greater effect on him than the majority of other tax payers, rate payers and inhabitants of the Parish.

- 3.60 The appeals tribunal therefore found that the Councillor did have a personal interest which should have been declared at the meeting, and in failing to do so the Councillor failed to follow the provisions of the Code.
- 3.61 The appeals tribunal decided that the action which is appropriate is for the Councillor to be required to undertake training on the requirements of the Code of Conduct within the next six months (if it has not already occurred in accordance with the decision of the Standards Committee). This was an unintentional and technical breach of the Code which was the consequence of a failure to understand the Code, rather than any intent to hide a declarable interest. The censure of the Councillor by the Standards Committee was disproportionate to the breach and the appeals tribunal rejected that part of the sanction.

#### Forest Heath District Council

- 3.62 A Councillor appealed against the action which the Standards Committee decided to take in the light of his failure to treat others with respect, in breach of paragraph 3(1) of the Code of Conduct. The action was to censure the Councillor and require him to write a letter of apology to Councillor C, copied to the Monitoring Officer.
- 3.63 The appeals tribunal determined that the Councillor did not fail to follow the provisions of the Code. He had stated in an e-mail "*As for Councillor C attempting to denigrate my comments 'Stating they were only Councillor M's personal opinions' how could she possibly know what I was about to say, how could anyone know until I finished, you know they used to burn witches at the stake for professing to have such abilities*". The inference drawn by the Investigating Officer that this was clearly personal to Councillor C is an inference which the tribunal concluded was not justified. The comment does not directly call her a witch; it was a far more general comment and did not pass into the realm of personal abuse.
- 3.64 The appeals tribunal also pointed out that the son of one of the members of the hearing panel is a cabinet colleague of the complainant on another authority, which could have raised doubt in the mind of an observer as to his objectivity and independence. There are also a number of common interests between the complainant and another member of the hearings panel, which could equally be perceived as raising similar questions in relation to his participation. Therefore, the overall composition of the hearings panel could have raised in the mind of a reasonable observer the question of whether there would be a fair hearing.
- 3.65 The appeals tribunal concluded that the decision of the Standards Committee should be overturned.

## Milton Keynes Council and Great Linford Parish Council

- 3.66 A Councillor appealed against the Standards Committee's finding that she failed to follow paragraphs 3(1) and 3(2) of the Code of Conduct and their decision to suspend her for six months, reduced to four months if during that period the Councillor sends a letter of apology to Great Linford Parish Council and the clerk to the Council and undertakes training on the Code of Conduct. Permission to appeal was allowed on the sanction only.
- 3.67 The Councillor's grounds of appeal were as follows:
- The Hearings Sub-Committee failed to take into account medical factors;
  - The Investigating Officer failed to request further information from the GP when invited to do so in the GP's letter. Recently her prescription for tablets which were known to affect change of personality had been discontinued by her GP;
  - The Sub-Committee had not responded to the Councillor in respect of the apology and retraining programme; and
  - The Sub-Committee added a condition to the determination when the case had already been closed.
- 3.68 In deciding whether the sanction applied was reasonable and proportionate, the appeals tribunal took the following matters into consideration:
- Standards for England's guidance on sanctions, which states that suspension may be appropriate for those cases involving bullying;
  - The matter was potentially so serious as to merit the maximum suspension available as there was a pattern of behaviour over a period of time which amounted to bullying;
  - The Councillor had not tried to argue that there was any justification for her treatment of the Parish Clerks; and
  - This type of bullying and disrespectful behaviour was not only distressing to the individuals concerned but also detrimental to the good governance of the Parish Council and was a very serious matter.
- 3.69 The appeals tribunal therefore agreed that a sanction of six months' suspension was proportionate to the breach. It then considered whether there were any mitigating factors that might point to a lesser penalty being imposed.
- 3.70 Although the Councillor had apologised to the Parish Council Clerk at the Standards Committee hearing, the tribunal gave the apology little weight as a mitigating factor, as to demonstrate appropriate contrition it should have been made much sooner.
- 3.71 The Sub-Committee addressed its mind to the issue of the Councillor's medical history, and although they did not dispute that she had long term health problems, concluded that there was no evidence to support her assertions that her behaviour was caused by her medical condition or medication. The Councillor submitted a letter to the appeals tribunal which stated that there had been some changes to her medication, however there was nothing in the letter to indicate that the medication she had taken would have contributed to the sort of behaviour that led to the finding of the breach of the Code or that would justify sustained bullying and bad behaviour. The tribunal therefore did not consider that there was substantiated evidence that the Councillor's actions had been affected by ill-health.

3.72 The appeals tribunal did not feel that there were any persuasive mitigating factors and concluded that six month's suspension was appropriate. Although they were in some doubt as to whether the Councillor should be offered the option of a reduction in suspension if she gives a written apology and undertakes training, they noted that she had apologised at the Standards Committee hearing and were prepared to give her the benefit of the doubt.

#### London Borough Richmond upon Thames

3.73 A Councillor appealed against the Standards Committee's determination that he had failed to treat others with respect, and the sanction applied which was to censure him.

3.74 The appeals tribunal determined that the Councillor did not fail to follow the provisions of the Code for the following reasons:

- The Councillor sent an e-mail expressing concerns about the Council's Planning service. Although the appeals tribunal recognised that the manner in which the Councillor raised the concerns in that e-mail was inappropriate and the language used was intemperate, it did not give rise to a breach of the Code;
- The e-mail related to the Planning Department and was not directed at an individual officer, therefore it fell within the ambit of comment that it was acceptable for a Councillor to make. Councillors should not be deterred from raising concerns with regard to Council services; and
- An earlier e-mail sent by the Councillor, which had been critical of an officer in a robust and intemperate fashion (and was copied to a member of the public and senior officers) would not have been pleasant for a relatively junior officer to receive. However, on its own, it was too insignificant to amount to disrespect and therefore a breach of the Code. Had it been coupled with other instances of inappropriate behaviour towards that officer or other individual officers it might have amounted to disrespect.

3.75 The appeals tribunal was of the view that this matter should perhaps not have passed the Council's assessment of whether a complaint should be referred for investigation – either on the grounds that if proven it would not amount to a breach of the Code or alternatively that it was too minor. The appeals tribunal had concerns that no attempts had been made to deal with this issue in a more informal way first, for instance, the Councillor being spoken to by the Monitoring Officer or the Leader of the Council.

3.76 Therefore, the appeals tribunal rejected the finding of the Standards Committee.

3.77 **In Leeds, during the initial assessment and review stage, the Assessment flowchart and Code matrix must be used by the Sub-Committee to evidence their consideration of each stage of the process and section of the Code in relation to every complaint.**

#### **4.0 Implications For Council Policy And Governance**

4.1 There are no implications for council policy.

4.2 By continually monitoring decisions made by the Adjudication Panel and the implications for Leeds, the Standards Committee is fulfilling its terms of reference by keeping the codes and protocols of the Council under review.

4.3 By identifying problem areas the Standards Committee are also able to improve the training provided for Members on conduct issues, and maintain good conduct in the Council.

## **5.0 Legal And Resource Implications**

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

## **6.0 Conclusions**

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

## **7.0 Recommendations**

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

### Background Documents

(All above case tribunal decisions available at:  
<http://www.adjudicationpanel.tribunals.gov.uk/Public/Decisions.aspx>)





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**Report of the Assistant Chief Executive (Corporate Governance)**

**Standards Committee**

**Date: 16<sup>th</sup> December 2009**

**Subject: Standards Committee Work Programme**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**1.0 Purpose Of This Report**

1.1 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 remainder of 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
<b>Meeting date: 17<sup>th</sup> February 2010</b>		
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.	Senior Corporate Governance Officer Amy Kelly
Review of Effectiveness of Standards Committee	To receive a report considering the effectiveness of the Standards Committee.	Head of Governance Services Andy Hodson
Adjudication Panel Decisions/Notable Cases	Regular report detailing the most recent Adjudication Panel decisions and any other notable standards cases.	Corporate Governance Officer Laura Ford
Ethical Audit Action Plan – HR Actions Update	To receive a report updating Members on the HR Actions from the Ethical Audit Action Plan, including the Staff Survey and the 360 Degree Managers' Appraisals.	Head of Human Resources Dave Almond

**STANDARDS COMMITTEE - WORK PROGRAMME 2009/10**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Standards for England Public Perceptions of Ethics	To receive a report advising Members of the findings of a research report recently published by Standards for England tracking public perceptions of ethics in local government.	Corporate Governance Officer Laura Ford
Outcome of an Investigation into a Leeds City Council Member	To receive a report notifying Members of the Standards Committee of the outcome of a recent investigation into the conduct of a Leeds City Councillor, which was carried out by an Ethical Standards Officer from Standards for England.	Senior Corporate Governance Officer Amy Kelly
Readily Obtainable Information	To receive a report describing what constitutes readily obtainable information, in relation to the local assessment process.	Senior Corporate Governance Officer Amy Kelly
<b>Meeting date: 22<sup>nd</sup> April 2010</b>		
Final Standards Committee Annual Report 2009/2010	To seek Member's approval for the final draft of the Standards Committee Annual Report 2009/10.	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.	Corporate Governance Officer Laura Ford
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
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

**STANDARDS COMMITTEE - WORK PROGRAMME 2009/10**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>RESPONSIBLE OFFICER/NOTES</b>
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

**STANDARDS COMMITTEE - WORK PROGRAMME 2009/10**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<b><u>Unscheduled Items</u></b>		
Officer Code of Conduct	Approval of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code. <sup>1</sup>	Chief Officer (Human Resources) Lorraine Hallam
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 <sup>2</sup>	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
Enforcement of Local Codes and Protocols	To receive a report asking the Committee to consider the status of the Local Codes and Protocols.	Principal Corporate Governance Officer Kate Sadler
Politically Restricted Posts	To receive a report informing members of the Standards Committee of the implications of the Local Democracy and Economic Development and Construction Act 2009 for politically restricted posts.	Chief Officer (Human Resources) Lorraine Hallam

<sup>1</sup> Consultation on the new officer Code of Conduct closed on 24<sup>th</sup> December 2008. It is anticipated that a further consultation document will be released in 2010.

<sup>2</sup> To be submitted after the new Member Code has been released