



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 17th February, 2010
at 2.00 pm

MEMBERSHIP

Independent Members

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

Councillors

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

Parish Members

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

CONFIDENTIAL AND EXEMPT ITEMS

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

9.0 Confidential information – requirement to exclude public access

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

9.2 Confidential information means

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

10.0 Exempt information – discretion to exclude public access

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

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

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

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

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

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

A G E N D A

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

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct</p>	
5			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the Standards Committee meeting held on 16th December 2009.</p>	1 - 6
6			<p>MINUTES OF THE ASSESSMENT SUB-COMMITTEE</p> <p>To note the minutes of the Assessment Sub-Committee meeting held on 14th December 2009.</p>	7 - 8
7			<p>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</p> <p>To note the minutes of the Corporate Governance and Audit Committee meetings held on 15th December 2009 and 13th January 2010.</p>	9 - 18
8			<p>ETHICAL AUDIT ACTION PLAN: HUMAN RESOURCES UPDATE</p> <p>To receive a report of the Chief Officer (Human Resources) providing further information in relation to the actions assigned to the Chief Officer (Human Resources) from the Ethical Audit Action Plan.</p>	19 - 34

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>COMPULSORY TRAINING FOR MEMBERS OF STANDARDS COMMITTEE</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking confirmation of the proposal made by Corporate Governance and Audit Committee that a programme of compulsory training should be undertaken by Members of the Standards Committee, and proposing an amended training plan.</p>	35 - 46
10		10.4(1, 2, 3)	<p>OUTCOME OF AN INVESTIGATION INTO A LEEDS CITY COUNCIL MEMBER</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) 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.</p>	47 - 90
11			<p>LOCAL ASSESSMENT - READILY OBTAINABLE INFORMATION</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) clarifying what information can be obtained by the Monitoring Officer in relation to a complaint against a Member in order to assist the Assessment Sub-Committee with its decision on that complaint.</p>	91 - 96
12			<p>LOCAL ASSESSMENT - PROGRESS REPORT</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing Members of the Standards Committee with a progress report in relation to all complaints received under the Members' Code of Conduct from 1st June 2009 to 31st December 2009.</p>	97 - 112

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13			<p>ANNUAL REPORT ON THE MONITORING OFFICER PROTOCOL</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing the Monitoring Officer's Annual Report, which is required under paragraph 5 of the Monitoring Officer Protocol.</p>	113 - 126
14			<p>REVIEWING THE EFFECTIVENESS OF THE STANDARDS COMMITTEE</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) reviewing the effectiveness of Leeds City Council's Standards Committee, by comparing its response to Standards for England's Annual Return 2009 with the responses received from all Standards Committees.</p>	127 - 144
15			<p>STANDARDS FOR ENGLAND: PUBLIC PERCEPTIONS OF ETHICS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising Members of the Committee of the findings of the research report recently published by Standards for England, which is the third in a series tracking public perceptions of ethics in local government.</p>	145 - 164
16			<p>THE FIRST-TIER TRIBUNAL (LOCAL GOVERNMENT STANDARDS IN ENGLAND)</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) advising the Committee that the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.</p>	165 - 168

Item No	Ward/Equal Opportunities	Item Not Open		Page No
17			<p>FIRST-TIER TRIBUNAL (LOCAL GOVERNMENT STANDARDS IN ENGLAND): DECISIONS OF CASE TRIBUNALS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.</p>	169 - 194
18			<p>STANDARDS COMMITTEE WORK PROGRAMME</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>	195 - 200

This page is intentionally left blank

Agenda Item 5

Standards Committee

Wednesday, 16th December, 2009

PRESENT:

Independent Members

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

Councillors

D Blackburn	R D Feldman	B Selby
C Campbell	J Harper	

Parish Members

Councillor Paul Cook Morley Town Council

APOLOGIES:

Rosemary Greaves, Councillors J L Carter, Walker, Priestley and B Gettings

47 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.

48 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

49 Late items

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

50 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.

51 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 15th October 2009 were approved as a correct record.

Further to Minute 39(c), the Committee was informed that the response from the Secretary of State was circulated on 11th December 2009, which confirmed that Communities and Local Government intends to issue guidance on Politically Restricted Posts by the end of this year or early next year.

Further to Minute 39(b), it was agreed that officers would check whether the Chief Officer (Human Resources) had decided that job adverts should state that posts are politically restricted (where applicable).

The list of Category C posts (posts restricted because of duties related criteria) had not been circulated because the Local Democracy, Economic Development and Construction Act means that the rate of remuneration will no longer be relevant for posts that are restricted. Therefore, officers now need to assess whether any posts above spinal column point 44 should also be added to the list of potential Category C posts.

Further to Minute 44, the Committee was informed that as the Member Management Committee meeting had been moved to 16th December, a report on compulsory training would be brought to the next Standards Committee meeting on 17th February 2010.

52 Minutes of the Review Sub-Committee

The minutes of the Review Sub-Committee meeting held on 11th November 2009 were received and noted.

53 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 30th September and 12th November 2009 were received and noted.

Further to Minute 38, it was confirmed that full Standards Committee minutes are submitted to the Corporate Governance and Audit Committee, however Assessment and Review Sub-Committee minutes are not.

54 Code of Corporate Governance

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising Standards Committee of the proposed amendments to the Code of Corporate Governance.

Further to the queries raised, it was confirmed that:

- At its meeting on 15th December 2009, the Corporate Governance and Audit Committee had resolved that two minor amendments should be made to the Code of Corporate Governance;

- The Standards Committee has responsibility for advising the Council (or the relevant officer) with respect to the adoption or amendment of a Code of Conduct for Officers, and for promoting, monitoring and reviewing the Code, however it does not have responsibility for officer disciplinary matters;
- The Member/Officer Protocol states that a Member should raise any concerns about an officer with the officer concerned, or with their line manager if more appropriate; and
- The Member/Education Leeds Protocol is being reviewed (along with all of the Local Codes and Protocols) by a working group of Member Management Committee, who will provide comments to Standards Committee.

Members of the Committee agreed that for clarity, the second bullet point of Principle 3 should be amended to read 'Appointing a Standards Committee with responsibilities for promoting and monitoring the application of the relevant parts of these Codes and Protocols'.

RESOLVED – Members of the Standards Committee resolved to request that Principle 3 of the Code of Corporate Governance is amended as discussed above.

55 Standards Committee Media Protocol

The Principal Corporate Governance Officer presented 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.

Members of the Committee particularly discussed the benefits and drawbacks of publishing an annual notice giving details of the complaints procedure. It was agreed that it was no longer necessary to produce an annual notice, as long as information is published in About Leeds from time to time, and the notices displayed in Citizens Advice Bureaux, Libraries and Council buildings are refreshed on a regular basis.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report;
- (b) 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 the adoption of a new Members' Code of Conduct at such time as is required;
- (c) Confirm that an annual notice should not be published in future municipal years giving details of the complaints procedure, as long as information is published in About Leeds from time to time, and the notices displayed in Citizens Advice Bureaux, Libraries and Council buildings are refreshed on a regular basis; and
- (d) Agree to receive further reports on the Media Protocol as and when amendments are required, rather than on an annual basis.

56 Standards Committee Communications Plan

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Communications Plan, and seeking approval of the proposed amendments.

It was confirmed that training and information on standards issues is provided to all Town and Parish Councils within the Leeds area, and that the Monitoring Officer can be contacted if further assistance is required.

RESOLVED – Members of the Standards Committee resolved to approve the Communications Plan as attached at Appendix 1 to the report.

57 Review of Local Assessment Arrangements

The Senior Corporate Governance Officer presented 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.

Firstly, the Committee considered the results of the questionnaire sent to all Members, which revealed that 16 out of 18 respondents would prefer to know that a complaint has been made about them prior to the meeting of the Assessment Sub-Committee. In the interest of fairness, it was agreed that Subject Members should be informed that a complaint has been made about them as soon as it is received. It was noted that under the Regulations, the only information that can be provided prior to the meeting of the Assessment Sub-Committee is the name of the complainant and the paragraphs of the Code of Conduct that the Subject Member is alleged to have breached. It was also agreed that Members should be provided with the opportunity to opt-out of this process if they wish.

Members' confusion in relation to the local assessment process was raised as a concern. It was agreed that a document should be prepared for Members to clarify all stages of the process. It was also agreed that it would be useful for an officer to offer to speak to each of the political groups to answer any queries in relation to local assessment.

The Committee then considered whether to set up a separate Consideration Sub-Committee to receive and consider final investigation reports, which was currently carried out by the Assessment Sub-Committee. It was agreed that a Consideration Sub-Committee should be set up in order to try to alleviate the confusion some Members experienced recently when two final investigation reports were considered by the Assessment Sub-Committee. However, it was also agreed that this decision should be reviewed once the Committee had undertaken all stages of the process (including a hearing).

The suggested actions in respect of the local assessment arrangements were considered and agreed, namely:

- Writing a letter to Standards for England and Communities and Local Government to inform them of the Member comments made relating to the Regulations and statutory guidance; and
- Providing another copy of the relevant Decision Notice to the Subject Member when they are informed that the complaint will be considered by the Review Sub-Committee.

Members of the Committee also considered how best to increase understanding and respect for the local assessment process. It was agreed that it would be useful for the Leeds City Council members of the Committee to feedback on discussions held at Standards Committee meetings to their political group. It was also agreed that, as previously discussed, a document explaining the process and the attendance of an officer at political group meetings to answer queries would be useful.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Discontinue the current arrangement of not notifying Members that a complaint has been received until after the Assessment Sub-Committee has met, but provide Members with the opportunity to opt-out of this process if they wish;
- (b) Agree the suggested actions in respect of the local assessment arrangements set out in Appendix A to the report;
- (c) Note the responses to the lessons learned;
- (d) Create a Consideration Sub-Committee to receive and consider final investigation reports, and approve the terms of reference as attached at Appendix C to the report; and
- (e) Request that officers produce a document for Members clearly explaining each stage of the local assessment process, and that the offer be made for an officer to attend political group meetings to answer any queries in relation to local assessment.

58 Standards Committee Half Year Progress Report

The Corporate Governance Officer presented 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.

RESOLVED – Members of the Standards Committee resolved to agree to refer the report to the Corporate Governance and Audit Committee for further consideration.

59 Standards for England Annual Assembly

The Assistant Chief Executive (Corporate Governance) submitted a report advising members of the Committee of the Eighth Annual Assembly of Standards Committees which took place on 12th and 13th October 2009 at the International Convention Centre (ICC) in Birmingham.

The Chair (who was also a member of the Annual Assembly Steering Committee) informed Members of the Committee that very positive feedback had been received from the delegates who had attended the Annual Assembly, which had provided a useful learning and networking opportunity.

RESOLVED – Members of the Standards Committee resolved to note the contents of the report and the attached newsletter.

60 Standards for England Annual Review 2008/09

The Assistant Chief Executive submitted a report outlining the contents of Standards for England's Annual Review 2008/09.

It was confirmed that officers would explain any percentages in more detail in future reports.

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

61 Adjudication Panel for England: Decisions of Case Tribunals

The Assistant Chief Executive (Corporate Governance) submitted a report providing summaries of recent decisions made by the Adjudication Panel for England in its role of determining allegations of misconduct.

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

62 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 - Assessment Sub-Committee

Monday, 14th December, 2009

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

D Blackburn J Harper

Parish Members

Councillor Mrs P Walker

20 Declarations of Interests

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

21 Case Reference 0910007

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

RESOLVED - The Assessment Sub-Committee resolved:

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

22 Case Reference 0910009

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

RESOLVED - The Assessment Sub-Committee resolved:

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

This page is intentionally left blank

Agenda Item 7

Corporate Governance and Audit Committee

Tuesday, 15th December, 2009

PRESENT: Councillor J Bale in the Chair

Councillors D Blackburn, G Driver,
P Grahame, G Latty, C Campbell,
T Leadley and A Lowe

Co-optee

Mr M Wilkinson

Apologies Councillors N Taggart and G Kirkland

58 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

59 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

60 Late Items

There were no late items to add to the agenda. However, the Chair noted that supplementary information had been circulated in relation to Item 7 of the agenda (minute 64 refers).

Appendices 1 and 2 to this report had been unavailable at the time of the agenda dispatch due to an embargo being in place over the Appendices until the 9th December, and were required for Members to be able to effectively consider the report.

61 Declaration of Interests

No declarations of interest were declared.

62 Apologies For Absence

Apologies for absence from the meeting were received on behalf of Councillors Kirkland and Taggart.

63 Minutes of the Previous Meeting

RESOLVED – The minutes of the Corporate Governance and Audit Committee meeting held on 12th November 2009 were approved as a correct record, subject to the following amendment:

Minutes approved as a correct record
At the meeting held on 13th January 2010

Minute 54 – amend the sentence under ‘Members particularly discussed’ to read ‘The democratic accountability of the Leeds City Region, which gives no opportunity for elected Members to scrutinise decisions made;’

64 Outcome of the Comprehensive Area Assessment

The Head of Policy (Performance and Improvement) presented a report of the Assistant Chief Executive (Planning Policy and Improvement). The report informed Members of the results of the Organisational and Area assessment report for Leeds and how the assessment is undertaken.

Members particularly discussed:

- The identification of emerging areas of difficulty and how they will be focussed upon;
- The repetitive nature of the report produced for the Comprehensive Area Assessment (CAA) and the lack of evidence contained within;
- How the Ofsted inspection feeds into the CAA and its subsequent influence on the CAA;
- Whether any of the areas for improvement had been anticipated by the Council prior to the inspection, and if so, whether action had been taken to rectify these issues before the inspection took place, and if not why the governance arrangements had not alerted the Council to the areas of poor performance.

RESOLVED – Members resolved to:

- (a) Note the contents of the report.

(Councillor Campbell entered the meeting at 2:15pm during the consideration of this item)

65 The Changing Financial Landscape

The Chief Officer (Financial Management) presented a report of the Director of Resources informing the Committee of the Council’s approach to medium term financial planning and management, particularly within the context of the financial challenges facing the public sector in general and specifically the City Council.

Members particularly discussed:

- The possibility of Central Government ring fencing the budgets of certain publicly funded organisations, leading to pressure on Local Government finances;
- The issue of certain areas of the City Council’s budget being ring fenced and the effects of this; and
- That the report was well presented and informative.

RESOLVED – Members resolved:

Minutes approved as a correct record
At the meeting held on 13th January 2010

- (a) To note the contents of the report and agree that the financial planning arrangements in place are fit for purpose; and
- (b) That the Chair make arrangements for the report to be sent to every Member of the Council prior to the full Council meeting in February 2010 to discuss the Council's budget.

66 Code of Corporate Governance

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive(Corporate Governance) advising Members of proposed amendments to the Code of Corporate Governance.

Members particularly discussed:

- The requirement for 2 minor changes;
 - (1) To include the 'Joint Strategic Needs Assessment Framework' in the list of documents the Council will establish and keep under review to ensure it collects, uses and stores information and data appropriately, in accordance with Principle 4 of the Code.
 - (2) To add in the word 'devising' to the second paragraph of the introduction so the second sentence reads 'By applying the principles in this Code the Council commits itself to devising and delivering services to the citizens of Leeds...'
- Publicising the Code of Corporate Governance more widely to make citizens more aware of the Governance arrangements at the Council and the processes the Council have in place make a difference; and
- That the public expects the Council to conduct its business appropriately.

RESOLVED – Members resolved to:

- (a) Approve the revised Code of Corporate Governance contained at Appendix 1 subject to the proposed amendments outlined above, and any amendments of a minor nature proposed by the Standards Committee.

67 Corporate Governance Statement 2009/10 Action Plan

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) updating Members on the progress made in implementing the Corporate Governance Statement Action Plan and asking the Committee to approve amendments to some of the Improvement Activities in the Action Plan.

Members particularly discussed:

- How the new improvement activities inserted had been identified for inclusion in the Action Plan; and
- That the language used in the Action Plan should be improved to make it more understandable.

RESOLVED – Members resolved to approve the changes made to Improvement Activities in the Action Plan.

68 Work Programme

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

In discussing the work programme Members requested the January work programme be reduced due to a large number of items being on the agenda.

Members also requested that a report be submitted to the Committee following the Children's Services Review in February.

Corporate Governance and Audit Committee

Wednesday, 13th January, 2010

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

Apologies Councillors T Leadley and A Lowe

69 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

70 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

71 Late Items

There were no late items to add to the agenda. However, the Chair noted that supplementary information was circulated at the meeting in relation to Item 8. This information updated the report following new rules covering disclosure of top salaries in Local Government (minute 77 refers). The Chair accepted this information as it was not available at the time of agenda despatch and it required consideration in order for Members to effectively consider the report.

72 Declaration of Interests

No declarations of interest were declared.

73 Apologies for absence

Apologies for absence were received from Councillors Lowe and Leadley. The Chair welcomed Councillor J Lewis who was in attendance as a substitute for Councillor Lowe.

74 Minutes of the previous meeting

RESOLVED - The minutes of the Corporate Governance and Audit Committee meeting held on 15th December were approved as a correct record.

75 Matters Arising

Further to Minute 66, The Chair noted, with regards to the Code of Corporate Governance, which was approved at the meeting held on 15th December 2009 that a minor amendment was proposed by the Standards Committee. The

Draft minutes to be approved at the meeting
to be held on Wednesday, 10th February, 2010

minor amendment, made for clarity, was the second bullet point of Principle 3 to be amended to read 'Appointing a Standards Committee with responsibilities for promoting and monitoring the application of the relevant parts of these Codes and Protocols'.

76 Minutes of the standards Committee Meeting

RESOLVED – That the minutes of the Standards Committee meeting held on 16th December be noted and that the amendment made by the Standards Committee to the Code of Corporate Governance be approved.

77 Senior Officer Remuneration Arrangements

The Chief Officer (Human Resources) and the Head of Human Resources Strategy presented a report of the Director of Resources outlining the national and local frameworks for determining and implementing senior officer remuneration packages. This included providing detail about new legislation relating to the disclosure of senior officers' salaries, as set out in the supplementary information circulated at the meeting.

Members discussed the report and supplementary information in detail. In particular they noted:

- the details about the HAY process, and how it is used at the Council;
- the functions of the Employment Committee and its ad hoc membership;
- the role of this Committee in ensuring that arrangements for determining remuneration are fair and accountable;
- the need for the Council to have an overview on governance arrangements adopted by ALMOs and Education Leeds, for determining remuneration for their employees;
- the need to ensure that such arrangements cover all aspects of remuneration packages, including severance;
- the role of the General Purposes Committee in progressing this issue.

Members concluded that there is a need to implement a clearer and more structured approach to the determination of remuneration. The Committee supported the appointment of a remuneration committee by the Council.

RESOLVED – Members resolved to:

- (a) request further clarification about the new legislation, specifically how it affects employees of bodies such as ALMOs and Education Leeds, and in relation to the disclosure of compromise agreements;
- (b) request that the Committee is consulted about progress on improved arrangements for determining remuneration, so that it can be satisfied that arrangements are satisfactory from a governance point of view; and
- (c) continue to monitor the governance arrangements for the determination of senior officers' remuneration.

(Councillor Taggart entered the meeting at 10.17am Councillors Kirkland and Campbell entered the meeting at 10.29am. All entered during the consideration of this item.)

78 Half Yearly Internal Audit

The Head of Internal Audit presented a report of the Director of Resources updating Members on the reviews undertaken by Internal Audit over the first half of 2009/10.

Members congratulated the Head of Internal Audit on the clarity of his report.

Members particularly discussed:

- how assessment of the control environment was arrived at by Internal Audit;
- Internal Audit's access arrangements for undertaking reviews of contracts that ALMOs have entered in to;
- where Internal Audit identify clear threats to the control environment this information should be prioritised and escalated to the highest levels of the Council;
- the importance of the Committee being made aware of areas reviewed by Internal Audit that have identified a poor control environment to enable the Committee to intervene if appropriate;

RESOLVED – Members resolved to:

- (a) receive further reports from Internal Audit where Internal Audit have identified that the control environment of an area under review is found to be limited or no assurance given; and
- (b) to receive a report detailing a revised Internal Audit protocol to enable arrangements to be formalised.

(Councillor J Lewis left the meeting at 11.40am during the consideration of this item. Councillor P Grahame left the meeting at 11.50am after the consideration of this item.)

79 Annual Audit Letter

The Chief Officer (Audit and Risk) presented his report summarising the key issues from KPMG's audit of the Council in 2008/09.

Members particularly discussed:

- the readiness of the Council for the future issues raised within the Audit Letter; and
- the EASEL project, how this was more challenging to deliver because of the recession but that the scheme is still viable.

RESOLVED – Members resolved to:

- (a) note the contents of the report; and
- (b) receive information updating the Committee with progress made against the recommendations of the previous KPMG report on health equalities.

80 Publication of the Council Complaints system

Due to time constraints at the meeting the Committee decided that this item should be deferred and rescheduled for a future date.

81 Significant partnerships governance framework

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) seeking comments on the proposed amendments to the Governance Framework for Significant Partnerships, prior to the Assistant Chief Executive (Corporate Governance) approving amendments under her delegated authority.

Members particularly discussed:

- the need for carbon reduction and sustainability to be considered in the Council's approach to partnerships;
- the need to receive assurances about compliance with the Framework .

RESOLVED – Members resolved to:

- (a) note the annual review of the Governance Framework for Significant Partnerships;
- (b) agree the amendments put forward in the report; and
- (c) request that a report be received by the Committee providing assurance about compliance with the Framework.

82 Standards Committee Update Report

The Chair of the Standards Committee provided comment in relation to a report of the Assistant Chief Executive (Corporate Governance) advising the Committee of the work completed by the Standards Committee to date in the 2009/10 Municipal Year.

Members particularly discussed:

- the positives for Leeds that the Council was again short listed in the 'Standards and Ethics' category of the Local Government Chronicle Awards 2010;
- the timing for the publication of Standards for Officer's and Members;
- succession planning for a new Chair of The Standards Committee, which is now underway. The current Chair of The Standards Committee will retire in May 2010.

RESOLVED - Members resolved to note the contents of the report.

83 Work Programme

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

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.

This page is intentionally left blank



Originator: David Almond/
Chris Coates
Tel; 0113 2478181
Tel: 0113 3951598

Report of the Chief Officer (Human Resources)

Standards Committee

Date: 17th February 2010

Subject: Ethical Audit Action Plan: Human Resource Issues Update

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. At its meeting in July 2009 the Standards Committee considered a report by the Chief Officer (Human Resources) providing an update on ongoing work from the Ethical Audit Action Plan. At this meeting the Committee requested further information on:
 - a) 360 degree appraisals; and
 - b) Staff Survey 2009.

2. This report contains:
 - a) detail of the background to and process for, the 2009 staff 360 degree process;
 - b) the background to, and detail of the take-up of, the 2009 staff survey; and
 - c) detailed analysis of questions relating to the section of the staff survey titled “working in the public sector”

3. The Standards Committee is asked to note the contents of this report.

1.0 Purpose of This Report

1.1. This report provides the further information requested by the Committee in July 2009, following an update on the actions assigned to the Chief Officer (Human Resources) from the Ethical Audit Action Plan.

1.2. In particular this report seeks to address the following items:

- 360 degree appraisals; and
- The 2009 Staff Survey.

2.0 Background Information

2.1 The ethical audit of 2006 considered how the Council performed in a number of ways relating to ethical governance.

2.2 The Audit findings highlighted gaps in awareness, knowledge and skills across a number of areas. Specifically:

- the audit findings showed that a significant proportion of officers were unaware of their responsibility to abide by the Officers' Code of Conduct;
- a significant proportion of Officers are 'fairly' or 'very unclear' about their responsibilities under the Ethical Framework; and
- a significant proportion of Officers did not understand the role of the Standards Committee, or the Whistle Blowing Policy.

2.3 In consequence, the Standards Committee requested that the Chief Officer (Human Resources) address these findings by ensuring:

- awareness was better promoted; and
- this was embedded, i.e. that key competencies and behaviours for managers made appropriate reference to the Ethical Framework.

2.4 In considering a progress report in July 2009, the Standards Committee raised additional questions, which are considered below under the headings:

- 360 degree appraisals; and
- The 2009 Staff Survey.

3.0 Main Issues

3.1 360 Degree Process

3.1.1 Further information in regard to the background to, and process for, the 2009 360 degree process for senior manager is included as Appendix 1, extracted from the evaluation of the process.

3.1.2 315 officers participated in the 360 Degree Process, on grade bands from Director 40% to the Corporate Leadership Team.

3.1.3 Each officer at this level has received an individual report showing how they compare to this average. The same report has been proved to each individual's manager for discussion at their annual appraisal.

3.1.4 The 360 degree feedback process is currently being reviewed in advance of the 2010 appraisal cycle.

- 3.1.5 The results of the Staff Survey have been compared with the results of the Ethical Audits which were undertaken in 2006 and 2007, for the Committee's information. This is attached at Appendix 3.
- 3.2 Staff Survey 2009
- 3.2.1 In common with most progressive organisations the City Council has carried out a Staff Survey for some years now with the most recent survey undertaken on an 18-month cycle to coincide with the Council's 3-Year Business Plan.
- 3.2.2 The Director of Resources is accountable for ensuring that the staff survey takes place; the responsibility for the survey is through the Chief Officer (Human Resources). In July 2009, the Chief Officer (Human Resources) officers undertook to provide an update to this Committee once the results of the Survey were available. This report provides such an update.
- 3.2.3 The 2009 survey was sent to 17,201 staff. The response rate for the previous Staff Survey was 41%. The target for the 2009 Staff Survey was 43% (7,396 respondents). The actual response rate for the 2009 Survey was 44.3% (7,620 respondents).
- 3.2.4 The data is collected to allow analysis down to Service level to ensure that resources are deployed in a targeted fashion to address issues which may be highlighted at this level. The staff survey informs a number of work strands and targets beyond those below.
- 3.2.5 Appendix 2 to this report is an extract from the Corporate report showing the results of a new Section in the 2009 Survey which measures "Working in the Public Sector".
- 3.2.6 The headline trends from this level are:
- 76% (5,791 respondents) understand the role of a Councillor;
 - 58% (4,420 respondents) know how to raise concerns about work related matters involving Councillors;
 - 55% (4,191 respondents) are aware that the Members' Code of Conduct is available in the Council's Constitution;
 - 41% (3,124 respondents) are aware that the Members'/Officers' protocol is available in the Council's Constitution;
 - 50% (3,810 respondents) are aware that the Officers' Code of Conduct is available in the Council's Constitution;
 - 68% (5,182 respondents) are aware that they are required to register interests which may affect their work; and
 - 80% (6,096 respondents) are aware that they have to register gifts or hospitality.
- 3.2.7 Higher graded officers consistently scored above these headline figures. Officers with a longer length of service consistently score higher than officers with less service.
- 3.2.8 The Service level reports have not yet been produced. Once they are available further analysis will take place to identify significant Service trends.
- 3.2.9 Staff Survey results for directorates and the Council will be available on the intranet before the Standards Committee meeting in February 2010; Service level reports

will be published on the intranet by the end of the week commencing 15 February 2010.

- 3.2.10 The results of the Staff Survey have been compared with the results of the Ethical Audits which were undertaken in 2006 and 2007, for the Committee's information. This is attached at Appendix 3.

3.3 Response to staff survey and senior managers feedback

- 3.3.1 HR officers will now work with Services to address significant issues within that Service identified by the staff survey. The results of the "working in the public sector" part of the survey will be used to shape HR's work programme in this year.

4.0 **Implications for Council Policy and Governance**

- 4.1 The results of the 360 degree appraisal of Senior Officers and the Staff Survey will be used to shape the future HR work programme to improve the understanding of ethical governance issues in the organisation.

5.0 **Legal and Resource Implications**

- 5.1 Any subsequent actions will be met from within existing resources.

6.0 **Conclusions**

- 6.1 The information from the 2009 Staff Survey and Senior Managers 360 Feedback provides a useful baseline for the current level of awareness of staff on ethical governance issues. The next stage will be to analyse Service level information so that targeted actions can be taken.

7.0 **Recommendations**

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

Background documents

Ethical Audit Action Plan 2006

Standards Committee Minutes, 8 July 2009

Report of the Chief Officer Human Resources, "Ethical Audit Action Plan: Human Resources Issues", presented to the Standards Committee 8 July 2009

Report of the Chief Officer Human Resources, "Ethical Audit Action Plan: Ethical Framework and Awareness programme for Officers", presented to the Standards Committee 5 December 2007

Report of the Chief Officer Human Resources, "Ethical Audit Action Plan: Actions of the Chief Officer Human Resources", presented to the Standards Committee 5 December 2007

Evaluation of 360 Degree Feedback Process

Background

The 360 degree process has been undertaken at senior levels for several years and in 2008/09 became mandatory for all officers graded Dir level 40% and above. The 360 degree questionnaire has evolved over time and in 2008/09 was based on the elements of the Leadership and Management Standards along with relevant aspects of the Aspirational Culture.

The annual senior manager appraisal process started with 360 degree feedback for Corporate Leadership Team (CLT) in January 2009, and cascaded to the remaining senior managers, (315 in total), during April and May 2009.

The 360 degree process was managed by Swift Research, an independent company appointed following procurement, which included distribution, follow up, returns, data input and analysis - all with utmost confidentiality.

It was agreed with the Deputy Chief Executive to use the same headings in the questionnaire as those of the 9 elements of the Leadership and Management Standards. This, in conjunction with the previous questionnaire formed the basis of the revised 2008/09 version.

Questionnaires were e-mailed, (paper copies also available), with links to Swift Research, and return dates agreed in order that feedback reports were ready for inclusion in Director portfolios in February 2009, and remaining senior manager appraisals in the following months.

Swift Research provided 360 degree feedback reports to each participant by the given deadline, and also a summary report for each of the four categories of senior management, CLT, Chief Officer Grades, Heads of Service and other JNC levels.

The reports were fed into senior manager appraisals under Element 2 – One Council – Leadership.

Overall Process

Each manager selected up to 9 respondents, including themselves and their line manager, along with a mixture of direct reports, peers and partners or elected members from different service areas.

Questions were listed under each of the 9 Leadership and Management Standards, with a response scale of 1 - 6 to indicate the extent the participant demonstrates the behaviour which supports each statement. This ranged from 0 - 20%, (Box 1), to 80 - 100%, (Box 5), with Box 6 indicating 'no knowledge of behaviour' or 'not applicable'...

... CLT agree that they should be striving for 5 in all areas, and so should others...

Ethical Governance Individual Performance Criteria

Questions were asked directly about three of the Leadership/Management standards which relate to Corporate Governance.

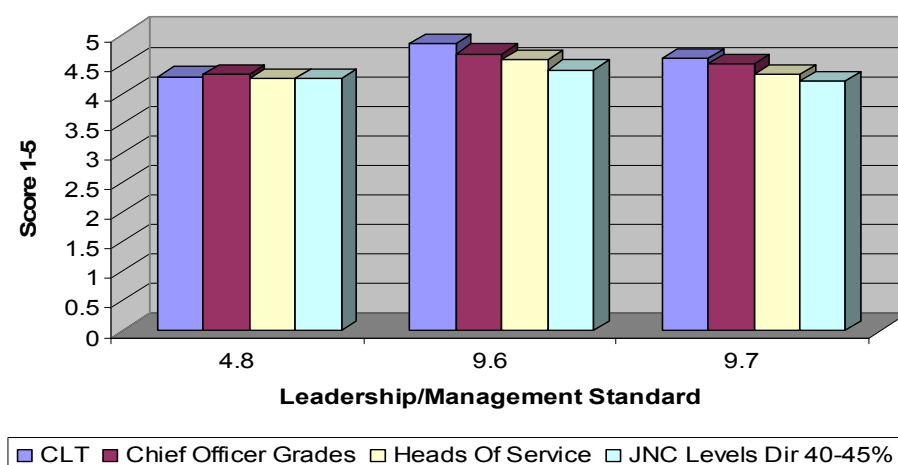
Standard	360 Feedback question	“We want managers to...”
4.8	Responds positively to challenge	...encourage excellent service delivery and respond positively to findings of inspections and implement agreed actions
9.6	Understands the democratic process within Leeds City Council and recognises political accountability of Members	... understand the democratic process within Leeds City Council and recognise political accountability of Members
9.7	Has a positive approach to informing and consulting Members to support them in their role	... have a positive approach to informing and consulting Members to support them in their role

The Corporate Leadership Team score for individual performance criteria for the standard 9.6, was the highest score across the whole feedback process.

All scores for these questions were above 4, indicating that respondents believed that the officers being assessed as having evidenced that behaviour more than 80% of the time.

Standard	CLT	Chief Officer	Heads Of Service	JNC Levels Dir 40-45%
4.8	4.29	4.32	4.25	4.25
9.6	4.85	4.68	4.58	4.4
9.7	4.59	4.5	4.32	4.21

360 Feedback results on governance issues



]

WORKING IN THE PUBLIC SECTOR

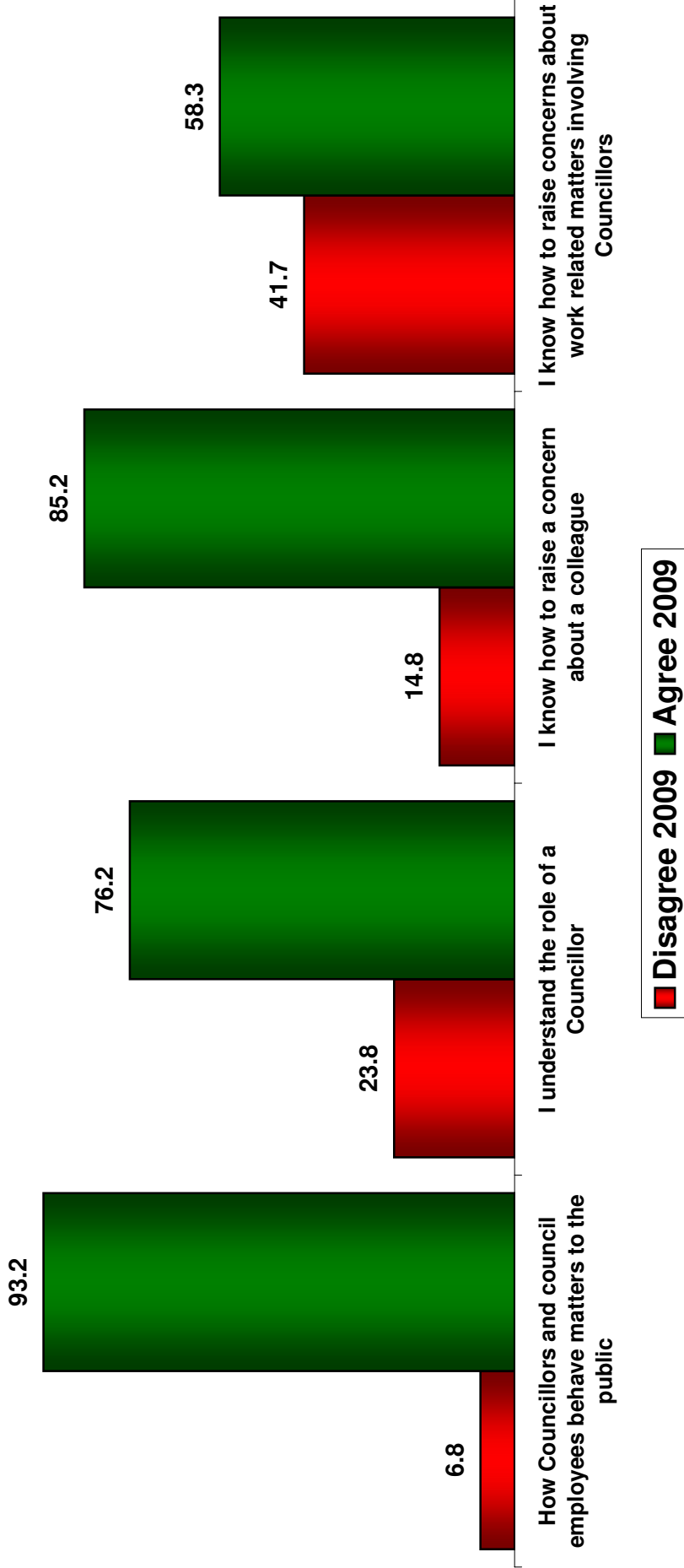
Working in the Public Sector - by Directorate

	Council Total		Adult Social Care		Children's Services		City Develop		Env & Neigh		Corporate & Central Services	
		2009		2009		2009		2009		2009		2009
How Councillors and council employees behave matters to the public		93.2%		92.1%		93.4%		93.5%		93.5%		93.7%
I understand the role of a Councillor		76.2%		72.3%		73.6%		77.4%		79.4%		77.6%
I know how to raise a concern about a colleague		85.2%		89.7%		88.3%		81.4%		83.2%		84.4%
I know how to raise concerns about work related matters involving Councillors		58.3%		60.3%		57.3%		55.5%		61.7%		58.2%

Working in the Public Sector

Working in the public sector is a new section for the 2009 survey. It looks at 'ethical governance' which is used to describe the standards expected of council workers by the public. It covers the 'council's constitution', the 'code of conduct' and the role of Councillors.

Figures below are shown in percentages.



Working in the Public Sector

	No 2009	Yes 2009
➤ Did you know that the following documents, which provide guidance on the standards and behaviours expected of Councillors and employees, are available in the council's constitution?		
• Members' code of conduct	45.3%	54.7%
• Members'/officers' protocol	58.9%	41.1%
• Officers' code of conduct	50.3%	49.7%

	No 2009	Yes 2009
➤ Do you know that as an employee of the council the 'code of conduct' requires you to register interests that may affect you carrying out your work?	31.6%	68.4%
➤ Do you know that as an employee of the council the 'code of conduct' requires you to register any gifts or hospitality you receive?	19.6%	80.4%

Interpretation of Working in the Public Sector

Employees throughout the council strongly believe that the way Councillors and council employees behave matters to the public (93.2%). Those less likely to agree that it is important are those under 35 years old (90.9% under 35 years old, 93.6% 36-45 years old, 94.3% 46-54 years old and 94.7% over 55 years old), in lower grades (93.6% SW (A/R/O), 89.5% craft/manual, 90.7% A1-B1, 91.6% B3-C3, 94.1% SO1-SO2, 96.2% PO1-PO3, 97.9% PO4-PO6, 98.7% 40%-75% (Director) and above) and BME (89.6% BME vs.93.8% white). There are no significant differences across the directorates, all rating this as important (92.1% Adult Social Care, 93.4% Children's Services, 93.5% City Development, 93.5% Environments and Neighbourhoods and 93.7% Corporate and Central Services).

When asked about documents that provide guidance on standards and behaviours for Councillors and employees there is limited awareness with approximately half knowing about them (members' code of conduct 54.7%, members'/officers' protocol 41.1% and officers' code of conduct 49.7%).

Those that haven't worked at the council as long are more likely not to be aware (members' code of conduct: 46.0% less than a year, 48.7% 1-5 years, 54.6% 6-10 years, 55.0% 11-15 years, 58.6% 16-20 years and 61.8% over 20 years: members'/officers' protocol: 33.3% less than a year, 37.3% 1-5 years, 40.8% 6-10 years, 41.5% 11-15 years, 43.4% 16-20 years and 46.3% over 20 years: officers' code of conduct: 36.8% less than a year, 43.6% 1-5 years, 48.9% 6-10 years, 49.1% 11-15 years, 54.4% 16-20 years and 58.6% over 20 years).

As are those at lower job grades (members' code of conduct: 50.9% SW (A/R/O), 42.0% craft/manual, 48.5% A1-B1, 48.8% B3-C3, 52.4% SO1-SO2, 56.7% PO1-PO3, 72.2% PO4-PO6, 89.4% 40%-75% (Director) and above: members'/officers' protocol: 32.1% SW (A/R/O), 29.3% craft/manual, 32.7% A1-B1, 36.6% B3-C3, 40.8% SO1-SO2, 43.7% PO1-PO3, 57.2% PO4-PO6, 79.7% 40%-75% (Director) and above: officers' code of conduct: 41.3% SW (A/R/O), 31.5% craft/manual, 36.5% A1-B1, 44.2% B3-C3, 51.9% SO1-SO2, 58.4% PO1-PO3, 71.4% PO4-PO6, 90.4% 40%-75% (Director) and above).

These employees in particular could be targeted to increase their awareness of these documents.

There is high awareness of the need to register gifts/hospitality (80.4%), but more limited knowledge of the need to register interests that may affect employee's work (68.4%).

Again, those with lower awareness are those who have not been employed by the council for very long (register gifts/hospitality: 64.8% less than a year, 72.9% 1-5 years, 80.9% 6-10 years, 81.3% 11-15 years, 88.0% 16-20 years and 88.5% over 20 years: register interests: 51.7% less than a year, 61.3% 1-5 years, 69.5% 6-10 years, 67.1% 11-15 years, 75.9% 16-20 years and 76.7% over 20 years), and those at lower job grades (register gifts/hospitality: 89.9% SW (A/R/O), 51.6% craft/manual, 67.0% A1-B1, 79.7% B3-C3, 85.2% SO1-SO2, 90.8% PO1-PO3, 95.7% PO4-PO6, 99.7% 40%-75% (Director) and above: register interests: 68.2% SW (A/R/O), 40.7% craft/manual, 51.3% A1-B1, 64.7% B3-C3, 73.6% SO1-SO2, 83.6% PO1-PO3, 89.1% PO4-PO6, 99.7% 40%-75% (Director) and above).

Sharing this information at induction would ensure that new starters are made aware of the documents.

This page is intentionally left blank

Previous Ethical Audit results for comparison with the Staff Survey

It is not possible to draw direct comparisons between the results of the Staff Survey and the Ethical Audits carried out by the Standards Committee as the questions have been phrased differently. For instance, whilst the Ethical Audits asked whether the Council had adopted a Code of Conduct for Members and officers, the Staff Survey asks whether officers know that these documents are available within the Council's Constitution.

However the results of the Ethical Audit 2007 are broadly consistent with the Staff Survey in showing that those who haven't worked for the Council as long are more likely not be aware of key documents, as are those at lower job grades. This is also supported by the results of the Ethical Audit 2006 which showed much higher awareness of the Codes of Conduct than shown in the Ethical Audit 2007 and the staff survey.

The staff survey shows much higher awareness of the need to register gifts and hospitality and interests than the Ethical Audit 2007, although this may be consistent with the finding that those with lower awareness are those at lower job grades and who have not been working for the Council for very long. As these questions were not posed in the Ethical Audit 2006, it is not possible to draw comparisons with responses from more senior staff.

Results of the Ethical Audit 2006

The 2006 audit was carried out by the Audit Commission. The survey was sent to all Members of Leeds City Council, and a sample of staff (S02 with management responsibility and above). 1011 officers were asked to participate (this included staff from Education Leeds). 502 officers responded, amounting to a 50% response rate for officers. Overall, the survey had a 49% response rate.

The results showed that:

	Yes	No	Don't Know	
Has the council adopted a code of conduct for members?	70.7%	0.2%	27.5%	
Has the council adopted a code of conduct for officers?	80.4%	1.6%	16.6%	
	Very clear	Fairly clear	Fairly unclear	Very unclear
How clear are you about reporting a potential breach of the members' code of conduct?	14.8%	34.9%	27.5%	21.4%

	<i>Agree strongly</i>	<i>Tend to agree</i>	<i>Tend to disagree</i>	<i>Disagree strongly</i>	<i>Don't know</i>
Your council's approach to promoting high ethical standards is helping to build the public's confidence in local democracy.	16.4%	45.1%	10.6%	2.2%	23.6%

Results of the Ethical Audit 2007

The 2007 audit was carried out by the Corporate Governance Team. The survey was sent to a sample of staff (S02 and below). The total number of staff selected to take part was 1057 which amounts to approximately 10% of the grading group. A total number of responses to the survey was 466, which amounts to a response rate of 44%.

The results showed that:

1) Has the Council adopted a Code of Conduct for Councillors?

Yes	176	41.51%
No	0	0.00%
Don't know	248	58.49%
Total	424	

2) Has the Council adopted a Code of Conduct for Officers?

Yes	259	56.18%
No	3	0.65%
Don't know	199	43.17%
Total	461	

3) How clear are you about reporting a potential breach of the Members' Code of Conduct?

Clear	61	13.17%
Unclear	402	86.83%
Total	463	

4) The Council's approach to promoting high ethical standards is helping to build the public's confidence in local democracy

Agree	196	42.4%
Disagree	46	10.0%
Don't know	220	47.6%
Total	462	

5) A register is kept in which officers are required to record any interests which might impair their impartiality

Agree	299	64.9%
Disagree	6	1.3%
Don't know	156	33.8%
Total	461	

6) A register is kept in which officers are required to record any offers of hospitality or gifts.

Agree	282	61.6%
Disagree	6	1.3%
Don't know	170	37.1%
Total	458	

Interpretation of results for questions 1-3

Question 1: Has the Council adopted a Code of Conduct for Councillors?

The breakdown by department shows a much greater awareness of the existence of the Councillors' Code of Conduct in Corporate Governance (59%) and Planning, Policy and Improvement (69%). This may be consistent with respondents from Corporate Governance being the most likely to have contact with Councillors either regularly or often.

The results also show that there is less awareness of the Councillors' Code amongst the grading scales 1 to 4 (29%), as oppose to scales 4 to 6 (49%) and S01 to S02 (43%). There also appears to be more awareness of the Councillors' Code in those respondents who have worked at the Council for more than three years. 51% of those who have worked for the Council for three to five years and 42% of those who have worked for the Council for more than five years, say that the Council have adopted a Code of Conduct for Councillors. In comparison to 37% of those who have worked for the Council for one to three years, and 38% of staff who have worked for Council for less than a year.

Encouragingly, those officers who are 'regularly' or 'often' in contact with members of the public have relatively high awareness of the Councillors' Code of Conduct, 40% and 42% respectively. Those who 'never' have contact with members of the public have much lower awareness (27%).

Question 2: Has the Council adopted a Code of Conduct for Officers?

The breakdown of results by department shows that there is much greater than average awareness in Corporate Governance (70%), Planning, Policy and Improvement (63%) and Environment and Neighbourhoods (62%). Resources also had a relatively high awareness of the officer code (60%), and amongst those officers who identified themselves as being members of the Human Resources Team, nine out of ten knew the Council had adopted a Code of Conduct for officers.

Children's Services had the lowest awareness of the officer code, with only 38% answering positively.

Again the results show that awareness increases in line with the grading groups. Only 43% of those at scales 1 to 4 are aware of the officer code, in contrast with 64% at scales 4 to 6, and 68% at S01 to S02. Furthermore those who have worked at the Council for three years or more are more likely to answer positively to this question. A total of 57% answered that the Council had adopted a Code of Conduct for officers, in contrast with 50% of staff who have worked at the Council for less than three years.

Unlike the previous question there does not appear to be any identifiable trends between the amount of contact an officer has with the general public and their awareness of the officer code.

Question 3: How clear are you about reporting a potential breach of the Members' Code of Conduct?

Only 10% of those respondents who rarely or never have contact with the public were clear on reporting a potential breach of the Members' Code, in comparison with 14% of those who regularly or often have contact with the public.

Again those respondents who have worked for the Council for less than three years have less understanding of these issues. Only 8% are clear about how to report a potential breach of the Members' Code, in comparison with 16% of officers who have worked for the Council for three years or more.

Members of the Standards Committee should note that since the audit was carried out, the Standards Committee has begun receiving complaints about Councillors, as oppose to Standards for England. The Standards Committee have been obliged to advertise this change, and certain officers have been provided with training on the new process.



Originator: Kate Sadler

Tel: 3951711

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Compulsory Training for Members of Standards Committee

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The Council is required to appoint a Standards Committee which has responsibility for the assessment and review, consideration, hearing and determination of complaints against Members of Leeds City Council and Members of the Town and Parish Councils in the Leeds Area.
2. The Standards Committee membership comprises 7 Leeds City Councillors, 3 Town or Parish Councillors and 4 Independent Members in addition to 1 reserve Independent Member.
3. Following a recommendation of Corporate Governance and Audit Committee, and the endorsement of Member Management Committee, Members of Standards Committee are invited to support the proposal that all Members of the Standards Committee should receive compulsory training in relation to the Members' Code of Conduct, Local Assessment of Complaints and the Hearing of Complaints, and, in this regard, to adopt the training plan attached to this report as Appendix 1.

1.0 Purpose Of This Report

- 1.1 This report seeks confirmation by Standards Committee of the proposal made by Corporate Governance and Audit Committee that a programme of compulsory training should be undertaken by Members of the Standards Committee.
- 1.2 In addition this report proposes an amended training plan, based on that already adopted by the Standards Committee, which details the training which should be undertaken by Members of the Standards Committee. A copy of this proposed plan is attached as Appendix 1 to this report.

2.0 Background Information

- 2.1 The Local Government Act 2000 requires that the Council appoints a Standards Committee, sets out the general and specific functions to be carried out by the Standards Committee and empowers the authority to arrange for the Standards Committee to exercise such other functions the authority considers appropriate.
- 2.2 In May 2008, responsibility for the initial assessment of Complaints against Members under the Members' Code of Conduct was transferred from the Standards Board for England (now known as Standards for England) to the Local Authorities. Regulation 6 of the Standards Committee (England) Regulations 2008 require the Standards Committee to appoint two separate Sub-Committees; one to deal with the assessment of complaints and the other to deal with the review of complaints.
- 2.3 Regulation 18 of the Standards Committee (England) Regulations requires that hearings are conducted having regard to any relevant guidance issued by the Standards Board. Guidance from Standards for England recommends that the Standards Committee appoints a Sub-Committee to hear and determine complaints.
- 2.4 In Leeds, the Standards Committee has four Sub-Committees; the Assessment Sub-Committee, the Review Sub-Committee, the Consideration Sub-Committee and the Hearings Sub-Committee. All full Members of the Standards Committee are eligible for appointment to each of those Standards Committees in accordance with the relevant regulations and provisions of the Constitution as to the make-up of each.
- 2.5 At its meeting of 30th June 2009, the Corporate Governance and Audit Committee considered the annual report of the Standards Committee. As a result of that discussion, particularly with reference to the local assessment function of the Standards Committee, the Corporate Governance and Audit Committee resolved:-
 - 8 (b) That General Purposes Committee, having consulted with the Standards Committee and Member Management Committee, be recommended to make Local Assessment training compulsory for members of the Standards Committee.
- 2.6 At its meetings on 13th October and 16th December 2009 Member Management Committee received reports recommending compulsory training for members of the Council's Standards Committee prior to their participation in the committee's functions in relation to the assessment, review, consideration and hearing of complaints made against Members under the Members' Code of Conduct. Member Management Committee made a number of comments in relation to the proposed training plan, and subject to a number of revisions endorsed the proposed training plan.

3.0 Main Issues

The Training Plan

- 3.1 Members will recall that the Standards Committee has a training plan for its members, which is updated on an annual basis. This plan seeks to meet the training and development needs of the Standards Committee Members, both when they are new to the Committee and throughout their time as members of the Committee.
- 3.2 The training plan identifies a number of separate learning targets which are relevant to the needs of the Committee's members as they undertake the various functions of the Standards Committee. These targets split into the two key areas of knowledge and skills as follows:-

Knowledge

- To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations,
- To ensure all members understand the Committee's relationship with external bodies/agencies,
- To ensure all members are aware of the role and function of the Monitoring Officer,
- To ensure all external members have the necessary awareness of Council business, the political context, and the role of a City Councillor,
- To ensure all members are aware of current issues for the Committee and the context of the Committee's work.

Skills

- To ensure all independent members have the necessary skills to chair meetings of the committee and its sub-committees,
 - To ensure all members have the necessary skills to carry out the initial assessment of local complaints,
 - To ensure all members have the necessary skills to carry out the consideration of final investigation reports,
 - To ensure all members have the necessary skills to conduct a local hearing.
- 3.3 The training plan attached at Appendix 1 to this schedule is a revised version of the training plan approved by the Standards Committee in February 2009. It specifies how the various learning targets set out above will be met.
- 3.4 Given that all full Members of Standards Committee are eligible for appointment to its Sub-Committees, and as such may participate in the various functions surrounding complaints against Members, it is essential that they have both a thorough understanding of the Members' Code of Conduct and the necessary skills to perform those functions prior to appointment to those sub-committees. For this reason it is proposed that the items marked on the training plan should be made compulsory and that Standards Committee members should not be eligible for

appointment to the Sub-Committees unless and until they have undertaken the training relevant to the Sub-Committee in question.

- 3.5 The training plan has been revised following the comments of Member Management Committee at its meetings of 13th October and 16th December 2009. Particularly Members will note that:-
- 3.5.1 The elements within the plan which are recommended to be compulsory have been brought together and to the front of the plan;
- 3.5.2 The section of training which seeks to ensure that members of the Standards Committee have a full understanding of the role of and pressures on Elected Members has been expanded and brought into the compulsory section of the plan; and
- 3.5.3 A further requirement has been added with the intention that members of the Standards Committee should gain a similar understanding of the role of Town and Parish Council Members who may also be subject of complaints brought before the Standards Committee.
- 3.6 Members will note that, of the compulsory elements of the training plan, three elements are subject to a recommendation that they should be completed prior to undertaking the relevant activity.

Training Record

- 3.7 A record is kept of the training undertaken by each member of the Standards Committee.
- 3.8 Members are advised that most of the Members of Standards Committee have completed the sessions which are recommended to be completed prior to undertaking each relevant activity.
- 3.9 All Standards Committee members have received training on local assessment. Three Leeds City Council Members, one Independent Member and one Parish Member have not yet received Consideration and Hearings training, as they were unable to attend the session that was held in December 2009. However, they are all due to attend a Consideration and Hearings training session on 1st March 2010. One Independent Member has not received the Charing Skills training offered by the Council. A further session is due to be held in July 2010, to which the Independent Member will be invited. This Member will not be asked to Chair any meetings until the training has been completed.

Changes to the Constitution

- 3.10 If Members support the view proposed by Corporate Governance and Audit Committee and endorsed by Member Management Committee, that training should be compulsory for Standards Committee Members, it is proposed that an amendment should be made to paragraph 9.3.7 of Article 9 of the Constitution¹ to state as follows:

Members of the Sub-Committees of the Standards Committee must complete all compulsory training in accordance with the Standards Committee Training Programme.

¹ This would require a further report to the General Purposes Committee.
Page 38

- 3.11 This wording, taken together with the wording contained within the training plan itself, will place a requirement on all the members of the Committee to complete the relevant training prior to undertaking the functions of the Standards Committee (or its sub-committees).
- 3.12 The Monitoring Officer will ensure that any gaps in an Elected Member's training are brought to the attention to the Member concerned and where necessary that Member's Leader and Whip. Further, for Parish Members and Independent Members of the Standards Committee, the Monitoring Officer will bring any training gaps to the attention of the relevant Executive Member².

4.0 Implications For Council Policy And Governance

- 4.1 The compulsory training of Members of the Standards Committee will promote consistency of decision making through the assessment and review, consideration and hearing processes. This will in turn improve public confidence in the complaints process and reassure Members that complaints in relation to them will be dealt with fairly.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 The requirements for the provision of the recommended training can be met from within existing resources.

6.0 Conclusions

- 6.1 The Sub-Committees of the Standards Committee are responsible for a number of general functions in relation to ethical governance within the Council. It is also responsible for more specific functions relating to the assessment, review, consideration and hearing of complaints made against Members under the Members' Code of Conduct.
- 6.2 A number of learning targets have been identified for members of the Standards Committee. It is recommended that members of the Standards Committee should complete certain elements marked 'compulsory' on the training plan, attached as appendix 1 to this document, prior to taking up positions on the sub-committees of the Standards Committee.
- 6.3 Completion of this 'compulsory' element of training would enable and promote consistency of decision making through the assessment and review, consideration and hearing processes, and minimise the risk of successful challenge to the Standards Committee through the relevant appeals process.
- 6.4 Any proposals to amend Article 9 will require consideration by General Purposes Committee and a recommendation from that Committee to Full Council.

7.0 Recommendations

- 7.1 Members are requested to:
- 7.1.1 Adopt the proposed training plan attached to this report as Appendix 1;

² Currently the Executive Member for Central and Corporate
Page 39

- 7.1.2 Endorse the proposal that specified elements of the Standards Committee Training Plan be compulsory; and
- 7.1.3 Recommend the proposed amendment to Article 9 of the Constitution to the General Purposes Committee for consideration and recommendation to Full Council.

Background Documents

- Minutes of Corporate Governance and Audit Committee, 30th June 2009
- Report to Member Management Committee, 13th October 2009
- Minutes of Member Management Committee, 13th October 2009
- Report to Member Management Committee, 16th December 2009
- Minutes of Member Management Committee, 16th December 2009
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution

Standards Committee Training Plan

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY
COMPULSORY TRAINING			
To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations	Briefing session on Ethical Framework and Members' Code Of Conduct.	On appointment to Committee	Provided by Corporate Governance Team
To ensure all members understand the committee's relationship with external bodies/agencies	Briefing session on overall relationship with outside bodies	On appointment to committee	Provided by Assistant Chief Executive (Corporate Governance)
To ensure all members of the committee are aware of the role and function of the Monitoring Officer	Briefing session on role of monitoring officer	On induction / appointment to committee	Provided by Assistant Chief Executive (Corporate Governance)
	Attendance at committee meetings by Monitoring Officer or deputy Monitoring Officer	Every committee meeting	Provided by Assistant Chief Executive (Corporate Governance)
To ensure all members of the Committee are aware of current issues for the Committee and the context of the Committee's work	Briefing session on the Committee's current work and current standards issues	On appointment to the Committee	Provided by Assistant Chief Executive (Corporate Governance)

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY
COMPULSORY TRAINING			
To ensure all external members of the Committee have the necessary awareness of Council business, the political context, and the role of a City Councillor	Briefing session on Council business and political context	On appointment to the Committee	Provided by Assistant Chief Executive (Corporate Governance) <u>in conjunction with two senior Members of Leeds City Council, one of whom should be a representative of the Administration.</u>
	Training on Council structures and decision making (briefing session).	On appointment to the Committee	Provided by Corporate Governance Team
	Attendance at sample meetings of Full Council, Executive Board, Plans Panel or Licensing and Regulatory Panel (to include attendance at relevant site visits), Scrutiny Board and other Committees ¹ to observe. Members may find it helpful to discuss with the relevant officers the role of the Committee prior to attending.	On appointment to the Committee	Facilitated by Corporate Governance Team
	Shadowing of Members of Leeds City Council ² , to include discussion of case work and attendance at Councillor Ward Surgeries to observe – agreement must be obtained from Member to be observed.	On appointment to the Committee	Arranged directly between Members

Deleted: an existing Elected Member of the Standards Committee

Deleted: may not feel it necessary to attend the whole of the meeting but

¹ As detailed on a list to be approved by Member Management Committee

² From a list approved by Member Management Committee

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY
COMPULSORY TRAINING			
<p>To ensure all external members of the Committee have the necessary awareness of the role of a Parish or Town Councillor</p>	<p>Attendance at sample meetings of Parish and Town Councils and their Committees. Members may not feel it necessary to attend the whole of the meeting.</p>	<p>On appointment to the Committee</p>	<p>Facilitated by Corporate Governance Team</p>
<p>To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee</p> <p>It is recommended that this element should be undertaken prior to chairing either the Standards Committee or any of its Sub-Committees.</p>	<p>Training session on chairing meetings</p>	<p>All new members on appointment to the Committee</p>	<p>Provided through Member Development</p>
<p>To ensure all members of the Committee have the necessary skills to assess or review local complaints</p> <p>It is recommended that this element be completed prior to attendance at Assessment Sub-Committee or Review Sub-Committee</p>	<p>Training day to include mock local assessment exercise with example cases</p>	<p>All new members on appointment to the Committee</p> <p>For existing Members annually or earlier if necessary (to be run alongside update training on the Members' Code of Conduct)</p>	<p>Provided by Corporate Governance Team</p>

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY
COMPULSORY TRAINING			
To ensure all members of the Committee have the necessary skills to consider final investigation reports	Training day with an external facilitator (to include consideration of example cases)	All new members on appointment to the Committee For existing members annually or earlier if necessary (to be run alongside the hearings training)	Provided by Corporate Governance Team – in conjunction with external facilitator where possible
To ensure all members have the necessary skills to conduct a local hearing	Briefing session on Standards Committee Procedure Rules		Provided by Assistant Chief Executive (Corporate Governance)
It is recommended that this element be completed prior to attendance at Hearings Sub-Committee	Training day (including mock hearing exercise)	Annually or earlier if necessary – to be run alongside consideration training	Provided by Corporate Governance Team – in conjunction with external facilitator where possible

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY
RECOMMENDED READING			
To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations	The Local Codes and Protocols: A guide for Leeds City Council Members	On election or appointment to Committee	Provided by Corporate Governance Team
To ensure all members understand the committee's relationship with external bodies/agencies	Distributing newsletters released by Standards for England	Within a week of release date	Provided by Corporate Governance Team
To ensure all members of the Committee have the necessary skills to assess or review local complaints	Consideration of six monthly complaints report	Every six months	Provided by Corporate Governance Team
To ensure all members have the necessary skills to conduct a local hearing	Manual of guidance	All new members on appointment to the Committee provided with a copy for use during training / hearings.	Provided by Corporate Governance Team
	Regular reports on First-Tier Tribunal (Local Government Standards in England) cases and decisions	Every committee meeting	Provided by Corporate Governance Team

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY
VOLUNTARY TRAINING			
To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations	Standards Board for England DVD "The Code Uncovered"	All new members on election or appointment to the Committee	Held by Corporate Governance Team
	E-learning Modules "Cracking the Code"	All new members on election or appointment to the Committee	Provided by Corporate Governance Team
To ensure all members understand the committee's relationship with external bodies/agencies	Attendance at conferences organised by external bodies	When they arise	Provided through Corporate Governance team in conjunction with Member Development
To ensure all members have the necessary skills to conduct a local hearing	Standards Board for England DVD 'Going Local: Investigations and Hearings'	All new members on appointment to the Committee	Held by the Corporate Governance Team

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to notify 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.
- 1.2 The Ethical Standards Officer has recommended that the Standards Committee considers the final investigation report (attached as Appendix 1) in the absence of members of the public and the press. She also recommends that the provisions in Schedule 12A paragraphs 1, 2 and possibly 3, of the Local Government Act 1972 will be relevant to this. The Standards Committee will have to make a judgement as to whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information, with particular regard to the Data Protection Act and the data protection principles. Not only must the subject Member be considered, but also those other people referred to in the report. The Committee may also wish to consider whether it wishes to redact the report, and make only the redacted version public within the papers following the meeting. In reaching any decision to treat the final report as exempt, the Committee would also need to consider the Freedom of Information Act, particularly where there is press or other interest.

2.0 Background Information

- 2.1 The Assessment Sub-Committee considered the original complaint on 5th March 2009. The original complaint contained allegations against three separate Leeds City Councillors. The Assessment Sub-Committee decided to refer some of the allegations against the subject Member to Standards for England for investigation.
- 2.2 Standards for England accepted the Assessment Sub-Committee's referral on 2nd April 2009, and referred the case to an Ethical Standards Officer, Ms Jennifer Rogers, to investigate. Ms Rogers completed her final report and referred it to the Monitoring Officer on 22nd July 2009.
- 2.3 The Ethical Standards Officer has concluded that the subject Member did not breach the Code of Conduct as alleged by the complainants, therefore the investigation is now complete and the Standards Committee has no powers to investigate or make its own findings on the case.
- 2.4 However, the Ethical Standards Officer has decided to exercise her powers under Section 64(3)(A) Local Government Act 2000 to send the report to the Standards Committee. She is of the view that this will assist the Committee in the discharge of its functions, and has requested that the Monitoring Officer refer the full report to the Standards Committee for them to consider any lessons to learn from the investigation.

3.0 Main Issues

Case Summary

- 3.1 Standards for England have produced a case summary of the complaint and the results of the investigation. This summary was published on their website, in line with the objectives of Standards for England to promote confidence in local democracy and to provide guidance for Members on the Code of Conduct.

Final Report

- 3.2 As outlined above, the Ethical Standards Officer has decided to exercise her powers under Section 64(3)(A) Local Government Act 2000 to send a copy of her full report to the Standards Committee. The Ethical Standards Officer believes that it will assist the Committee in the discharge of its functions, including:
- Monitoring, advising, training or arranging to train Members on matters relating to the authority's Code of Conduct;
 - Assessing and reviewing other complaints;
 - Considering Monitoring Officer reports; and
 - Making determinations at hearings.
- 3.3 The Ethical Standards Officer is also of the view that her reasoning set out in the report as to whether or not the subject Member was acting in his official capacity and on the relationship between the right to freedom of expression and treating others with respect would be of interest to the Standards Committee in considering reports and making determinations at hearings in the future.
- 3.4 As part of her final report the Ethical Standards Officer has reported observations made by the subject Member regarding possible errors in the planning process on the part of the City Development Department which cannot be considered under the Standards Committee's Terms of Reference. However, the Monitoring Officer has certain powers conferred by Section 65A of the Local Government Act 2000 which allow her to refer part or all of an Ethical Standards Officer's final report to any relevant person if she believes it will assist in promoting high standards of conduct. Therefore the Monitoring Officer has referred the relevant sections of the Ethical Standards Officer's report to the Director of City Development for her consideration and to ensure that there will be no repetition of such errors in future.
- 3.5 The Chief Planning Officer, on behalf of the Director of City Development and after considering the report has accepted that there were errors in parts of the process in this particular case, and advises that errors were remedied at the time and in the contents of the final report on the applications to Plans Panel. Lessons have also been learned more generally and procedures amended.

Possible lessons to learn

- 3.6 After consideration of the final report and the Ethical Standards Officer's reasoning, the Monitoring Officer has identified the following potential lessons for the Standards Committee.

Members acting as objectors to planning applications

- 3.7 The report raises the issue of how Members should conduct themselves when objecting to planning applications in their private capacity. The Ethical Standards Officer expresses the view that "should a Member want to involve themselves in objecting to a planning application in their personal capacity they have to make that clear to all parties at all times and show a consistency of approach".
- 3.8 In particular the Ethical Standards Officer noted that the subject Member had corresponded with others regarding the application on Council headed paper and using his Council email address. In addition, the Ethical Standards Officer noted that the subject Member stated that he had not given any thought to the capacity in which he was involving himself at first.

- 3.9 In order to address these issues the Standards Committee may wish to consider whether training should be provided for all Members on the planning process and how to conduct themselves when objecting to an application as a ward Councillor, or as a member of the public. This could be offered as part of the annual induction programme, in addition to the specific training provided to Members of the Plans Panels. This may also be supplemented with a guidance note for Members.

Interactions between Members and officers

- 3.10 The Ethical Standards Officer expressed concern that the subject Member felt that he could “avoid having his criticisms of the planning department considered under the Code simply by stating that he was making them in his private capacity”.
- 3.11 In future training to all Members provided on the Members’ Code of Conduct, the Monitoring Officer will ensure that the definition of acting, claiming to act, or giving the impression of acting in official capacity is further emphasised to Members.

Definition of disrespect

- 3.12 Finally, the Monitoring Officer considers it useful for the Standards Committee to note the interaction between the Members’ right to freedom of expression and paragraph 3(1) of the Code of Conduct which requires that Members must treat others with respect. In particular the Ethical Standards Officer concluded that as the subject Member’s comments were part of an expression of argument against the planning application, rather than an insult aimed at the complainants or their personal characteristics, it would be a disproportionate restriction on the Councillor’s freedom of expression to find a breach of paragraph 3(1) of the Code.

4.0 Implications For Council Policy And Governance

- 4.1 Considering the Ethical Standards Officer’s findings in this case should assist the Standards Committee in the future discharge of its functions, including promoting and assisting Members in complying with the Code of Conduct.
- 4.2 Good conduct and behaviour is one of the six principles of the Council’s Code of Corporate Governance, which sets out how the Council will meet its commitment to good corporate governance.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 The Ethical Standards Officer has found that there is no evidence of any failure to comply with the Code of Conduct in this case. Therefore the case is now complete, and a summary of the findings was published on the Standards for England website.
- 6.2 In addition, the Ethical Standards Officer has decided to exercise her powers under Section 64(3)(A) Local Government Act 2000 to send a copy of her full report to the Standards Committee. The Ethical Standards Officer believes that it will assist the Committee in the discharge of its functions, including:
- Monitoring, advising, training or arranging to train Members on matters relating to the authority’s Code of Conduct;
 - Assessing and reviewing other complaints;

- Considering Monitoring Officer reports; and
- Making determinations at hearings.

6.3 The Ethical Standards Officer is also of the view that her reasoning set out in the report as to whether or not the subject Member was acting in his official capacity and on the relationship between the right to freedom of expression and treating others with respect would be of interest to the Standards Committee in considering reports and making determinations at hearings in the future.

6.4 The potential lessons to learn identified by the Monitoring Officer are listed in paragraphs 3.7 to 3.12 above.

6.5 Members of the Standards Committee are also asked to note that the issues raised regarding the planning process have been considered and acted upon by the Chief Planning Officer on behalf of the Director of City Development.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to:

- Receive the final report from the Ethical Standards Officer (attached as Appendix 1);
- Adopt the actions listed in paragraphs 3.7 to 3.12 of this report; and
- Note that the issues raised regarding the planning process have been considered and acted upon by the Chief Planning Officer, on behalf of the Director of City Development.

Background Documents

None.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Local Assessment – Readily obtainable information

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to clarify what information can be obtained by the Monitoring Officer in relation to a complaint against a Member in order to assist the Assessment Sub-Committee with its decision on that complaint.
2. During the meeting on 16th December 2009, the Standards Committee considered a report which reviewed the local assessment arrangements. This report contained a list of the matters raised by Assessment and Review Sub-Committee Members under the 'lessons to learn' agenda item. One of the potential 'lessons to learn' raised by Members was that "Officers need to ensure that they provide as much readily obtainable information as possible, perhaps including background information on the complainant".
3. Members of the Assessment Sub-Committee felt that receiving such information may assist them in deciding whether the complaint discloses a potential breach of the Members' Code of Conduct, and whether the complaint might be malicious, politically motivated or tit-for-tat.
4. Members of the Standards Committee are asked to note the advice provided by Standards for England on what information can be obtained by the Monitoring Officer to assist the Assessment Sub-Committee with its decision.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to clarify what information can be obtained by the Monitoring Officer in relation to a complaint against a Member in order to assist the Assessment Sub-Committee with its decision on that complaint.

2.0 Background Information

- 2.1 According to Standards for England guidance on local assessment, the Monitoring Officer is able to carry out pre-assessment enquiries and produce reports for the Assessment Sub-Committee to assist them with their decisions.
- 2.2 The guidance states that such reports may contain the following information:
- whether the complaint is within the Assessment Sub-Committee's jurisdiction;
 - the paragraphs of the Code of Conduct the complaint might relate to, or the paragraphs the complainant has identified;
 - a summary of key aspects of the complaint if it is lengthy or complex; and
 - any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision.
- 2.3 During the meeting on 16th December 2009, the Standards Committee considered a report which reviewed the local assessment arrangements. This report contained a list of the matters raised by Assessment and Review Sub-Committee Members under the 'lessons to learn' agenda item. One of the potential 'lessons to learn' raised by Members was that "Officers need to ensure that they provide as much readily obtainable information as possible, perhaps including background information on the complainant".
- 2.4 This report explores what information can be provided to the Assessment Sub-Committee under this provision.

3.0 Main Issues

- 3.1 Standards for England provide examples of the further information that can be provided to the Assessment Sub-Committee. This includes:
- obtaining a copy of the a declaration of acceptance of office form and an undertaking to observe the Code of Conduct;
 - minutes of meetings;
 - a copy of the Member's entry in the Register of Interests;
 - information from Companies House or the Land Registry; and
 - other easily obtainable documents.
- 3.2 However, they also clarify that pre-assessment enquiries should not be carried out in such a way as to amount to an investigation. For example, they should not extend to interviewing potential witnesses, the complainant, or the subject Member. Officers should not seek opinions on an allegation rather than factual information as this may prejudice any subsequent investigation. They should also ensure their report does not influence improperly the Assessment Sub-Committee's decision or make the decision for it.
- 3.3 Officers also sought advice from Standards for England on the nature of such information in October 2008, and received the following response from the Standards for England Legal Team:

“Where we say that the monitoring officer can gather easily obtainable documents to assist the assessment sub-committee with its decision, we mean that if the monitoring officer is able to get their hands on useful documents without having to carry out a mini-investigation, they can do so. It does not matter whether or not the documents are publicly available - it is more about how readily available they are. Public documents tend to be readily available. The monitoring officer can, however, include documents that they can easily get hold of which are not publicly available.”

3.4 Examples of the types of information the Monitoring Officer has provided for Members to date are:

- Information from the Charity Commission;
- Articles and letters from local newspapers;
- Reports and minutes of Committee meetings;
- Register of Interests entries;
- Clerk’s notes; and
- Advice from Standards for England on the interpretation of the Code of Conduct.

3.5 Questions have been raised regarding whether it would be acceptable for the Monitoring Officer to provide more private information, such as copies of correspondence between the subject Member and the complainant which may be obtainable from Group Support Officers, or information regarding whether the complainant may have been banned from using a particular Council service, or whether they are a member of the political party.

3.6 Members of the Assessment Sub-Committee felt that receiving such information may assist them in deciding whether the complaint discloses a potential breach of the Members’ Code of Conduct, and whether the complaint might be malicious, politically motivated or tit-for-tat.

3.7 However, Members of the Assessment Sub-Committee must be cautious not to seek to prove a complaint prior to making an initial assessment. The initial assessment decision should be made on the basis of the information that the complainant has provided, and on the assumption that the allegations will be proven.

3.8 A query was submitted to Standards for England asking whether:

- background information from the complainant;
 - copies of correspondence from the subject Member (provided by officers); and
 - information provided by the subject Member themselves (if they were aware of the content of the complaint);
- would be allowable under these provisions.

3.9 Standards for England provided the following response on 19th January 2010:

“As you have rightly pointed out any information the monitoring officer supplies at this stage should be easily obtainable. This means that if the monitoring officer is able to get their hands on useful documents without having to carry out a mini-investigation, they can do so. It does not matter whether or not the documents are publicly available - it is more about how readily available they are. The monitoring officer can, however, include documents that they can easily get hold of which are not publicly available.

The interpretation of what is easily obtainable and how far a monitoring officer can go in the collection of that information is for each local authority to decide. Keeping in mind the pre-assessment enquiries should not extend to interviewing potential witnesses, the complainant or the subject member. Officers should not seek opinions on an allegation rather than factual information as this may prejudice any subsequent investigation. They should also ensure their report does not influence improperly the assessment sub-committee's decision or make the decision for it.

Using this advice and applying it to the three bullet points in your e-mail it is probably that most local authorities might allow the monitoring officer to collect the information provided in the first two bullet points. However, we recommend that evidence supplied by the subject member is not used at this early stage.

The main considerations for each complaint should be whether a breach of the Code is revealed and the relative seriousness of the matter. Although it may be sensible in some cases to look into the motivation behind the complaint this should not be an overriding factor in taking no action on complaints that clearly reveal a potential for a breach.”

4.0 Implications For Council Policy And Governance

- 4.1 As a result of this additional guidance the Monitoring Officer will consider providing additional information to the Assessment Sub-Committee, depending upon the specific circumstances of the complaint. The Standards Committee can be assured that its practices comply with the guidance of Standards for England.

5.0 Legal And Resource Implications

- 5.1 The legal implications are set out in the main body of the report.
- 5.2 There are no resource implications to the information in this report.

6.0 Conclusions

- 6.1 Questions have been raised regarding whether it would be acceptable for the Monitoring Officer to provide more private information, such as copies of correspondence between the subject Member and the complainant which may be obtainable from Group Support Officers, or information regarding whether the complainant may have been banned from using a particular Council service, or whether they are a member of the political party.
- 6.2 Members of the Assessment Sub-Committee felt that receiving such information may assist them in deciding whether the complaint discloses a potential breach of the Members' Code of Conduct, and whether the complaint might be malicious, politically motivated or tit-for-tat.
- 6.3 A query was submitted to Standards for England asking whether background information from the complainant, copies of correspondence from the subject Member (provided by officers), and even information provided by the subject Member themselves (if they were aware of the content of the complaint) would be allowable under these provisions. Standards for England provided the response set out in paragraph 3.9 of this report.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note the advice provided by Standards for England on what information can be obtained by the Monitoring Officer to assist the Assessment Sub-Committee with its decision.

Background Documents

“Local Assessment of Complaints”, guidance from Standards for England, last updated July 2008

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, “Review of Local Assessment Arrangements”, 16th December 2009

Email from Standards for England Policy Adviser, dated 6th November 2008

Email from Standards for England Guidance and Information Adviser, dated 19th January 2010

This page is intentionally left blank

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Local Assessment – Progress Report

Electoral Wards Affected:

 Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to provide Members of the Standards Committee with a progress report in relation to all complaints received under the Members' Code of Conduct since 1st June 2009 to 31st December 2009. The report also provides the Committee with some statistical analysis regarding the complaints, including a comparison with the national statistics from Standards for England.

2.0 Background Information

2.1 Between the 1st June 2009 and the 31st December 2009, the Assessment Sub-Committee has considered 9 allegations (from a total of 8 complaints), of which 6 are closed, and 3 have been referred for investigation. The referred complaints concern a total of 3 Leeds City Councillors, and 0 Parish or Town Councillors.

2.2 The Review Sub-Committee has reviewed 5 allegations since 1st June 2009, none of which have been referred for investigation or other action.

3.0 Main Issues

3.1 The table attached at Appendix 1 shows further detail in relation to each complaint, including the source of the complaint, whether the complaint is about a Parish or Town Councillor, and the decision made in relation to the complaint. The table shows information about all complaints that have been received since the start of the local assessment regime in Leeds City Council, as some information may have been updated since the previous report to the Standards Committee. However those complaints which have been received during this municipal year can be identified by the case reference number which begins with the numbers '0910'.

- 3.2 The information in the table shows that the allegations received since 1st June 2009 were initially assessed within an average of 20.7 working days. This was due to one complaint (0910007) taking 35 days from receipt to initial assessment. The reason for this delay was that officers had to contact the complainant several times after the complaint had been received to seek clarification of the complaint before it could be presented to the Assessment Sub-Committee for consideration. Without this particular complaint being included, the average is 19 working days from receipt to initial assessment.
- 3.3 The table also shows that review requests during this municipal year were considered within an average of 40.4 working days. During the last municipal year the average number of working days to consider a review request was 34.8. The increase is due to one review request taking 65 working days to be considered. The delay with this case was due to difficulties in achieving a quorum for the Review Sub-Committee. With this particular case being removed the average is 34.3 working days. Although this is outside of the recommended 20 working day limit set by Standards for England, Members of the Standards Committee can be assured that all review requests were considered within the statutory three month deadline as set out in Section 57B of the Local Government Act 2000.
- 3.4 The table attached at Appendix 2 provides further detail in relation to those complaints that have been referred for investigation, including when the investigation was commissioned and the estimated date of completion.
- 3.5 The last column of the table in Appendix 2 provides Members with details of the duration of the investigation (from the date of the Assessment Sub-Committee decision to the completion of the final report). Members will recall that Standards for England advise that investigations should be completed within 6 months where possible. Members may wish to note that the final two investigations on the table have been completed in accordance with the "Procedure for external Code of Conduct investigations", which was considered by the Standards Committee on 15th October 2009. One of those investigations has been completed within 4 months, and the other is due to be completed within 6 months, which demonstrates an improvement on previous investigations.
- 3.6 Appendix 3 provides some statistical analysis regarding all complaints received, and this information is compared with the national statistics available from Standards for England. As the statistics available from Standards for England cover the period 8th May 2008 to 30th September 2009, only figures for this period have been included from Leeds City Council to allow a direct comparison to be made.

4.0 Implications For Council Policy And Governance

- 4.1 This report provides assurance to the Standards Committee that the Assessment and Review Sub-Committees are complying with their statutory responsibilities as set out in the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.
- 4.2 Standards for England have issued guidance on conducting investigations which must be taken into account. This guidance suggests that most investigations are carried out and a report on the investigation completed within 6 months of the original complaint being assessed by the Assessment Sub-Committee.
- 4.3 Although there are many factors that can affect the time it takes to complete an investigation, ongoing investigations are monitored to ensure that they are carried out as quickly as possible. Those investigations which have been commissioned

and undertaken in accordance with the “Procedure for external Code of Conduct investigations”, which was approved on 22nd October 2009, have taken, or are estimated to take, 4 and 6 months. Officers experience of using the procedure has shown that using the procedure has clarified milestones for the investigator and officers monitoring the investigation, and also the process for making amendments to the investigation report.

4.4 Of the 9 allegations referred for investigation, so far 6 have taken longer than the recommended 6 months to be completed. This has been due to many factors, including:

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

4.5 At the end of the consideration or hearings process for each investigation there will be an opportunity to discuss the lessons learnt from individual cases and ask questions of the investigator regarding timescales.

5.0 Legal And Resource Implications

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

6.0 Conclusions

6.1 Both the Assessment Sub-Committee and Review Sub-Committee are meeting the statutory deadlines in relation to the timescale for considering complaints and review requests.

7.0 Recommendations

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

Background Documents

Minutes of the Assessment Sub-Committee meetings held on 25th June 2009, 13th July 2009, 14th August 2009, 27th August 2009, 21st September 2009, and 14th December 2009.

Minutes of the Review Sub-Committee 13th July 2009, 14th August 2009, and 11th November 2009.

www.standardsforengland.gov.uk

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, “Local Assessment – Progress Report”, 8th July 2009

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, “Procedure for external Code of Conduct investigations”, 15th October 2009

Local Government Act 2000

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

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

Case Reference	Date received	Source of complaint	Town or Parish Councillor?	Referral decision made	Date of referral decision	Has a review been sought?	Review decision made	Date of review decision
0809013	17/02/2009	Member of the public	Yes	No action	05/03/2009	Yes	No action	20/04/2009
0809014(i)	18/02/2009	Member of the public	No	Referred to the Standards Board (part)	05/03/2009	No	-	-
0809014(ii)	18/02/2009	Member of the public	No	Local investigation (part)	05/03/2009	No	-	-
0809014(iii)	18/02/2009	Member of the public	No	Other action (part)	05/03/2009	Yes	No action	14/08/2009
0809015	24/02/2009	Member of the public	No	No action	05/03/2009	No	-	-
0809016(i)	26/02/2009	Councillor	No	No action	20/04/2009	Yes	No action	13/07/2009
0809016(ii)	26/02/2009	Councillor	No	No action	20/04/2009	Yes	No action	13/07/2009
0809017	12/03/2009	Member of the public	Yes	No action	20/04/2009	Yes	No action	13/07/2009
0809018(i)	18/03/2009	Member of the public	No	No action	20/04/2009	No	-	-
0809018(ii)	18/03/2009	Member of the public	No	No action	20/04/2009	No	-	-
0809018(iii)	18/03/2009	Member of the public	No	No action	20/04/2009	No	-	-
0809019	09/04/2009	Member of the public	No	Local investigation (part)	18/05/2009	No	-	-
Municipal Year 2009/10								
0910001	01/06/2009	Member of the public	No	No action unless further info provided	25/06/2009	No	-	-
0910001(2)	22/07/2009	Member of the public	No	Local investigation	14/08/2009	No	-	-

Case Reference	Date received	Source of complaint	Town or Parish Councillor?	Referral decision made	Date of referral decision	Has a review been sought?	Review decision made	Date of review decision
				(part)				
0910002	17/06/2009	Member of the public	Yes	No action	13/07/2009	No	-	-
0910003	14/07/2009	Member of the public	No	No action	14/08/2009	No	-	-
0910004	15/07/2009	Member of the public	No	Local investigation (part)	14/08/2009	No	-	-
0910005	16/07/2009	Council officer	No	Local investigation	14/08/2009	n/a	-	-
0910006	03/09/2009	Member of the public	No	No action	21/09/2009	Yes	No action	11/11/2009
0910007	27/10/2009	Member of the public	No	No action	14/12/2009	No	-	-
0910008	Discontinued and forwarded to the Monitoring Officer of another Authority for consideration							
0910009	16/11/2009	Member of the public	No	No action	14/12/2009	No	-	-

This page is intentionally left blank

Complaints referred for investigation since 1st July 2008

Case Reference	Date received	Referral decision made	Date of referral decision	Date investigation commissioned	Date of completion (or estimated date)	Outcome of investigation	Duration of investigation
0809001	01/07/2008	Local investigation (part)	22/07/2008	22/09/2008	Final Report issued on 13/07/2009	No failure to comply with the Members' Code of Conduct – Decision of the Assessment Sub-Committee 27/08/2009	12 months
0809006	01/07/2008	Local investigation	29/07/2008	05/09/2008	Final Report issued on 29/01/2010	To be considered by the Consideration Sub-Committee on 26/02/2010	18 months
0809008	01/07/2008	Local investigation (part)	29/07/2008	22/09/2008	Final Report issued on 05/08/2009	No failure to comply with the Members' Code of Conduct – Decision of the Assessment Sub-Committee 27/08/2009	13 months
0809014(i)	18/02/2009	Referred to Standards for England (part)	05/03/2009	02/04/2009	Final Report issued on 22/07/2009	No failure to comply with the Members' Code of Conduct – Decision of the Ethical Standards Officer	4 months

Case Reference	Date received	Referral decision made	Date of referral decision	Date investigation commissioned	Date of completion (or estimated date)	Outcome of investigation	Duration of investigation
0809014(ii)	18/02/2009	Local investigation (part)	05/03/2009	09/04/2009	Final Report issued on 11/12/2009	No failure to comply with the Members' Code of Conduct – Decision of the Consideration Sub-Committee 01/02/2010	9 months
0809019	09/04/2009	Local investigation (part)	18/05/2009	04/06/2009	Unable to specify an exact timescale ¹	-	Unknown
0901001(2)	22/07/2009	Local investigation (part) by Leeds City Council Officer	14/08/2009	14/09/2009	Draft report expected during w/c 01/03/2010	-	Estimated duration 8 months
0901004*	15/07/2009	Local investigation (part)	14/08/2009	15/09/2009	Draft report issued 29/01/2010	-	Estimated duration 6 months

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

* Completed in accordance with the "Procedure for external Code of Conduct investigations".

Case Reference	Date received	Referral decision made	Date of referral decision	Date investigation commissioned	Date of completion (or estimated date)	Outcome of investigation	Duration of investigation
0901005*	16/07/2009	Local investigation	14/08/2009	15/09/2009	Final Report issued on 14/12/2009	<p>No failure to comply with the Members' Code of Conduct on one allegation.</p> <p>Refer the second allegation to the Hearings Sub-Committee for a hearing.</p> <p>Decision of the Consideration Sub-Committee on 01/02/2010</p>	4 months

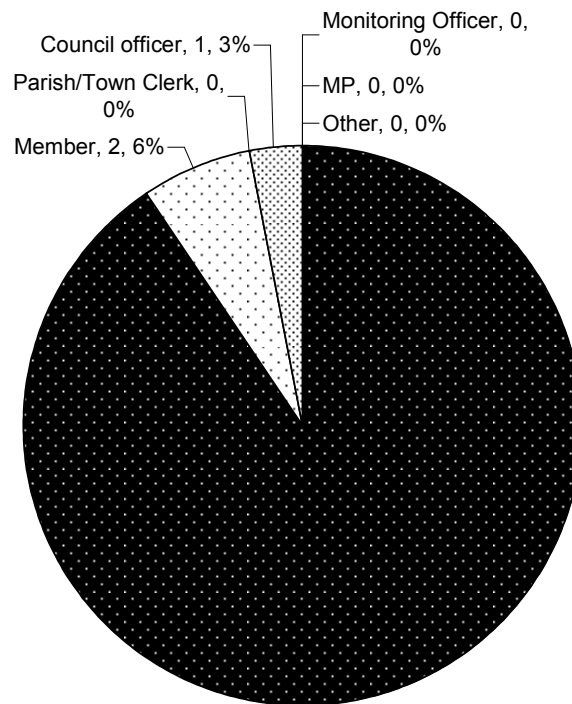
This page is intentionally left blank

Local Assessment Statistics – 8th May 2008 to 30th September 2009

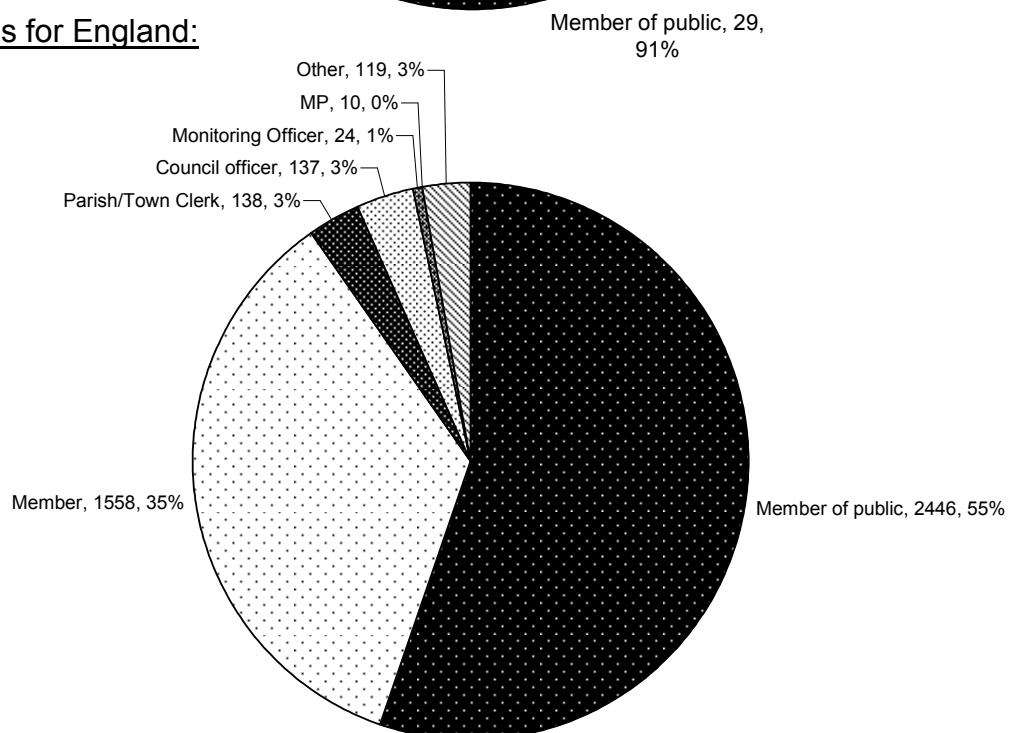
1. Source of Complaint

Between 8th May 2008 and 30th September 2009, Leeds City Council has received a total of **32** allegations, compared with a national average of **14** for Metropolitan Councils. However Members should note that Leeds City Council has the second largest number of City Councillors, and the second largest number of Parish and Town Councils compared to the other 35 Metropolitan Councils, and therefore might expect to have an above average number of complaints. The charts below show the source of the complaints for Leeds City Council, and the national figures from Standards for England.

Leeds City Council:



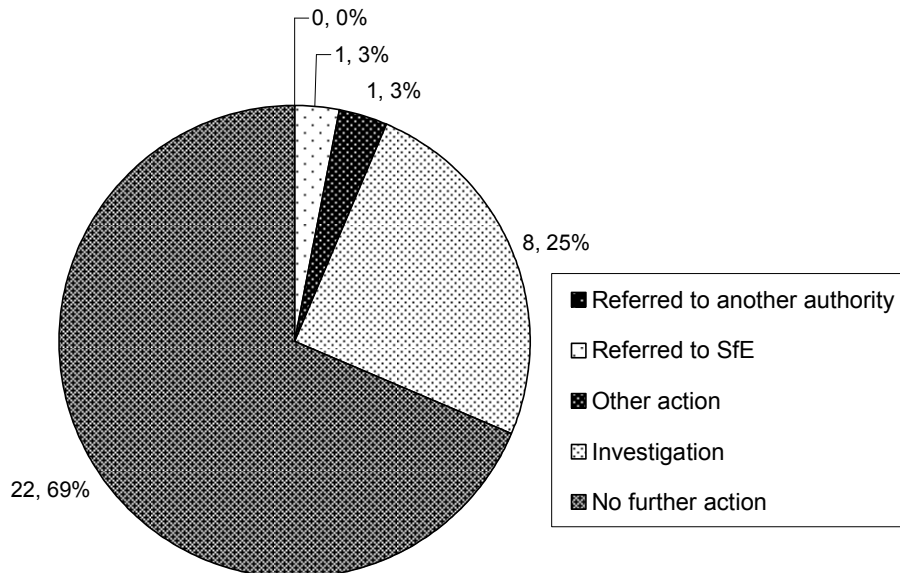
Standards for England:



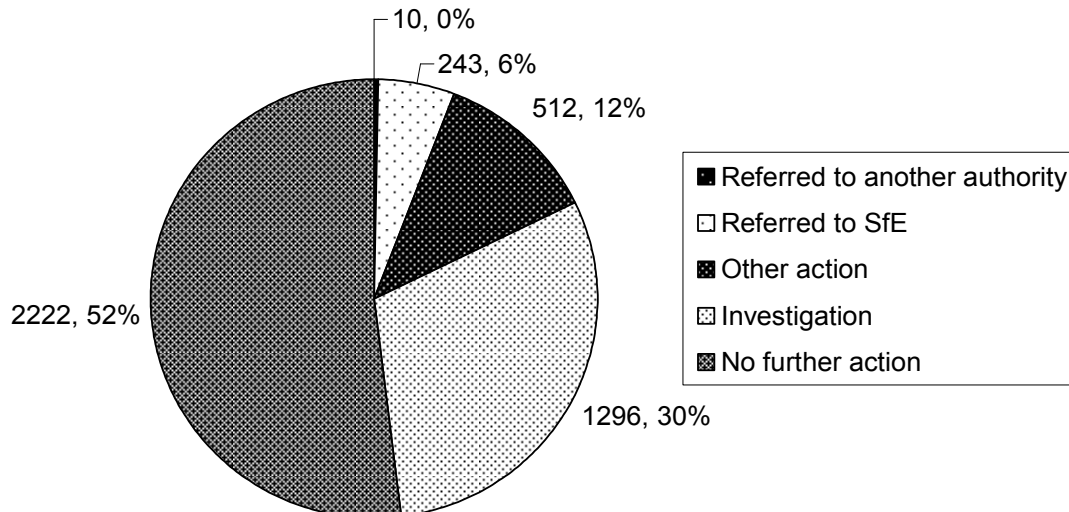
2. Decision of Assessment Sub-Committee

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

Leeds City Council:



Standards for England:

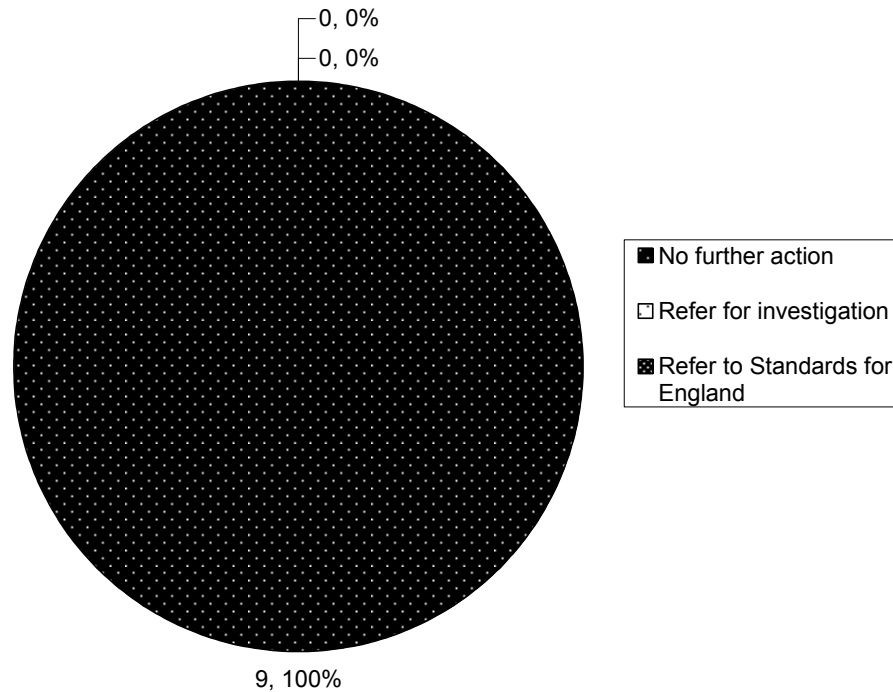


3. Decision of Review Sub-Committee

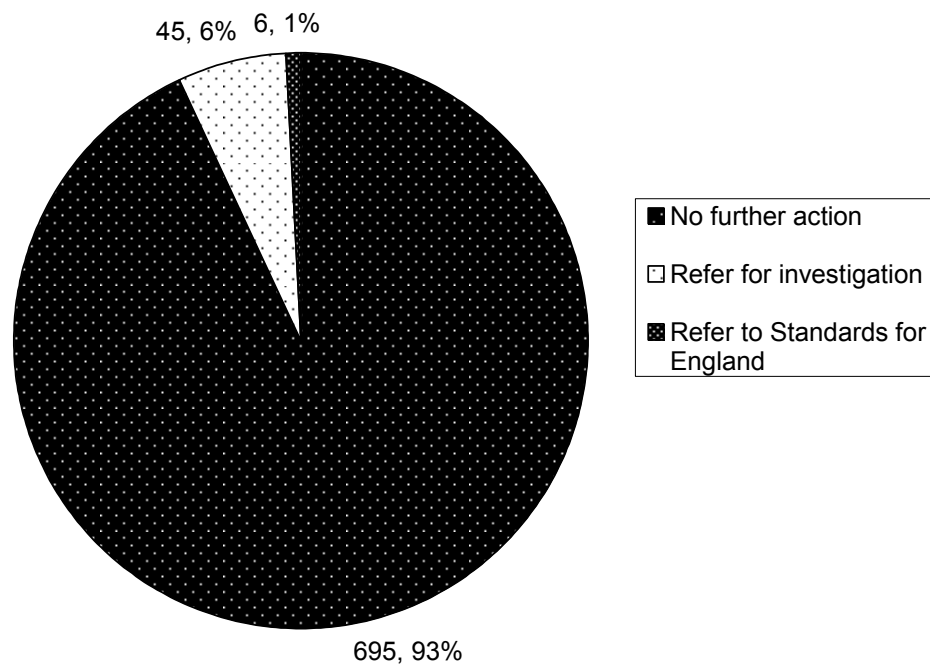
Between 8th May 2008 and 30th September 2009, 9 review requests have been considered by the Review Sub-Committee out of a total of 31 cases where the initial assessment decision was to not refer the complaint, or part of the complaint, any further. This represents **29%** of cases compared to **37%** cases nationally (816 review requests out of 2222 no further action decisions).

The Review Sub-Committee decided to take no further action in relation to all 9 complaints. The charts below show the decisions made by the Leeds City Council Review Sub-Committee, and the national percentages from Standards for England.

Leeds City Council:



Standards for England:



4. Timeliness of Decisions

The Assessment Sub-Committee's target deadline for considering complaints is 20 working days. Between 8th May 2008 and 30th September 2009, the average timescale for considering complaints is **19.3** working days, compared to **21** working days nationally.

The national statistics also show that the authorities with many parishes (more than 30) are getting to an initial assessment decision slightly more quickly (20.9 working days) than authorities with fewer parishes (21.3 working days).

The statutory timescale for considering review requests is 3 months (approximately 60 working days), and on average the Review Sub-Committee has been held with in **39.1** working days of the review request being made, compared to a national average of **29** working days.

5. Investigations

Between 8th May 2008 and 30th September 2009, 2 cases referred to the Monitoring Officer for investigation were completed in Leeds. Between the date of the initial assessment decision and the consideration meeting, these took an average of **283** working days.

Nationally 566 out of the 1296 cases referred to Monitoring Officers for investigation were completed by 30th September 2009, and these took an average of **132** working days between the date of the decision to investigate and the date of the determination meeting.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Annual Report On The Monitoring Officer Protocol

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report is the annual report of the Monitoring Officer required under Paragraph 5 of the Monitoring Officer Protocol. The Monitoring Officer is required to report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and include any proposals for amendments in the light of any issues that have arisen throughout the year.
2. An amended copy of the Monitoring Officer Protocol is attached to this report for Members' approval.
3. Members of the Standards Committee are asked to:
 - Consider the performance information and issues raised within this report; and
 - Approve the revised Monitoring Officer Protocol which has been amended to take account of the creation of the new Hearings Sub-Committee and Consideration Sub-Committee.

1.0 Purpose Of This Report

1.1 This report is the Monitoring Officers Annual Report which is required under paragraph 5 of the Monitoring Officer Protocol. The Monitoring Officer is required to report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and include any proposals for amendments in the light of any issues that have arisen throughout the year.

2.0 Background Information

2.1 Members will recall that the role of the Monitoring Officer is a statutory role by virtue of Section 5 of the Local Government and Housing Act 1989. The principle duties of the Monitoring Officer are set out in the Appendix to the Monitoring Officer Protocol, which for ease of reference is attached to this report as Appendix 1.

2.2 The functions carried out by the Monitoring Officer include the following:-

- Reporting on Contraventions of the Law.
- Reporting on any maladministration or injustice where the Ombudsman has carried out an investigation.
- Establishing and maintaining registers of Members' interests and gifts and hospitality.
- Maintaining reviewing and monitoring the constitution.
- Supporting the Standards Committee.
- Advising on Vires issues, maladministration, financial impropriety, propriety, budget and policy framework issues for all Members.

3.0 Main Issues

3.1 Paragraph 5 of the Monitoring Officer Protocol requires that the Monitoring Officer reports annually to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and whether there are any proposals for amendments. The following paragraphs give detailed information in relation to each heading raised in the Protocol.

Resources

3.2 The Monitoring Officer considers that she has sufficient resources to discharge her statutory functions, and to address any matters concerning her functions.

3.3 The Monitoring Officer is satisfied that so far for the financial year 2009/10 she had a sufficient budget at her disposal to enable her to seek Counsel's opinion on matters concerning her functions as and when necessary during the course of the current Municipal year.

3.4 The Monitoring Officer has appointed the Chief Officer (Legal, Licensing and Registration) as the Deputy Monitoring Officer and keeps him briefed on any relevant issues that he may have to deal with in her absence.

Access to information/ meetings

- 3.5 The Monitoring Officer is of the view that she has been alerted to any issues that may have become of concern to the authority. The Monitoring Officer has had advance notice of all relevant meetings of the authority, and has had the right to attend these meetings.
- 3.6 The Monitoring Officer has ensured that all meetings of the authority are sufficiently supported and advised. All meetings of Committees, Panels and Sub-Committees are attended by a member of Governance Services who maintains a record of the meeting and advises on procedural issues. All Committees also have a legal officer who is responsible for providing legal advice to that body, and in some cases, especially where committees are acting in a quasi-judicial capacity, the legal officer also attends the meetings throughout.
- 3.7 The Monitoring Officer, as the Assistant Chief Executive (Corporate Governance), is a member of the Corporate Leadership Team, and therefore has had advance notice of its meetings, agenda and reports, and has had the right to attend and speak.
- 3.8 As the proper officer for access to information, the Monitoring Officer is responsible for ensuring that decisions, together with reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible. The Monitoring Officer achieves this through the publication on the Council's website of minutes, delegated decision notices and the forward plan within strict deadlines.

Relationships

- 3.9 The Monitoring Officer has ensured that the other statutory officers have been kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues.
- 3.10 The Monitoring Officer has met regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues. They all attend weekly meetings of the Corporate Leadership Team, and any additional meetings are arranged as and when necessary.
- 3.11 The Monitoring Officer is the Chair of an officer group involving representatives from audit, risk, finance, governance, performance management, information governance and human resources. The Corporate Governance Board is responsible for reviewing the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk). This group meets every month and therefore allows the Monitoring Officer to maintain effective working relationships with these officers and retain an overview of corporate governance issues.
- 3.12 The Monitoring Officer has a close working relationship of respect and trust with the Lord Mayor, deputy Lord Mayor, group whips and the chairs of the Executive Board, Standards Committee, regulatory committees, Scrutiny Boards and Area Committees. Where challenge has arisen the Monitoring Officer has raised these issues with the Members concerned in order to resolve them.
- 3.13 The Monitoring Officer has developed and maintained an effective working liaison and relationship with Standards for England, the District Auditor and the Local

Government Ombudsman. During this municipal year the Monitoring Officer was asked to speak at the Standards for England Annual Assembly on managing investigations.

- 3.14 The Monitoring Officer is required to make a report under Section 5 of the Local Government and Housing Act 1989 if it appears to her that any proposal, decision or omission by the Authority¹ has given rise to or is likely to give rise to a contravention by the Authority of any enactment or rule of law. The Monitoring Officer has not had reason to make any report under Section 5 of the Local Government and Housing Act 1989 or to consult in relation to making any of these formal reports.
- 3.15 The Monitoring Officer has informal mechanisms for dealing with issues which are brought to her attention which are not likely to give rise to a contravention of any enactment or rule of law. The Monitoring Officer keeps records of these matters and any appropriate action taken.
- 3.16 The Monitoring Officer has made arrangements to ensure effective communication between her office and clerks to parish councils. The Parish Council Liaison Officer sends correspondence as and when necessary, and provides information to meetings of the Parish Council Liaison Forum. In addition there is regular contact from the Standards Committee to Parish Councils. All Clerks receive a copy of the agenda for each Standards Committee meeting together with correspondence sharing information and guidance from the Standards Committee and seeking the views of the Parish Councils.

Ombudsman Complaints

- 3.17 It is the duty of the Monitoring Officer under the Local Government Act 1974 and the Local Government and Housing Act 1989 to prepare reports in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has been found to cause injustice. The Monitoring Officer carries out this duty by instructing the relevant director to produce a report for the Executive Board.
- 3.18 There have been no reports of this nature presented to the Executive Board since April 2009.
- 3.19 The Monitoring Officer has a duty to prepare reports where considered necessary to bring to Members' attention issues of importance arising out of complaints made to the Local Government Ombudsman, whether or not those complaints were investigated or maladministration found. These reports are formally considered by the Corporate Governance and Audit Committee. The Monitoring Officer has not had occasion to provide Corporate Governance and Audit Committee with any such report during this municipal year.
- 3.20 An additional report on 30th September 2009 highlighted comments made by the Local Government Ombudsman in her annual letter. The Ombudsman's Annual Letter was on the whole complimentary about improvements the Council had made over the last year, including the response times to formal enquiries and the co-operative attitude of Council employees. However, the Ombudsman did remind the Council that it still had areas to focus on such as antisocial behaviour. In her annual letter the Ombudsman did refer to a number of complaints about antisocial

¹ This includes committees, sub-committees, any person holding any office or employment under the authority or joint committees.

behaviour which concerned her because they raised the question of systematic problems in the way the Council deals with this issue. However, there were no other concerns, trends or themes identified by the Ombudsman in the annual letter. The Corporate Governance and Audit Committee resolved to request a further report on the issues raised with antisocial behaviour during this municipal year.

Standards matters

- 3.21 The Monitoring Officer has provided advice to Members of the City Council and Members of Parish Councils. The Monitoring Officer has done so through correspondence, in meetings, and through the provision of guidance and briefing notes on specific issues.
- 3.22 The Monitoring Officer has arranged a programme of training for Members on ethical standards and Code of Conduct Issues. Several compulsory training sessions relating to governance and conduct issues have taken place for Members of Plans and Licensing panels this year. These also incorporated training on the local assessment process. The Monitoring Officer has also ensured that all Standards Committee Members have been trained on the Code of Conduct, how to assess complaints about Members, and the hearings process.
- 3.23 Training has been provided for Members of Parish and Town Councils through the Annual Spring Conference. This training focused on the Members' Code of Conduct and the local assessment process.
- 3.24 Two final investigations into complaints under the Members' Code of Conduct have been concluded this municipal year on behalf of the Monitoring Officer. Both investigations were completed by an external solicitor and involved allegations that a Councillor failed to comply with Leeds City Council's Code of Conduct. In both cases the investigating officer was satisfied that she had access to all necessary information and all officers who could assist in the discharge of her functions.
- 3.25 Together with Human Resources, the Monitoring Officer has created and delivered an ethical governance briefing for all officers, which incorporates training on the Members' Code of Conduct and certain of the local codes and protocols. In future this training will be provided to officers in e-learning format.
- 3.26 The Monitoring Officer is responsible for ensuring that Leeds City Councillors and voting Co-opted Members complete and maintain a register of interests and register any gifts or hospitality that they have received. The Monitoring Officer has delegated responsibility for these matters to Governance Services, but remains updated through regular reports on these matters.
- 3.27 The Monitoring Officer has delegated responsibility to the Parish Clerks for maintaining the Members' register of interests and the register of gifts and hospitality for their Parish Council. The Monitoring Officer seeks confirmation on an annual basis that these registers are being regularly reviewed by the Clerks, and that they are being completed by new Councillors through the annual audit process.
- 3.28 The Monitoring Officer is also responsible for receiving and acting on reports from Ethical Standards officers and decisions of case tribunals. One investigation has been completed by an Ethical Standards Officer this year. The Monitoring Officer has ensured that it is put before the Standards Committee so that they can consider how the information in the report might assist them in the discharge of their functions. The Monitoring Officer has also reported to the Standards Committee on

the number of complaints received regarding Leeds City Councillors and Parish and Town Councillors in Leeds and the outcome of those complaints twice a year, as well as reporting on Adjudication Panel case tribunal decisions at every meeting.

- 3.29 The Monitoring Officer is also responsible for supporting the Standards Committee. Through her support to the Committee the Monitoring Officer promotes and maintains high standards of conduct. The Monitoring Officer has ensured that the Committee are supported through attending meetings of the Committee, ensuring they are able to carry out their functions effectively by the provision of reports and information, and through ensuring that their training needs are met by enabling Committee members to attend internal and external training sessions. Committee members have attended the Standards for England Annual Conference, the inaugural West Yorkshire Regional Standards Conference, been provided with training on hearings by an external facilitator, and watched Standards for England training DVDs. Members of the Committee have also been provided with guidance on the local assessment process, including locally development tools to assist them with following the Standards for England guidance and considering all aspects of the Code of Conduct. The Committee have also been regularly briefed on potential changes and developments to the Members' Code of Conduct as well as the development of case law.

Constitution

- 3.30 The Monitoring Officer has kept the Constitution under continuous review and where necessary reports are taken to General Purposes Committee, Standards Committee and Full Council for approval in respect of proposed amendments to the Constitution. The Monitoring Officer has consulted with the Chief Finance Officer and the Head of Paid Service when required.
- 3.31 The Monitoring Officer has also made arrangements for a working group of the Member Management Committee to meet to consider the content of the local Codes and Protocols in Part 5 of the Constitution, in order that she can be assured that they are fit for purpose.

Members and Officer Responsibilities

- 3.32 The Monitoring Officer is satisfied that Members and Officers have reported any suspected breaches of statutory duty or council policies or procedures and other vires or constitutional concern to her as soon as practicable.

Advice

- 3.33 The Monitoring Officer has been available for Members and Officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.

Amendments to the Monitoring Officer Protocol

- 3.34 The Protocol was amended during the last annual review to take account of the amendments to the role of the Monitoring Officer caused by the Local Government and Public Involvement in Health Act 2007. Since then there have been no changes to the role of the Monitoring Officer.

3.35 There are some amendments required to the Monitoring Officer Protocol to reflect the decisions of the Standards Committee on 8th July and 16th December 2009 to create a Hearings Sub-Committee and a Consideration Sub-Committee. There are also minor amendments to reflect the change in name of the 'Standards Board for England' to 'Standards for England'. The required amendments are highlighted in track changes in Appendix 1.

4.0 Implications For Council Policy And Governance

4.1 The Monitoring Officer is a statutory role which underpins the Ethical Framework of the Council. Annual reporting on the Monitoring Officer's performance of the protocol supports the ethical framework and provides a key assurance to inform the Council's Annual Governance Statement.

5.0 Legal And Resource Implications

5.1 This report is not considered to have any specific legal or resource implications.

6.0 Conclusions

6.1 This is the annual report of the Monitoring Officer required under paragraph 5 of the Monitoring Officer Protocol. This report confirms that the arrangements set out in the Protocol are being carried out satisfactorily.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- Consider the assurances and performance information provided in this report; and
 - Approve the revised Monitoring Officer Protocol which has been amended to take account of the creation of the new Hearings Sub-Committee and Consideration Sub-Committee.

Background Documents

- The Local Government Ombudsman's Annual Review, Leeds City Council, for the year ended 31st March 2009
- Minutes of the Corporate Governance and Audit Committee, 30th September 2009
- The Standards Committee (England) Regulations 2008
- The Local Government and Public Involvement in Health Act 2007
- Minutes of the Standards Committee, 8th July 2009
- Minutes of the Standards Committee, 16th December 2009
- Constitution Control Sheets 1-9

This page is intentionally left blank

MONITORING OFFICER PROTOCOL

1.0 INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1.1 The Monitoring officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged.
- 1.2 The role of the Monitoring Officer rests with the Assistant Chief Executive (Corporate Governance).
- 1.3 A summary list of the Monitoring Officer's responsibilities appears in the Annex attached. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:-
- (a) complying with the law (including any relevant Codes of Conduct);
 - (b) complying with any general guidance, codes or protocols issued from time to time, by the Standards Committee and the Monitoring Officer;
 - (c) making lawful and proportionate decisions; and
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.

2.0 WORKING ARRANGEMENTS

- 2.1 Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-

2.2.1 Resources

- (a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- (b) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions;
- (c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions;

Monitoring Officer Protocol

- (d) appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer;

2.2.2 Access to information/meetings

- (a) be alerted by Members and officers to any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (d) be a member of the Corporate Leadership Team and will have advance notice of those meetings, agenda and reports and the right to attend and speak;
- (e) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of his/her functions;

2.2.3 Relationships

- (a) ensure the other statutory officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (c) have a close working relationship of respect and trust with the Lord Mayor, Deputy Lord Mayor and the chairs of the Executive Board, Standards and Regulatory Committees, Scrutiny Boards and Area Committees with a view to ensuring the effective and efficient discharge of Council business;
- (d) develop effective working liaison and relationship with Standards for England, the Audit Commission, the External Auditors and the Local Government Ombudsman (including having the authority, on behalf of the

Deleted: the

Deleted: Board

Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- (e) in consultation, as necessary, with the Leader, Executive Board, Standards Committee and ~~Standards for England~~, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- (f) make arrangements to ensure effective communication between his/her office and clerks to parish councils on Monitoring Officer and Standards Committee issues;

Deleted: the

Deleted: Board

2.2.4 Ombudsman Complaints

- (a) prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration whether or not that maladministration has caused injustice;
- (b) prepare reports to Members where considered necessary to bring to their attention issues of importance arising out of complaints made to the Local Government Ombudsman whether or not investigated or maladministration found;

2.2.5 Standards Matters

- (a) refer relevant matters to Standards Committee for initial assessment and review;
- (b) give relevant notifications as required under the Local Government Act 2000 (as amended) to complainants, subject Members and any other relevant parties;
- (c) make arrangements for and advise meetings of the Assessment and Review Sub-Committees;
- (d) carry out any direction from the Standards Committee or an Ethical Standards Officer to take steps other than carrying out an investigation;
- (e) make arrangements for investigations to be carried out into Code of Conduct complaints or local complaints on the instructions of the Standards Committee or an Ethical Standards Officer;
- (f) make arrangements for and to advise the ~~Consideration~~ Sub-Committee in its consideration of a final investigation report;
- (g) make arrangements for and to advise the ~~Hearings Sub-~~Committee with regard to hearings;

Deleted: Assessment

Deleted: Standards

- (h) give informal advice and undertake relevant enquiries into other allegations of misconduct by Members, and if appropriate make a written report to the Standards Committee, or a written allegation to the Assessment Sub-Committee if in the opinion of the Monitoring Officer, there is a serious breach of the Members Code of Conduct;
- (i) subject to the approval of the Standards Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- (j) establish and maintain ~~the statutory register of~~ Members' interests and gifts and hospitality; ~~and~~

Deleted: relevant
Deleted: s
Deleted: for the declaration of

2.2.6 Constitution

- (a) ~~review and monitor the Constitution in accordance with the arrangements, set out in Article 15.1 of the Constitution and consult with the Section 151 Officer and Head of Paid Service before taking any report to the relevant Committee to approve amendments to the Constitution.~~

Deleted: Protocol
Deleted: at

3.0 MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

4.0 ADVICE

The Monitoring Officer is also available for Members and officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Council Procedure Rules, Policy Framework, Terms of Reference, Scheme of Delegations, etc).

5.0 MONITORING THE PROTOCOL

Annually, 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.

6.0 SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 and 5A Local Government and Housing Act 1989.
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 and 5A Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on sufficiency of resources.	Section 5 Local Government and Housing Act 1989.
5	Establish and maintain registers of Members' interests and gifts and hospitality.	Section 81 Local Government Act 2000, and Members' Code of Conduct
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997.
7	Maintain, review and monitor the Constitution.	Constitution - Articles 12.3 and 15.1
8	Advise Members on interpretation of the Code of Conduct.	Members' Code of Conduct
9	Support the Standards Committee - key role in promotion and maintenance of standards of conduct.	Local Government Act 2000 Part III and DETR guidance paragraph 8.20
10	Receive reports from ethical standards officers and decisions of <u>the First-Tier Tribunal (Local Government Standards in England)</u>	Local Government Act 2000 Part III.
11	Conduct investigations into misconduct.	Local Government Act 2000 Section 66
12	Perform ethical framework functions in relation to Parish Councils.	Section 83(12) Local Government Act 2000
13	To make arrangements for relevant matters to be considered by the Standards Committee with regard to initial assessment,	Local Government Act 2000 (as amended) and Standards Committee (England) Regulations 2008

Deleted: case tribunals

Monitoring Officer Protocol

	review, consideration of final investigation reports and hearings, and to advise the Standards Committee on such matters.	
14	Proper Officer for access to information	Constitution - Article 12, and DETR guidance.
15	Advise whether executive decisions are within the budget and policy framework	Constitution Article 12
16	Advise on vices issues, maladministration, financial impropriety, probity budget and policy framework issues to all Members.	Constitution Article 12 and DETR guidance



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Reviewing the Effectiveness of the Standards Committee

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to review the effectiveness of Leeds City Council's Standards Committee, by comparing its response to Standards for England's Annual Return 2009 with the responses received from all Standards Committees.

2.0 Background Information

2.1 In order to assess the effectiveness of the Standards Committee, officers reviewed CIPFA's Audit Committee Self-Assessment Checklist to see if it could be adapted to relate to Standards Committees. As some of the questions relate specifically to Audit Committees, it was felt that the questions from Standards for England's Annual Return would be more applicable, and would also provide the opportunity to compare the Committee's responses with those received from all Standards Committees.

2.2 The purpose of the annual return is to find out what arrangements each authority has in place to ensure and promote high ethical standards. The return asks questions about the way the authority supports ethical standards as a whole, not just how it handles complaints. The annual return is also an opportunity for each authority to inform Standards for England of their particular achievements and successes in supporting and promoting the ethical framework.

2.3 On 8th July 2009, the Annual Return for 2009 was presented to the Standards Committee for information.

3.0 Main Issues

3.1 In order to assess the effectiveness of the Standards Committee, its responses to the Annual Return 2009 have been compared with the overall responses which have

now been published by Standards for England. A copy of the Committee's responses is attached at Appendix 1, with the overall responses underneath each question.

3.2 The overall responses show that the Standards Committee is meeting best practice in most areas. For example, the Standards Committee is among the:

- 9% (38) of Committees that regularly remind Members to declare interests;
- 2% (7) of Committees that met with the Leader at least four times in the last year;
- 10% (41) of Committees that seek feedback from the people involved in an allegation of Member misconduct about their satisfaction with the complaints process; and
- 34% (143) and 21% (89) of Committees that publish the Member register of interests and register of gifts and hospitality on the authority's website respectively.

3.3 However, there are also some areas which could be improved, which are being addressed as follows:

- In future, a copy of the Standards Committee Annual Report will be sent directly to all senior officers, and a press release will be produced to publicise it;
- The Chair of the Standards Committee now meets with the Leaders of all political groups on a quarterly basis; and
- Officers in Human Resources are assessing whether it would be possible to publish the register of officers' interests on the authority's website.

4.0 Implications For Council Policy And Governance

4.1 Reviewing the effectiveness of the Standards Committee contributes to demonstrating a strong ethical framework and culture, which forms part of the Key Lines of Enquiry in the Use of Resources assessment.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications as a result of this report.

6.0 Conclusions

6.1 This report reviews the effectiveness of the Standards Committee, by comparing its response to Standards for England's Annual Return 2009 with the responses received from all Standards Committees.

6.2 The Council is meeting best practice in most areas, however there are some areas which could be improved, and these either have been, or are currently being addressed.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to note the information in this report, and consider ways in which the effectiveness of the Standards Committee could be further increased.

Background Documents:

Report to Standards Committee 'Standards Board for England Annual Return 2009', 8th July 2009

This page is intentionally left blank

Standards Board for England – Annual Return Questions & Responses

Independent Overview

Does the Standards Committee have Terms of Reference?													
Yes													
Overall Responses: Yes: 99% (418) No: 1% (4)													
What help do Members receive on following the Code of Conduct?													
<p>Members receive training and guidance materials on the Code of Conduct, and are able to contact officers for additional advice and guidance when necessary. Members receive compulsory training on the Code of Conduct on their election and re-election through the Members' Induction period. They are also provided with a copy of the guidance booklet from the Standards Board for England, our own e-learning package on the Code of Conduct and a pocket guide to the local codes and protocols for reference purposes. Members on Planning and Licensing Committees also take part in compulsory governance training every year which includes a section on the Code of Conduct. Members are sent the Standards Board for England Bulletin and our own newsletter called 'Governance Matters' which covers the work of the Council's governance committees and has a regular 'spotlight on' section which focuses on a specific conduct or governance subject in each issue. Members are assisted with complying with the requirements for them to register and declare interests through the methods identified in the answer to question 8.3.</p>													
<table border="1"> <thead> <tr> <th>Top 5 Responses</th> <th>% of responses</th> </tr> </thead> <tbody> <tr> <td>Training</td> <td>90 (380)</td> </tr> <tr> <td>Advice from officers</td> <td>58 (245)</td> </tr> <tr> <td>Briefings</td> <td>23 (97)</td> </tr> <tr> <td>SfE Publications (e.g. the Bulletin, our guidance, DVDs)</td> <td>16 (68)</td> </tr> <tr> <td>Regular reminders to declare interests</td> <td>9 (38)</td> </tr> </tbody> </table>		Top 5 Responses	% of responses	Training	90 (380)	Advice from officers	58 (245)	Briefings	23 (97)	SfE Publications (e.g. the Bulletin, our guidance, DVDs)	16 (68)	Regular reminders to declare interests	9 (38)
Top 5 Responses	% of responses												
Training	90 (380)												
Advice from officers	58 (245)												
Briefings	23 (97)												
SfE Publications (e.g. the Bulletin, our guidance, DVDs)	16 (68)												
Regular reminders to declare interests	9 (38)												
Does the Standards Committee have a forward work plan?													
Yes													
Overall Responses: Yes: 51% (215) No: 49% (207)													

If yes, who outside of the Standards Committee is involved in agreeing the forward work plan? Please explain below.

In consultation with the Chair of the Standards Committee, the Monitoring Officer and other senior officers who support the Standards Committee will suggest adding items as necessary. This might be as a result of national or local developments. However overall the Standards Committee approve the work programme at the end of each Committee meeting. They are also able to comment on the work programme or request that items are added at any point.

Top 5 Responses	% of responses
Monitoring officer	56 (236)
Other officer (e.g. Senior solicitor, Head of Legal, Head of Civic Services,)	34 (143)
No one	17 (72)
Chief Executive	12 (51)
Full council	10 (42)

Is the Standards Committee given a role in reviewing amendments to the authority's Constitution (or standing orders where appropriate)?

Yes

Overall Responses:

Yes: 50% (211)

No: 50% (211)

If yes, when was the last review undertaken and what was the standards committee's role in the review? Please explain below.

The Standards Committee has responsibility for reviewing the local codes and protocols (which supplement the Member and Officer Codes of Conduct) and does so annually. The Standards Committee also reviews its own Procedure Rules on an annual basis and after conducting hearings.

Top 5 Responses	% of responses
It reviewed some proposals (only those related to its work)	29 (122)
It made recommendations to full council about proposals	25 (106)
It reviewed items on its own composition, procedures and Terms of Reference	17 (72)
It reviewed various codes and protocols	13 (55)
It reviewed the Members' Code of Conduct	12 (51)

Standards Committee - Annual Report

Does the Standards Committee produce an annual report on its own work?													
Yes													
Overall Responses:													
Yes: 59% (249) No: 41% (173)													
If yes, is the annual report received by a meeting of the full authority?													
Yes													
Overall Responses:													
Yes: 50% (211) No: 50% (211)													
If yes, is the annual report sent to all Members?													
Yes													
Overall Responses:													
Yes: 53% (224) No: 47% (198)													
If yes, is the annual report sent to all senior officers?													
No													
Overall Responses:													
Yes: 45% (190) No: 55% (232)													
If yes, how is the annual report publicised to the general public?													
The Annual Report is published on the Council's website and is highlighted in the Council's newsletter on governance and standards issues, called 'Governance Matters' – also available on the Council's website.													
<table border="1"> <thead> <tr> <th>Top 5 Responses</th> <th>% of responses</th> </tr> </thead> <tbody> <tr> <td>Council website</td> <td>79 (333)</td> </tr> <tr> <td>AGM or full council agenda</td> <td>32 (135)</td> </tr> <tr> <td>Standards committee agenda</td> <td>12 (51)</td> </tr> <tr> <td>Press release / local newspaper</td> <td>11 (46)</td> </tr> <tr> <td>Sent to town / parish councils or through parish council clerks</td> <td>9 (38)</td> </tr> </tbody> </table>		Top 5 Responses	% of responses	Council website	79 (333)	AGM or full council agenda	32 (135)	Standards committee agenda	12 (51)	Press release / local newspaper	11 (46)	Sent to town / parish councils or through parish council clerks	9 (38)
Top 5 Responses	% of responses												
Council website	79 (333)												
AGM or full council agenda	32 (135)												
Standards committee agenda	12 (51)												
Press release / local newspaper	11 (46)												
Sent to town / parish councils or through parish council clerks	9 (38)												

Standards Committee - Promoting Standards

What else does the Standards Committee do to communicate its role and the importance of high standards internally within the authority to Members and officers?

The Standards Committee features heavily in the Council's own newsletter on governance and standards issues, called 'Governance Matters'. Governance Matters is sent to all Directors and Chief Officers, all staff within Legal and Democratic Services, and all Councillors and co-opted Members of the authority.

The Standards Committee maintains close links with the Corporate Governance and Audit Committee (CGA), and the Chair of the Standards Committee is a co-opted (non-voting) member of CGA. The Standards Committee also provide CGA with six monthly progress reports on their work and each receives the others' minutes.

Top 5 Responses	% of responses
Arrangement of and involvement in training / induction	33 (139)
Standards committee presence at other council meetings	29 (122)
Promotion via council website	20 (84)
Production of or contribution to newsletter / bulletin / poster	19 (80)
Circulation of minutes, meeting reports. Inclusion on agendas	15 (63)

What else has the Standards Committee done to promote confidence in local democracy to the wider public?

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

Top 5 Responses	% of responses
Promotion via council website	40 (169)
Inclusion in council publications	21 (89)
Attending external meetings / opening meetings out to public	15 (63)
Promotion via the local press / media	10 (42)
Circulation of minutes, meeting reports, inclusion on agendas	8 (34)

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

Yes

Overall Responses:

Yes: 48% (203)

No: 52% (219)

If yes, please provide examples.

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

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

Top 5 Responses	% of responses
Protocol for joint working, partnership framework, memorandum of understanding or similar document	32 (135)
Involved in reviews, audits or risk assessments	17 (72)
Issued guidance and advice	13 (55)
Discussed at standards committee meetings or other council meetings	12 (51)
Developed, delivered or attended training	10 (42)

Standards Committee – Training

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

Yes

Overall Responses:

Yes: 75% (317)

No: 25% (105)

If yes, what training and development needs were identified?

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

Top 5 Responses	% of responses
Local framework	41 (173)
Code of Conduct	37 (156)
Inductions for new members	9 (38)
Ethical governance/behaviour	8 (34)
Chairmanship skills	3 (13)

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

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

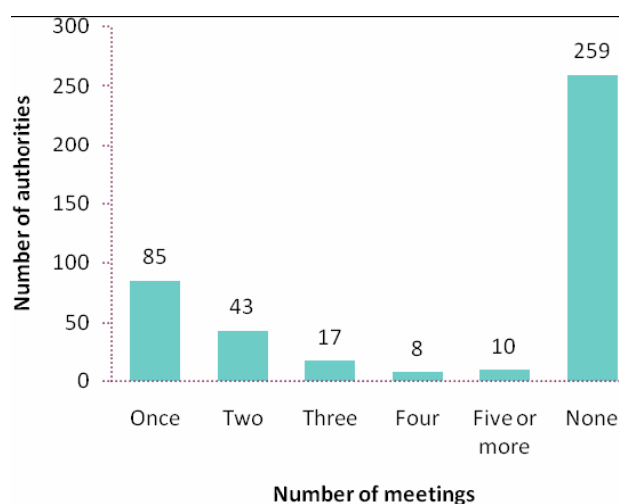
- Training on the Members' Code of Conduct through Induction (May 2008)
- Briefing Notes issued to all political groups regarding local assessment process
- Compulsory 'Governance and Conduct' training for all Members of Planning and Licensing Committees – update on the Code of Conduct and training on local assessment process
- Training session through the Parish and Town Council Annual Conference on the Members' Code of Conduct and the local assessment process
- Series of lunchtime seminars for officers working within Legal and Democratic Services on registration and declaration of interests for Members, the general obligations of the Members' Code of Conduct and the local assessment process
- Training for officers through the Corporate Induction on the Member and officer Code of Conduct
- Training for officers through an ethical governance package – available on request and identification of a particular training need through the PDP process.

Top 5 Responses	% of responses
Local framework/assessment	66 (279)
Code of Conduct	58 (245)
Determinations (hearings)	17 (72)
Ethical standards generally	17 (72)
Chairing skills	6 (25)

Leadership

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

Two



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

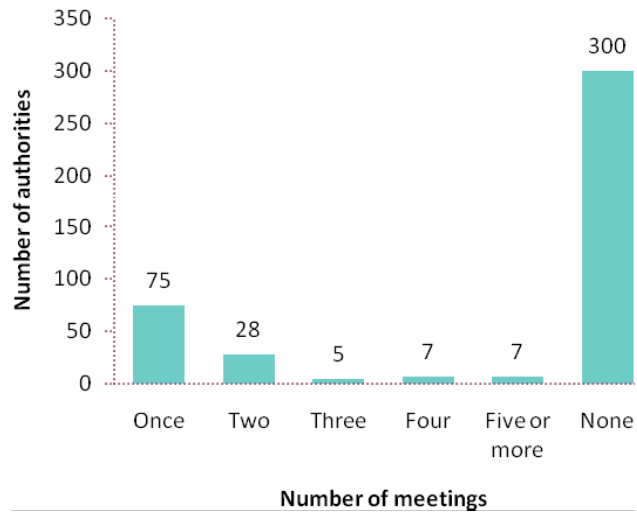
- Options for increasing the membership of the Standards Committee
- Briefing on the New Local Assessment Arrangements
- Member co-operation with Case Investigations
- Opportunities to review the scope and remit of the Standards Committee Terms of Reference
- Relationships with and between Members

These meetings are scheduled on a quarterly basis.

Top 5 Responses	% of responses
General ethical issues and assessment of standards in authority	18 (76)
Role and responsibilities of the standards committee	15 (63)
Local framework and assessment of complaints	11 (46)
Discussion or review of documents or reports e.g. Terms of Reference or Annual Report	9 (38)
Lessons learnt, action planning, future work or meeting agendas	9 (38)

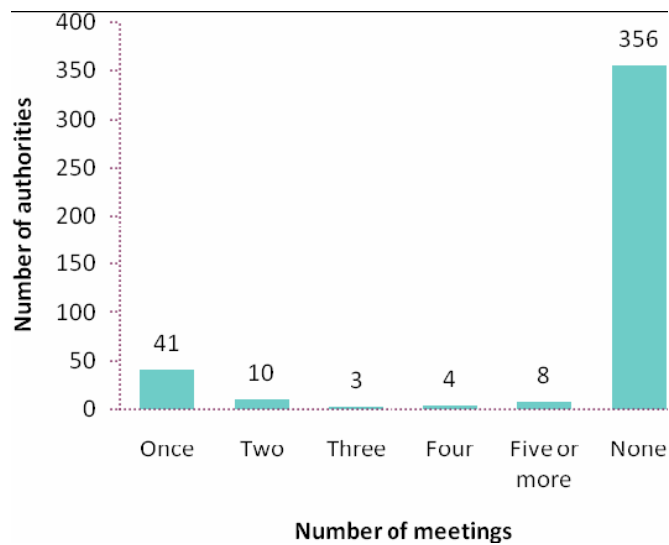
How often has the Standards Committee, or its Chair, met the leader of the Council to discuss ethical issues in the last 12 months?

Four



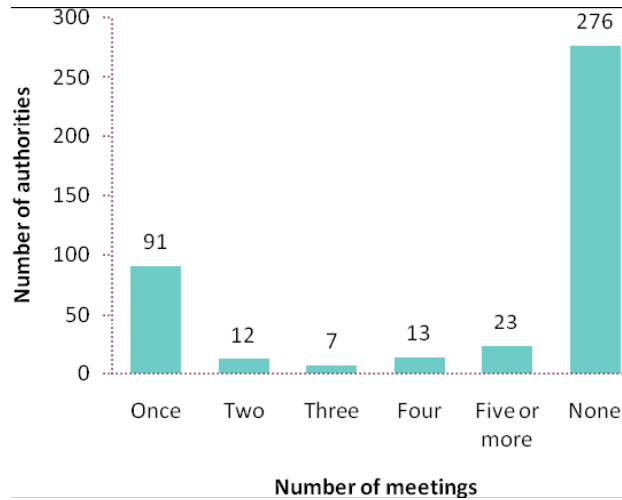
How often has the Standards Committee, or its Chair, met the other party group leaders to discuss ethical issues in the last 12 months?

None



How many times in the last year has the Standards Committee Chair been invited to address a full authority meeting?

None



Does the Monitoring Officer sit on the Corporate Management Team, or equivalent?

Yes

Overall Responses:

Yes: 60% (253)

No: 40% (169)

Has an Executive Member (or senior Member where appropriate) been given portfolio responsibility for standards?

Yes

Overall Responses:

Yes: 31% (131)

No: 69% (291)

Complaints

Can the public access information, from the authority website, about how to make a complaint against a Member?

Yes

Overall Responses:

Yes: 94% (397)

No: 6% (25)

What else has the authority done to advertise the complaint process on Member conduct to the general public?

A notice was placed in the major local newspaper, and in all Council buildings with details of telephone numbers and where to access the complaints form.

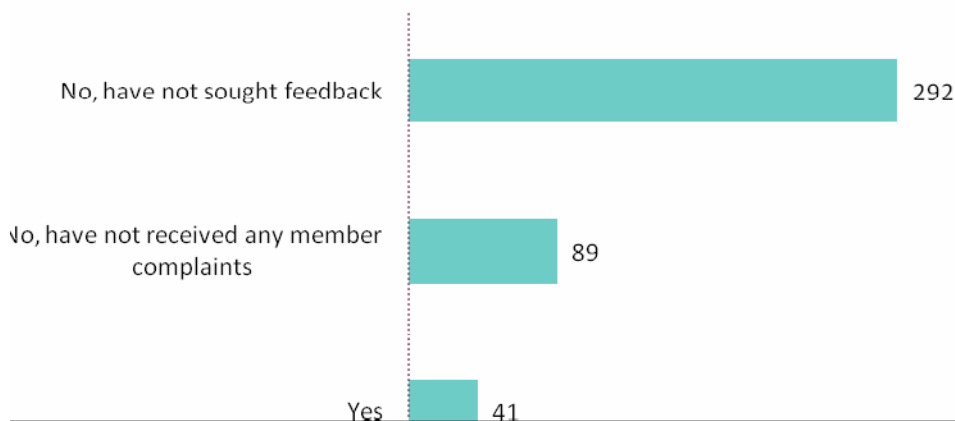
A letter was also sent to all Citizen’s Advice Bureaux in the Leeds area asking them to put up a notice and explaining the process to them should they be asked to assist a member of the public with such a complaint.

Customer Services Officers have also been provided with details of the new process so that if any complaints are referred to them involving Councillors they can advise and redirect the member of the public accordingly.

Top 5 Responses	% of responses
Information in local press	43 (181)
Information in council publications (e.g. news letter to all households)	34 (143)
Information displayed in public buildings/reception areas	24 (101)
Complaints leaflet	17 (72)
Advertising through parish councils	10 (42)

Has the authority sought feedback from any of those people involved in an allegation of Member misconduct about their satisfaction with the Member conduct complaints process?

Yes



How does the authority communicate the outcome of investigations into Member conduct to:

- a) Members
- b) Officers

c) The general public

We have never communicated our findings (except when the Standards Committee conducted a full hearing in May 2006) as all investigation reports and meetings considering those reports have been classified as exempt by the Committee.

We have not yet had any investigations completed under the new system. However when this happens, the outcome would be communicated through the minutes of the Assessment Sub-Committee who receive the final investigation report and decide whether to refer the matter to a Standards Committee Hearing (the minutes of the Sub-Committees are anonymised but published on the Council's website and received by Full Council and the full Standards Committee). If there was a finding of no failure the subject Member would have the choice of whether the Committee should publish a summary of their findings in the local press. If the matter went to a hearing and the Member was found to have breached the Code, a notice of the outcome would be placed in the local newspaper.

a) Members

Top 5 Responses	% of responses
Report to standards committee	20 (84)
Standards committee agendas and/or minutes available to members	18 (76)
Regular report to full council by standards committee chair or monitoring officer	15 (63)
Letter and/or copy of report	12 (51)
Council web site	12 (51)

b) Officers

Top 5 Responses	% of responses
Report, minutes or other Standards committee materials, e.g. agendas	18 (76)
Website	9 (38)
Management team are informed	8 (34)
Related/relevant officers are informed	8 (34)
Written (email/letter)	6 (25)

c) The general public

Top 5 Responses	% of responses
Minutes	20 (84)
In accordance with Regulations	13 (55)
Annual/periodic report	8 (34)
Decision notice	5 (21)
Statutory notice	3 (13)

In allegations of Member conduct which have NOT resulted in investigation, such as those allegations which have not been referred for investigation and those which have resulted in other action, how does the authority communicate the outcome to:

- a) Members
- b) Officers
- c) The general public

The outcome would be communicated through the minutes of the Assessment / Review Sub-Committee (which are anonymised but published on the Council's website and received by Full Council and the full Standards Committee), and through the publicly available case summaries. These are available for inspection in the Council's offices.

a) Members

Top 5 Responses	% of responses
Communicated to the standards committee	24 (101)
Communicated to complainant and subject member	22 (93)
In writing	15 (63)
Included in minutes or agendas	14 (59)
Regular reports (e.g. annual, quarterly)	13 (55)

b) Officers

Top 5 Responses	% of responses
Through minutes of meetings	55 (232)
Not communicated to officers at all	51 (215)
Communicated to senior officers	47 (198)
Only communicated if the officer was the person making the complaint	35 (148)
Through authority website	35 (148)

c) The general public

Top 5 Responses	% of responses
Meeting documents (agendas, minutes or reports)	20 (84)
Not communicated to the public	16 (68)
Through authority website	16 (68)
Only communicated if the member of the public was the person making the complaint	12 (51)
In accordance with Regulations ²	10 (42)

Member Officer Relations

Does the authority have a protocol for relations between Members and officers?													
Yes													
Overall Responses: Yes: 93% (392) No: 7% (30)													
If yes, how is the protocol communicated to officers and Members?													
<p>The protocol appears in the Constitution. Training on the Code of Conduct for Members makes reference to the protocol, especially with regard to bullying and treating officers with respect. This includes face to face training, e-learning and the pocket guides to the local codes and protocols.</p> <p>Training on the Members' Code of Conduct for officers within Democratic Services makes reference to the Protocol, in light of their large amount of contact with Members. The Corporate Induction for all new staff also makes appropriate mention to the local codes and protocols. For staff who require more in depth training, there is also a training package on ethical governance available on request (through the appraisal process).</p>													
<table border="1"> <thead> <tr> <th>Top 5 Responses</th> <th>% of responses</th> </tr> </thead> <tbody> <tr> <td>Constitution</td> <td>64 (270)</td> </tr> <tr> <td>Intranet</td> <td>43 (181)</td> </tr> <tr> <td>Induction / training</td> <td>42 (177)</td> </tr> <tr> <td>Handbook</td> <td>8 (34)</td> </tr> <tr> <td>Reported to full council</td> <td>7 (30)</td> </tr> </tbody> </table>		Top 5 Responses	% of responses	Constitution	64 (270)	Intranet	43 (181)	Induction / training	42 (177)	Handbook	8 (34)	Reported to full council	7 (30)
Top 5 Responses	% of responses												
Constitution	64 (270)												
Intranet	43 (181)												
Induction / training	42 (177)												
Handbook	8 (34)												
Reported to full council	7 (30)												
Does the authority include training on the importance of high standards of behaviour in the inductions of new Members and officers?													
Yes													
Overall Responses: Yes: 96% (405) No: 4% (17)													
Does the authority have informal mechanisms for dealing with Member/officer and Member/Member disputes?													
Yes													
Overall Responses: Yes: 84% (354) No: 16% (68)													

Registering Member interests

Is the Member Register of Interests accessible to the public on the authority website?
Yes
Overall Responses: Yes: 34% (143) No: 66% (279)
Is the Register of Gifts and Hospitality available to the public on the authority website?
Yes
Overall Responses: Yes: 21% (89) No: 79% (333)

Officer conduct

Does the authority have a Code of Conduct for senior officers?
Yes
Overall Responses: Yes: 77% (325) No: 23% (97)
Does the authority compile a register of senior officers' interests?
Yes
Overall Responses: Yes: 67% (283) No: 33% (139)
Is the register of senior officers' interests available to the public on the authority website?
No
Yes: 3% (13) No: 97% (409)



Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Public Perceptions of Ethics

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to advise Members of the Committee of the findings of the research report recently published by Standards for England, which is the third in a series tracking public perceptions of ethics in local government.
2. Members of the Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

1.1 The purpose of this report is to advise Members of the Committee of the findings of the research report recently published by Standards for England (attached at Appendix 1), which is the third in a series tracking public perceptions of ethics in local government.

2.0 Background Information

2.1 Every two years, Standards for England measures and monitors the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for dealing with shortcomings in individuals' behaviour.

2.2 The research findings presented in this report relate to measures of perceptions taken in June 2009, following the Local Government and Public Involvement in Health Act 2007 (which resulted in local government being given greater responsibility for its own local standards arrangements). Comparisons are made with data from 2005 and 2007. In particular, the research focuses on identifying any changes in:

- Levels of public trust in member behaviour and integrity;
- Levels of public confidence in the accountability mechanisms for dealing with instances where member behaviour has not met the required standard; and
- Public expectation of the behaviour of members.

3.0 Main Issues

3.1 The research concentrated on five themes:

- 1) Trust;
- 2) Rating standards;
- 3) Behaviours exhibited by councillors;
- 4) Confidence in accountability mechanisms; and
- 5) Public interest in what councillors do.

Summary of findings

3.2 It was considered likely that the impact of the MPs' expenses scandal would have an impact on public perceptions of local councillors as well as MPs. The research suggests that while there has been a negative impact on public perceptions of councillors, there has been a more marked effect on perceptions of MPs and government ministers.

3.3 Although the perception that local MPs, government ministers and politicians generally tell the truth either 'always' or 'some' of the time has fallen since 2007, and perceptions that these groups 'rarely' or 'never' tell the truth have increased significantly, the extent to which it is perceived that local councillors tell the truth 'always' or 'most of the time' has not changed significantly since 2007.

3.4 Local councillors' behaviour is more likely to be rated by the public as 'low' in 2009, and is more likely to be said to have 'got worse' since 2007. However, the proportions of the public saying that local councillors' behaviour is 'high' overall or has 'improved' recently are the same in 2009 as in 2007.

- 3.5 Similar proportions of the general public report ever having made a complaint about a local councillor in 2005, 2007 and 2009 (3%, 4% and 3% respectively).
- 3.6 Those in local government have, when compared to the public, a far higher level of confidence in the ability of local government to uncover poor behaviour and to deal with it appropriately.
- 3.7 Other research indicates that the local standards framework has had a positive impact on local government. There is a view from within local government that the behaviour of members has improved.

4.0 Implications For Council Policy And Governance

- 4.1 Considering the results of this research supplements the Council's understanding of the perceptions of the behaviour of Councillors nationally.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications.

6.0 Conclusions

- 6.1 Although there has been a negative impact on public perceptions of councillors since 2007, this is thought to be due to the MPs' expenses scandal which has had a more marked effect on perceptions of MPs and government ministers. This suggests that the public are able to discern, to an extent, between local and national politicians.

7.0 Recommendations

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

Background Documents

None.

This page is intentionally left blank



Public perceptions of ethics

July 2009

1 Introduction

- 1.1 Standards for England is a strategic regulator providing an independent national oversight of how local authorities promote and improve the ethical behaviour of members.
- 1.2 We assist local authorities in this work by providing support and guidance, as well as investigating cases which are inappropriate for authorities to deal with themselves. We are a non-departmental public body, set up by an Act of Parliament.
- 1.3 Every two years, Standards for England measures and monitors the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for dealing with shortcomings in individuals' behaviour. The findings presented in this report relate to measures of perceptions taken in June 2009. Comparisons are made with data collected in 2005 and 2007.
- 1.4 It is worth noting, when comparing findings across the time periods, that data for this survey was collected in 2009 and following the Local Government and Public Involvement in Health Act (2007). This Act resulted in local government being given greater responsibility for its own local standards arrangements including the initial receipt and assessment of allegations.
- 1.5 As this report shows, there are many factors which impact upon public perceptions, and of these, many are outside of the control of local government. Therefore, this project alone will not identify the causality of any changes in public perceptions i.e. we will not be able to directly attribute any changes in public perceptions directly to changes in the standards framework.
- 1.6 The research reported on here is part of a programme of research to assess the impact of the standards framework. This programme of research enables us to assess impacts from the perspective of members, officers and the public on public trust, member behaviour and confidence in accountability mechanisms, as well as changes in culture, values and systems and processes in local government.

2 Research objectives

- 2.1 The purpose of this research is to monitor, and identify any changes over time, in:
 - a) levels of public trust in member behaviour and integrity
 - b) levels of public confidence in the accountability mechanisms for dealing with instances where member behaviour has not met the required standard
 - c) public expectations of the behaviour of members.

3 Methodology

- 3.1 In 2005 baseline measurements of public perceptions of ethics in local government were taken. In 2007 and 2009 the survey was repeated in order to track any changes over time. The survey will continue to be repeated every two years.
- 3.2 This paper provides a summary of the main 2009 findings. A total of 1,735 (weighted) adults aged 18+ were interviewed face-to-face in home using Computer Assisted Personal Interviewing (CAPI) by Gfk NOP Research. Interviews took place between 11 and 16 June 2009. Comparisons are made with 2007 and 2009.

4 Public perceptions

- 4.1 It should be noted that perception data carries health warnings. Ipsos MORI (Duffy, 2009) identify five key areas in particular which should be noted when interpreting perceptions data. Firstly, is that perceptions are just that and people can be wrong. Secondly, is the media influence on public opinion and their role in the agenda setting of current issues. Thirdly, is that there is a relationship between peoples' political values and the way they rate services. Fourthly, our expectations as service users are rising as we see ourselves as consumers of public services. Finally, the way in which people view their local area has been found to be an indicator of satisfaction with services.
- 4.2 Other factors which have been found to influence public perceptions of services, and therefore their favourability towards and trust in councils, are experiences of council services, levels of council tax, individuals' loyalty toward an organisation, the political party in control at that council and the extent to which individuals identify with their local area (Cowell *et al*, 2009).
- 4.3 Therefore, while it is important to measure and monitor public perceptions there are a variety of factors, many of which are outside of the control of local government and local politicians, which influence public perceptions.
- 4.4 That said, any work which seeks to assess the impacts of the standards framework in local government must include an assessment of public perceptions. It is, after all, the public that we want to have trust in politicians and confidence in accountability mechanisms. Public disengagement with

politics has already begun^{*}. Some characteristics of disengagement are falling voter turnout, falling civic engagement and falling party memberships[†]. While the actual cause of this disengagement is not clear, it is not hard to imagine how public perceptions of members' standards of behaviour might influence public desire to engage in local democracy.

5 Executive summary

Findings

- 5.1 It was to be expected that the MPs' expenses scandal would have an impact on public perceptions of MPs and it was also considered likely that this might impact on perceptions of local councillors. This research provides evidence to suggest, however, that while there has been a negative impact on public perceptions of councillors, there has been a more marked affect on perceptions of MPs and government ministers.
- 5.2 The perception that local MPs, government ministers and politicians generally tell the truth either 'always' or 'most of the time' has fallen since 2007 (-5%, -3% and -3% respectively). Similarly, over the same period, perceptions that these groups 'rarely' or 'never' tell the truth have increased significantly (+9%, +9% and +10% respectively). The extent to which it is perceived that local councillors tell the truth 'always' or 'most of the time' has not changed significantly since 2007 (30% in 2007 and 28% in 2009).
- 5.3 That said, local councillors' behaviour is more likely to be rated by the public as 'low' in 2009 and is more likely to be said to have 'got worse' compared to 2007. However, the proportions of the public saying that local councillors' behaviour is 'high' overall or has 'improved' recently are the same in 2009 as in 2007.
- 5.4 Interestingly, the rise in the proportion of the public who think that the behaviour of local councillors has got worse does not translate into a corresponding rise in the number of the complaints the public say they have made about local councillors. Similar proportions of the general public report ever having made a complaint about a local councillor in 2005, 2007 and 2009 (3%, 4% and 3% respectively).
- 5.5 It is clear that those within local government have, when compared to the public, a far higher level of confidence in the ability of local government to uncover poor behaviour and to deal with it appropriately.
- 5.6 Other research referred to in this paper indicates that the local standards framework has had a positive impact on local government. Not least, there is a view from within local government that the behaviour of members has improved. The proportion of our members and officers that have told us they think that members' standard of behaviour has improved in their authority has increased each time we conducted this survey.

Conclusions

^{*} For example, there has been a fall in general election turnouts since 1992 (Ipsos MORI, Blair's Britain).

[†] Ipsos MORI, Blair's Britain

- 5.7 Field work for this survey was undertaken in June and therefore the timing of this survey suggests that these changes could be a result of the recent revelations about MPs' expenses. The findings show that public attitudes towards local councillors have changed less markedly than for local MPs, politicians generally and government ministers. This suggests that the public are able to discern, to an extent, between local and national politicians. We also know from other research that the public are more favourable about the local context than the national.
- 5.8 Ipsos MORI recently reported that satisfaction with local government is decreasing with fewer than half of residents satisfied with the performance of their authority, the lowest national score recorded in a decade or more (Duffy, 2009). It is possible then that the fall in confidence in local authorities' ability to uncover and deal with breaches is proportionate to and part of this trend of decreasing satisfaction with councils generally.
- 5.9 We also know from other research that a key driver of the general public's satisfaction with services is the amount to which they are kept informed. Informing the general public about the existence of the local standards framework and the role of standards committees may be the key to increased confidence in local authorities' ability to uncover and deal with breaches in standards. There is much work to be done on increasing the public's confidence in the accountability mechanisms of local government.
- 5.10 Finally, although public perceptions are an important part in assessing any impacts of the local standards framework, it cannot be used in isolation to measure impact. Firstly, because there are a variety of factors which influence public perceptions, many of which are outside of the control of local government and local politicians. And secondly because there will be other changes, aside from public perceptions, that have occurred alongside the local standards framework which need to be captured. This research, therefore, is one part of a wider research programme which seeks to assess the impacts of the local standards framework.

6 Findings

Trust

- 6.1 It was to be expected that the MPs' expenses scandal would have an impact on public perceptions of MPs. It was also likely that this might impact on perceptions of local councillors.
- 6.2 The perception that local MPs, Government Ministers and politicians generally tell the truth either 'all' or 'most of the time' has fallen since 2007 (-5%, -3% and -3% respectively). Similarly, over the same period, perceptions that these groups 'rarely' or 'never' tell the truth have increased significantly (+9%, +9% and +10% respectively).
- 6.3 Between 2005 and 2007 there was a decrease of 6% in the proportion of respondents who thought that local councillors tell the truth 'always or most of the time' (36% in 2005, 30% in 2007). However, in 2009 and post the

MPS' expenses scandal, the extent to which the public think local councillors tell the truth remains largely unchanged compared to 2007.

- 6.4 Public attitudes towards local councillors seem to have changed less markedly than for local MPs, politicians generally and government ministers. This suggests the public are able to discern, to an extent, between local and national politicians.

Table 1

Q1 How often do you think the following types of people tell the truth?

	Always/most of the time				Rarely/never			
	2005	2007	2009	% point change 07-09*	2005	2007	2009	% point change 07-09*
Your local MP‡	23%	29%	24%	-5%	30%	20%	29%	+9
Your local councillor/s	36%	30%	28%	-2%	13%	18%	20%	+2
Politicians generally	n/a	17%	14%	-3%	n/a	33%	42%	+9
Government ministers	n/a	18%	15%	-3%	n/a	33%	43%	+10

Base: 2005 All answering (1,027), 2007 All answering (1,720), 2009 All answering (1,735).

na: not asked in 2005

*Significant changes (i.e. changes of greater than 2%) have been highlighted.

- 6.5 Another possible reason comes from a recent Ipsos MORI report^{**} on public perceptions. Their data suggests that public perceptions are more favourable of the local context than of the national context. For example, the proportion of the general public who do not trust MPs in general to tell the truth is 76%, this drops to 44% when asked to consider their own local MP.

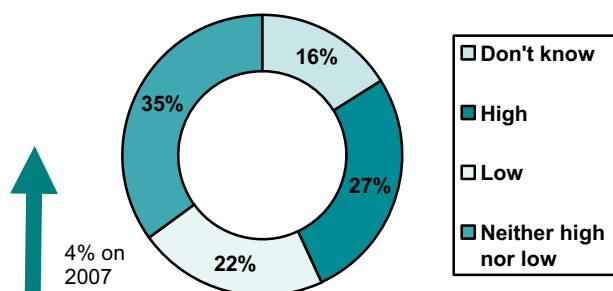
‡ In 2005 the question wording was: Members of Parliament

** Julia Clark, Public reaction to the expenses scandal, Ipsos MORI Social Research Institute, Understanding Society, The Perils of Perception, Summer 2009.

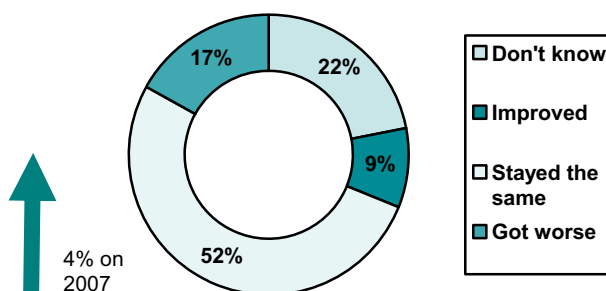
Rating standards

- 6.6 When asked to rate the behaviour of local councillors, the most frequently expressed perception was that councillor behaviour was neither high nor low (35%). In 2007 the perception was similar with 34% saying neither high nor low in response.
- 6.7 Despite the majority staying neutral, councillor behaviour is also more likely to be rated as low than in 2007. Around three in ten rated behaviour as high (27%). A further two in ten rated behaviour as low (22%), representing a four percentage point increase on 2007 findings.
- 6.8 However, the converse, that behaviour is less likely to be rated as high and less likely to have said to have improved, is not true. The perception that their behaviour has improved (9%) or stayed the same (52%) is the same in 2009 as it was in 2007.
- 6.9 The findings contrast with those from our research with members and officers in local government which indicates that they have a more favourable perception of local councillors than the public do. The proportion of our stakeholders that told us they think that members' standard of behaviour has improved in their authority has increased (from 27% in 2005, to 44% in 2007 to 47% in 2009)^{††}.

Q. Overall, how would you rate the standards of behaviour of local councillors in your area?



Q. In the last few years, do you think the standard of behaviour of local councillors in your area has ... ?



Making a complaint

- 6.10 Interestingly, the rise in the proportion of the public who think that the behaviour of local councillors has got worse does not translate into a corresponding rise in the number of the complaints the public say they have made about local councillors. Similar proportions of the general public report ever having made a complaint about a local councillor in 2005, 2007 and 2009 (3%, 4% and 3% respectively).

^{††} Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment – BMG Research 2009.

- 6.11 And of those who have not made a complaint, similar proportions have never wanted to make a complaint about a local councillor in 2005, 2007 and 2009 (89%, 89% and 99% respectively).

Behaviours exhibited by councillors

- 6.12 The general public were asked the extent to which they think local councillors exhibit certain types of behaviour (See Table 2 below). The behaviours are a 'loose' proxy of the Nolan principles (see Appendix I for an explanation of which Nolan Principles are demonstrated in each behaviour). The three behaviours that the most respondents thought councillors exhibited "always" or "most of the time" were:

- "they treat people with respect" (42%)
- "they work in the interests of the neighbourhood" (34%)
- "they use their power for their own personal gain" (32%).

- 6.13 The public are now more likely to say that only "a few" or "none" of their local councillors undertake the behaviours outlined in the statements below. The largest increases in the numbers of the public saying that only "a few" or "none" of their local councillors undertake the following behaviours can be seen for:

- "they set a good example for others in their private lives" (+9%)
- "they treat everyone equally" (+7%)
- "they tell the truth" (+6).

Table 2

Q4 Thinking of all the local councillors in your area, how many councillors, if any, would you say each of the following statements applies to?

	All/Most			A few/None		
	2007	2009	% point change 07-09*	2007	2009	% point change 07-09*
They are in touch with what the general public thinks is important (A)	26	23	-3	40	45	+5
They do what they promised they would do when elected (B)	18	15	-3	49	53	+4
They explain the reasons for their actions and decisions (C)	26	22	-4	38	45	+7
They make sure public money is used wisely (D)	25	21	-4	42	46	+4
They take bribes (E)	8	8	0	51	53	+2
They own up when they make mistakes (F)	13	12	-1	58	62	+4
They set a good example for others in their private lives (G)	25	20	-5	30	39	+9

They tell the truth (H)	29	25	-4	35	41	+6
They treat everyone equally (I)	31	29	-2	33	40	+7
They use their power for their own personal gain (J)	28	32	+4	40	40	0
They treat people with respect (K)	46	42	-4	24	29	+5
They work in the interest of this neighbourhood (L)	39	34	-5	32	29	+3

Base: 2005 All answering (1,027), 2007 All answering (1,720), 2009 All answering (1,735)

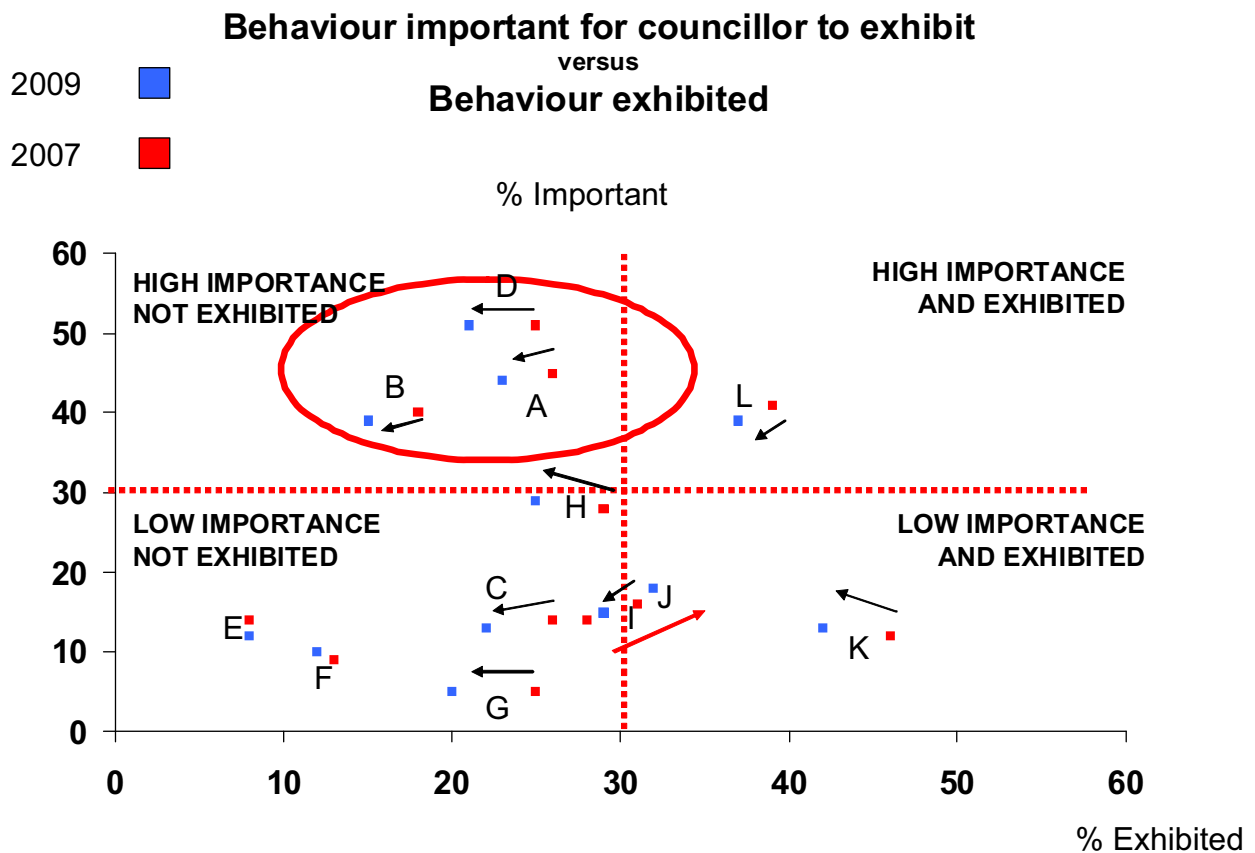
*Significant changes (i.e. changes of greater than 2%) have been highlighted.

6.14 Respondents were then asked to rate how important they thought these behaviours to be. Findings are the same in 2009 as they were in 2005 and 2007. The top three are:

- “make sure that public money is used wisely”
- “be in touch with what the general public thinks is important”
- “work in the interests of this neighbourhood”.

6.15 The only significant change has been that there has been an increase in the proportion of people who think it is important for local councillors “not to use their power for their own personal gain”. This has increased four percentage points from 14% in 2007 to 18% in 2009 and it could be that this change could have been prompted by the MPs’ expenses scandal.

- 6.16 The chart below plots the behaviours the public think it is important for councillors to display against behaviours they think councillors actually exhibit.



*It should be noted that quadrants of importance and apply have been plotted at less than 50% on each axis.

- 6.17 Behaviours that appear above the horizontal dotted line can be considered by the public as most important for councillors to exhibit. Behaviours on the right of the dotted line are those that it is considered that members should exhibit. Behaviours below the line are considered less important. Behaviours that appear on the left of the vertical dotted line are those that the public feel councillors are not exhibiting overall.
- 6.18 The chart shows, therefore, that the public feel that the only attribute which it is important for councillors to exhibit and that councillors actually do exhibit, is '*work in the interests of this neighbourhood*' (L). This was also the case in 2005 and in 2007.
- 6.19 The attributes highlighted in the top left quadrant represent those that people think are important for councillors to do, but that they do not think councillors are doing, or are doing but to a limited extent. These are:
- do what they promised when elected (B)
 - make sure that public money is used wisely (D)
 - they are in touch with what the general public thinks is important (A).

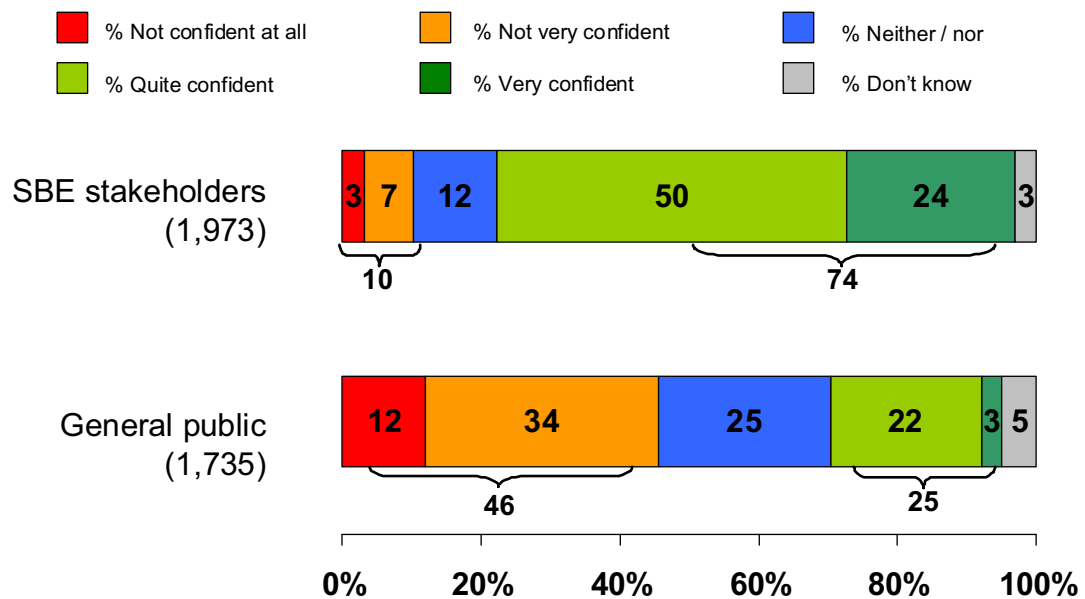
This was also the case in 2005 and 2007.

- 6.20 It would be reasonable to assume then that if councillors want the public to think more positively about them, then changing perceptions of their behaviour in these three areas would be very useful.
- 6.21 The arrows show direction of change between 2007 and 2009. A general trend as demonstrated by the directional arrows is that the perception is that the behaviours are exhibited to a lesser extent than in 2007. The exception is J (“They use their power for their own political gain”) which is perceived to be more important by more people and to be exhibited more than it was in 2007.

Confidence in accountability mechanisms

- 6.22 Public perceptions of local councillors have for the most part held up against the recent MPs’ scandal. Local authorities by contrast seem to have suffered. Levels of confidence in local authorities’ ability to uncover standards issues have fallen. This could be explained by a recent finding from Ipsos MORI^{††} (2009) that despite an increase in ratings of local quality of life by the public, there has been a significant and simultaneous reduction in satisfaction with the way councils run things.
- 6.23 One quarter of respondents in our public perceptions survey are confident that the local authority would uncover any issues (25%), representing a 4% drop in confidence compared to 2007. The proportion of those who are not confident that breaches in standards would be uncovered has increased from 40% in 2007 to 46% in 2009.

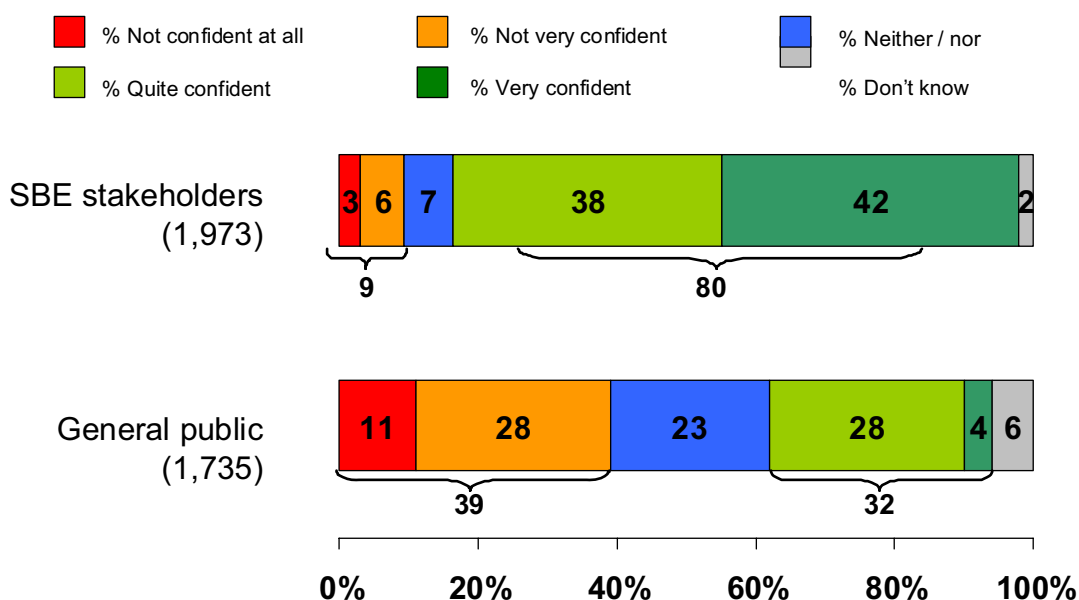
Q If there was a breach of standards in behaviour by a councillor of your local authority, how confident, or not, are you that the local authority would uncover this?



^{††} Based on analysis of a partial national dataset from the Place Survey which was released by CLG on 23 June 2009.

- 6.24 However, as this chart demonstrates our stakeholders (members and officers) are more than twice as likely to be confident than the public, that their local authority would uncover a breach of standards in behaviour by a local councillor.
- 6.25 Levels of confidence that local authorities will deal appropriately with breaches in the standard of behaviour of a local councillor have also dropped. In 2007 almost four in ten were confident the authority would deal appropriately with such issues (39%), however this has dropped to around one in three in 2009 (32%). Similarly, in 2007 one third were not confident the authority would deal appropriately with such issues (33%), while this has increased to almost four in ten in 2009 (39%).

Q If a breach of standards of behaviour is uncovered, how confident, or not, are you that the councillor involved would be dealt with appropriately?



- 6.26 Again, the chart demonstrates that members and officers are more than twice as likely, compared to the public, to think that a councillor would be dealt with appropriately if it was uncovered that their behaviour had fallen short of the expected standard.
- 6.27 According to Ipsos MORI (2009) many of the key drivers impacting on satisfaction levels are not directly concerned with quality of service provision. For example, most variation in satisfaction levels can be explained by factors such as: the proportion of the population with degrees, the deprivation level, the region, the proportion of the population aged under 21 and the proportion of people who under-occupy their homes. Of the factors that are in the control of local authorities, it is suggested that the following have the most impact: satisfaction with an area, crime and liveability factors, how the council actually delivers services and relates to citizens, and information – being informed correlates highly with satisfaction.

- 6.28 Therefore our finding that people are less confident that local authorities will detect and deal with breaches in standards could be part of wider trend of reducing satisfaction. However, drawing on Ipsos MORI's key driver analysis informing the general public about the existence of the local standards framework and the role of standards committees may be the key to increased confidence in local authorities' ability to deal with breaches in standards.
- 6.29 Indeed, further evidence from the public perceptions survey suggests that there is room for improvement in the levels of public awareness of these issues. For example, one in five says they know that their local authority has a standards committee (19%). And of those, eight in ten say they know 'not very much' or 'nothing at all' about what it does (79%). Four in ten say they do not know whether they know that their local authority has a standards committee or not (42%) and a further four in ten say no, they don't know that it has a standards committee (39%).

Public interest in what councillors do

- 6.30 There was little change in the levels of public interest in what councillors do and how they do their jobs compared to 2007. Respondents were asked to select a statement (See Table 3) that best reflects their interest in councillors and the work that they do. The most common response was "I like to know what councillors are doing but I am happy to let them get on with it" (36%), followed by "I'm not interested in what councillors do as long as they do their job" (28%).
- 6.31 Compared with 2005, in 2007 there was an increase in the proportion of those not interested in their councillors; the increase has been sustained in 2009. It is perhaps surprising that the general public do not want more of an oversight of what councillors do.

Table 3

Which one of these statements best represents your feelings about local councillors in your area?

	2005 %	2007 %	2009 %	% point change 07-09*
I'm not interested in what councillors do, or how they do their job	3	6	7	+1
I'm not interested in what councillors are doing but I am happy to let them get on with it	22	27	28	+1
I like to know what councillors are doing but I am happy to let them get on with it	44	37	36	-1
I would like to have more of a say in what councillors do	23	19	21	+2
I already know about councillors and feel able to get across my views	5	6	5	-1

Base: all answering 2005 (1,027), 2007 (1,720) and 2009 (1,735)

7 Further information

For further information on this paper, please contact **Hannah Pearson** on 0161 817 5417 or email hannah.pearson@standardsboard.gov.uk.

Appendices and attachments

Appendix I

- Behaviour attributes and also which of the Seven Principles in Public Life it is intended to represent.

Appendix I Behaviour attributes and also which of the Seven Principles in Public Life it is intended to represent

In the 2005 MORI survey behaviour attributes were devised as loose proxies for the Seven Principles in Public Life. The general public were asked about their perceptions in relation to these behaviour attributes as it was thought it easier for people to relate to.

The same behaviour attributes were used again in this 2007 survey. The table below shows the behaviour attributes and also which of the Seven Principles in Public Life it is intended to represent.

	Behaviour attribute	Seven Principles in Public Life
A	They treat people with respect	Respect for others
B	They work in the interests of this neighbourhood	Honesty Integrity
C	They treat everyone equally	Objectivity Respect for others
D	They set a good example for others in their private lives	Leadership
E	They tell the truth	Honesty Integrity
F	They are in touch with what the general public thinks is important	Personal judgement Selflessness
G	They do not use their power for their own personal gain	Selflessness
H	They explain the reasons for their actions and decisions	Openness
I	They make sure that public money is used wisely	Stewardship
J	They do what they promised they would do when elected	Honesty Integrity
K	They take bribes	Honesty Integrity Duty to uphold the law
L	They own up when they make mistakes	Accountability

References

Julia Clark, Public reaction to the expenses scandal, Ipsos MORI Social Research Institute, Understanding Society, The Perils of Perception, Summer 2009.

Bobby Duffy and Debbie Lee Chan, People, Perceptions and Place, Ipsos MORI Local, Ipsos MORI Social Research Institute, June 2009.

Stakeholder Tracker Survey (2009) Satisfaction levels with the Standards Board for England and Attitudes to the Ethical Environment, research conducted by BMG Research on behalf of Standards for England.

Duffy, 2009, Perils of perception, Ipsos MORI Social Research Institute, Understanding Society, The Perils of Perception, summer 2009.

Richard Cowell, James Downe and Karen Morgan, Assessing the Impact and Effectiveness of the Ethical Framework in Local Government in England, Cardiff University, 2009.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: The First-Tier Tribunal (Local Government Standards in England)

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. As of 18th January 2010 the work of the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.
2. References to the Adjudication Panel for England will need to reflect the name change "First-tier Tribunal (Local Government Standards in England)".
3. The relevant Transfer Order has made various amendments to the Local Government Act 2000, the Case Tribunal Regulations and the Standards Committee Regulations to reflect the abolishment of the Adjudication Panel for England.
4. Members of the Standards Committee are asked to note the changes to the Tribunal arrangements as set out in this report.

1.0 Purpose Of This Report

- 1.1 As of 18th January 2010 the work of the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.

2.0 Background Information

- 2.1 First-tier Tribunal (Local Government Standards in England) has taken over from a judicial tribunal established by the Local Government Act 2000 to determine references and appeals about the conduct of members of local authorities.
- 2.2 The Act set up an ethical governance framework designed to maintain high standards of behaviour for members of local authorities and associated bodies. All relevant authorities are required to adopt a Code of Conduct; the minimum requirements being laid down in a statutory Model Code. Failure to comply with the Code can lead to a member being suspended or disqualified.
- 2.3 From 18th January 2010 this work was transferred to the First-tier Tribunal as part of the work of the General Regulatory Chamber.

3.0 Main Issues

Procedural Rules

- 3.1 The Adjudication Panel for England operated without any formal Rules. That situation has now changed as a result. The GRC procedural rules will now apply. These Rules give explicit powers for directions and include amongst others, powers to summon witnesses and award costs.
- 3.2 All proceedings taking place after the 18th January will be conducted in accordance with Rules of the First-tier Tribunal unless, in the case of proceedings which have already started, it would be unfair to apply particular provisions of those Rules.
- 3.3 The President and members of the Adjudication Panel will be the same people and have transferred as either Judges or members of the First-tier Tribunal. The President will now be the Principal Judge overseeing the work.

Referrals under Regulation 17 of the Standards Committee (England) Regulations 2008

- 3.4 If the Tribunal agrees to accept a referral under Regulation 17 of the Standards Committee Regulations, the Standards Committee will need to complete an "Initiating Application" form. This is available on the Tribunal website.

Changes to Decision Notices issued by Standards Committees

- 3.5 "Decision notices" issued to Members following a hearing by the Hearings Sub-Committee, will need to reflect the amendments to the Standards Committee Regulations on the right of appeal. Members will now have 28 days in which to seek to appeal. References to the Adjudication Panel for England will also need to reflect the name change "First-tier Tribunal (Local Government Standards in England)".

- 3.6 There is an application form for appeals and a set of guidance notes for subject Members seeking to appeal against the decision of a Standards Committee available from the Tribunal's website.

Onward appeals

- 3.7 Any party can now apply for permission to appeal against a decision of the First-tier Tribunal. Such appeals will now be to the Upper Tribunal but permission needs first to be sought from the First-tier Tribunal.

4.0 Implications For Council Policy And Governance

- 4.1 Amendments will be required to several documents in the Council's Constitution to reflect this name change. The Monitoring Officer has the power to amend these documents under her delegated authority as set out in Article 15 as it is a result of legislative change.

- 4.2 Amendments will also be required to some of the documents relating to Code of Conduct complaints, such as the "Procedure for external Code of Conduct Investigations", and these amendments will be made by the Head of Governance Services under sub-delegated authority.

5.0 Legal And Resource Implications

- 5.1 The relevant Transfer Order has made various amendments to the Local Government Act 2000, the Case Tribunal Regulations and the Standards Committee Regulations to reflect the abolishment of the Adjudication Panel for England.
- 5.2 There are no resource implications for the Council to the amendments to the Tribunal arrangements.

6.0 Conclusions

- 6.1 As of 18th January 2010 the work of the Adjudication Panel for England has transferred into the unified tribunal structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.
- 6.2 References to the Adjudication Panel for England will need to reflect the name change "First-tier Tribunal (Local Government Standards in England)".

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note the changes to the Tribunal arrangements as set out in this report.

Background Documents

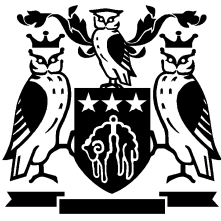
<http://www.adjudicationpanel.tribunals.gov.uk/>

The Standards Committee (England) Regulations 2008

The Case Tribunal (England) Regulations 2008

The Local Government Act 2000

The Tribunal Procedure (First-tier Tribunal) (General Regulatory) Rules 2009
Guidance for an appeal against a decision of a Standards Committee



Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report provides summaries of the recent decisions made by the First-Tier Tribunal (Local Government Standards in 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 First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct. Further details of specific cases are available at www.adjudicationpanel.tribunals.gov.uk

2.0 Background Information

- 2.1 Six case tribunal decisions and eight appeals tribunal decisions have been published since the last report. 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 First-Tier Tribunal (Local Government Standards in England) 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

Borough, City or District Councils

Cornwall Council

- 3.1 It was alleged that a Councillor had breached paragraphs 5 and 6(a) of the Code of Conduct by using his position as a Member improperly to confer on, or secure for, himself an advantage and placed himself in a position which might reasonably lead a member of the public to believe that he was acting in such a manner by offering to advise a group of residents on a licensing application to which they objected, and to present their case at the licensing panel for a fee of £400.
- 3.2 The Council's Licensing Committee was due to consider an application by Reef Island for the variation of its premises licence. Prior to this, the Councillor discussed the application with two members of the residents group, Mr and Mrs M, who he had known for many years. He offered to give his help and advice.

- 3.3 Mr and Mrs M sent an e-mail to those organising a meeting of the residents group, in which they stated that the Councillor was prepared to provide support and advice and that he would be charging £400 for his services. The Councillor had no knowledge that this e-mail had been sent until some months later. This e-mail showed that there had been a fundamental misunderstanding of the basis on which the Councillor had offered his help and that he had indicated to Mr and Mrs M that the local licensing lawyer was likely to charge in the region of £400 for initial advice.
- 3.4 A group of local residents objected to the application and held a meeting to discuss their objections and find a way forward. The Councillor was invited to attend this meeting by Mr and Mrs M. Prior to the Councillor's arrival at the meeting, Mr and Mrs M informed everyone of his offer to represent them at a cost of £400. When the Councillor arrived at the meeting he provided advice to the residents to the effect that they had limited grounds on which to object to the Licence being granted as trading had not started yet.
- 3.5 The meeting was not noisy or rowdy, however there were little groups engaged in side conversations discussing what had been said and so there was some background noise which the Councillor found distracting and which did not assist him with hearing clearly what he was being asked or what was being said.
- 3.6 The Councillor was asked a question about the fees he would charge for representing the residents. In response he confirmed he would charge £400. The Councillor believed he was being asked what the likely cost would be of seeking expert advice. The Councillor was subsequently quoted in a local newspaper as saying that the meeting was noisy and he thought he was being asked the likely cost of representation by the local Licensing Solicitor. The Councillor claims that he did not offer to represent the residents, let alone for a fee.
- 3.7 The residents agreed that they would represent themselves, and some time after the meeting Ms I telephoned the Councillor to thank him for advice and confirmed that the residents had decided to represent themselves. The Councillor confirmed that he did receive a call and this was to thank him for his attendance and his advice.
- 3.8 The case tribunal considered that this was an appropriate matter to take forward to investigation and a hearing. The Councillor claimed that it was one huge misunderstanding arising out of one misconstrued conversation with Mr and Mrs M. There was evidence that those who had been at the meeting had either a definite recollection of what was said or varying and vague ones. However, there was more vague than certain evidence.

- 3.9 The case tribunal came to the conclusion that the evidence did not support the allegations, and therefore that there was no breach of the Code. The case tribunal advised the Councillor to take every precaution to ensure that a similar situation does not arise in the future.

Isle of Wight Council (i)

- 3.10 It was alleged that a Councillor had breached the Code of Conduct in dealings she had with Members and officers of the Council in connection with applications for planning permission which she had made to the Council.
- 3.11 The Councillor submitted an outline planning application to the Council for her home and hotel. The Council consulted the Town Council (of which the Councillor was also a Member), who considered the application. The Councillor declared a prejudicial interest and withdrew from the meeting whilst her application was being discussed.
- 3.12 At the next meeting of the Town Council, the Councillor raised questions about her application, and further discussion ensued. The Chair agreed that the additional points raised should be sent to Isle of Wight Council. The Councillor did not declare an interest at this meeting. The next day, the Councillor instructed the Town Clerk what she should write to the Council in relation to her application.
- 3.13 The Councillor was provided with advice from planning officers that her application would not attract an officer recommendation for acceptance or Member approval. However, she submitted an application in line with the original proposals.
- 3.14 The Councillor asked three fellow Group Members to speak on her behalf at the Planning Committee meeting. Two of the Members refused and one (Councillor W) agreed to speak on her behalf. Another Group Member (Councillor P) asked to speak on the Councillor's behalf as Housing and Homelessness Champion. The day before the meeting, the Councillor asked another Councillor to speak on her behalf, however he accepted advice not to speak on the day. As well as Councillors W and P, another Councillor (Councillor C) spoke in support of the Councillor's application.
- 3.15 The Planning Committee voted to approve the application, however planning consent was delayed for a 'cooling off' period to allow officers to report back to the Committee for further consideration.
- 3.16 The Councillor then began negotiations with senior planning officers to revise her application so as to attract an officer recommendation for approval of a

revised application. The Councillors' meetings with planners did not resolve the difference between the scheme she wanted and officers' concerns about overdevelopment.

- 3.17 The officer's cooling off report included a section regarding concerns about the lawfulness of the Planning Committee's decision in relation to the Councillor's application, including references to bias, breaches of the Code of Conduct and criminal offences. Senior Members and officers believed that its publication was likely to cause reputational damage to the Council. It was understood that its publication could only be avoided in the event of the Councillor permanently removing her application from the Planning Committee's agenda.
- 3.18 The Councillor withdrew her application from the upcoming Planning Committee meeting and submitted a revised application, however it was incomplete and the planning officer wrote to her agent listing the information required for the revised application to be registered and considered. The Councillor informed officers that her original application should return to the next Planning Committee meeting.
- 3.19 The Councillor was then asked to withdraw her application by the Deputy Leader which she agreed to do if her revised application could be considered at the next Planning Committee meeting. Further discussions with officers took place and the Councillor was informed that it was unlikely that the revised application could be registered and advertised in time for the next meeting. The Councillor's original application went to the Committee and was refused.
- 3.20 The tribunal considered that by speaking about her application at the Town Council meeting and interfering with the way the Town Council's position was reported to the Planning Authority, the Councillor had breached the Code of Conduct by seeking to influence a decision about a matter in which she had a prejudicial interest, not treating others with respect and using her position as a Member improperly to confer or secure for herself an advantage.
- 3.21 The case tribunal also had no doubt that the Councillor was seeking to confer an advantage on herself by asking influential Members of the Council address the Planning Committee. She also sought to confer an advantage on herself by seeking to have her revised application registered on the understanding that the required information could thereafter be brought into the office. By doing this, the tribunal also found that she had sought to compromise the impartiality of officers.
- 3.22 Finally, the case tribunal was also of the view that the Councillor's actions had the effect of bringing her own office as Councillor into disrepute and also brought the Council itself into disrepute.

3.23 The tribunal was of the view that the Councillor's breaches of the Code were serious. The Councillor was disqualified for two years.

3.24 In Leeds, the Code of Practice for the Determination of Planning Matters, which is contained in Part 5 of the Council's Constitution, advises Members that they should notify the Monitoring Officer of their own planning applications (and those of a relative or employer where known), or where they are employed as an agent. Members are also advised to consider whether it is advisable to employ an agent to act on their behalf in dealing with officers and any public speaking at the Plans Panel meeting. Members may speak at a Panel meeting in accordance with the Public Speaking Protocol either as an individual, representative or ward member. However, where they might be regarded as having a personal and prejudicial interest in the application then they may attend and speak in accordance with the protocol but only for the purpose of making representations, answering questions or giving evidence relating to the matter in the same manner as would apply to a normal member of the public. Immediately after doing so they must leave the meeting room whilst the meeting considers the proposal even though members of the public may remain.

Isle of Wight Council (ii)

3.25 It was alleged that Councillor J had breached the Code of Conduct in the dealings he had with officers of the Council, following a decision of the Council's Planning Committee to give approval to an application for planning permission which had been sought by another Member of the Council.

3.26 Councillor B submitted a planning application which was approved subject to a 'cooling off' period. The Chief Executive asked Councillor J, as Deputy Leader of the Council, to speak to Councillor B and persuade her to withdraw her application because of the damage that would be caused if the cooling off report were published. Councillor J spoke to Councillor B and she agreed to withdraw her application.

3.27 The application was re-submitted and the Chief Executive again asked Councillor J to persuade Councillor B to withdraw her application. Councillor J phoned Councillor B who said she would withdraw her application if her revised application could be considered at the next meeting. She asked Councillor J to accompany her to a meeting with planning officers, which he did. The objective of the meeting was to enable a revised application to be registered and advertised in time for the next Planning Committee meeting.

3.28 After reviewing the evidence, the case tribunal was satisfied that at some stage during the meeting the phrase 'bending the rules' or words to similar effect were used, and that the phrase was used at least once by Councillor J. He used the term in the context of allowing Councillor B's application to be registered on the

understanding that such specific supporting information as remained outstanding could be delivered within 24 or 48 hours, or further time should be given to complete the application.

- 3.29 The Councillors met with planning officers again two days later, and questioned the timetable for submitting applications. Councillor J suggested that the Planning Committee chairman could be asked to include consideration of the revised application as an urgent item. After Councillor B had left the meeting, Councillor J told one of the officers that if the matter of the revised planning application was not 'sorted out' he would have all Conservative Members withdrawn from the Planning Committee.
- 3.30 The case tribunal considered that Councillor J had given very little thought to the pitfall of being regarded as helping a fellow Member pursue a matter which she was undertaking in her private capacity. It was reckless for him to assume that because he was on a mission assigned to him by the Chief Executive no criticism could or should be attached to him for the way he conducted his pursuit which he saw as a compromise.
- 3.31 In the opinion of the case tribunal, Councillor J's actions at the first meeting with officers could reasonably be regarded as likely to compromise the impartiality of the officers with whom he was dealing. The case tribunal also considered that Councillor J had attempted to use his position improperly to confer an advantage for Councillor B.
- 3.32 Whilst the particular circumstances of this case are unlikely to recur, the case tribunal considered that there is a very considerable risk that Councillor J will maintain what appears to be a cavalier view of his responsibility to abide by the Code of Conduct, particularly in his future dealings with officers.
- 3.33 The case tribunal decided that suspension for a period of two months would be appropriate. The tribunal recommended that Councillor J is provided with training on the provisions of the Code of Conduct and the underlying principles of Standards of Conduct in Public Life.

Isle of Wight Council (iii)

- 3.34 It was alleged that Councillor C had breached the Code of Conduct by making representations to a Planning Committee on behalf of a friend who had submitted a planning application.
- 3.35 Councillor B submitted a planning application for a change of use of her hotel and home. Councillor C and Councillor B had a relationship which constituted a friendship in respect of the provisions of the Code of Conduct.

- 3.36 Councillor C agreed to speak on Councillor B's behalf at the Planning Committee meeting. The Council had a practice of allowing the applicant or some other person speaking on behalf of the applicant to address the Planning Committee meeting which was considering whether to grant a planning application. It was in this capacity that Councillor C acted.
- 3.37 A few minutes before Councillor C entered the Planning Committee meeting, the then Chair of the Council warned her that, if she spoke on the application, she might breach the Code of Conduct. At no time had she been approached with similar views by the Monitoring Officer, Planning officers, Chair of Planning or the Cabinet Member.
- 3.38 Councillor C did not seek any advice from the Monitoring Officer, or any other officer or Member on whether it was appropriate for her to speak at the Committee meeting in support of Councillor B's application.
- 3.39 Councillor C did not declare any interest at the Committee meeting.
- 3.40 Councillor C was found to have a personal and prejudicial interest which should have prevented her from taking part in the Council's discussion of the application. The personal interest arose because the Council's decision on the application would affect the financial position and wellbeing of a friend. The case tribunal judged that a member of the public with knowledge of the facts would reasonably regard the interest as so significant as likely to prejudice Councillor C's judgement of the public interest. Therefore, Councillor C was found to have breached paragraph 12(1)(a) of the Code of Conduct.
- 3.41 The case tribunal also considered that Councillor C had breached paragraph 12(1)(c) of the Code by seeking improperly to influence a decision in which she had a prejudicial interest. The Councillor was also found to have breached paragraph 5 of the Code of Conduct, as the reputation of the Council would be affected by a finding that a Councillor has improperly participated in consideration of an application from a fellow Councillor.
- 3.42 The case tribunal did not consider that Councillor C had used her position improperly to secure an advantage for another person, as that provision would usually apply where a Councillor was seeking by use of his or her office to bring about a situation that a non-Councillor could not so easily achieve, which was not the case here.
- 3.43 The case tribunal considered that, despite the time which has elapsed since the events under consideration, Councillor C has still not grasped the implications of

the Code of Conduct and therefore recommended that further training should be provided for her (and possibly others) on the Code.

- 3.44 The case tribunal was concerned that throughout the hearing, Councillor C maintained that she was not in breach of the Code of Conduct despite clear evidence to the contrary. However, the case tribunal took into account the fact that her intentions were honourable and decided that in the circumstances it was sufficient to censure her conduct.
- 3.45 In Leeds, there is specific advice available for Members involved in planning applications contained within the 'Code of Practice for the Determination of Planning Matters' contained in Part 5 of the Council's Constitution. The Code of Practice advises Members to comply with the Code of Conduct in relation to declaring personal or prejudicial interests, but also advises Members to avoid contact with applicants or their representatives, to avoid becoming involved in the processing of the application, and to report any contact with the parties to the Chief Planning Officer. Members of Plans Panels and Licensing Committee are also provided with specific training relating to interests, and predetermination and bias.**

Taunton Deane Borough Council

- 3.46 It was alleged that a former Councillor had failed to comply with paragraphs 5 and 6(b) of the Code of Conduct in that he had improperly used a Council laptop and that material of a highly offensive nature was discovered on it.
- 3.47 The former Councillor raised a request with the Council's IT department to examine his laptop. A few months later, the former Councillor was issued with a new laptop due to ongoing problems with his current laptop.
- 3.48 During preparation of the former Councillor's first laptop for use as a training machine, the Council's IT staff found offensive material on it. Following a complaint and investigation about the first laptop, the former Councillor's second laptop was examined and was found to contain material in breach of copyright.
- 3.49 The former Councillor admitted, and the case tribunal found, that he had downloaded unauthorised file sharing software and unauthorised files and had let members of his family, including his sister and his niece, use his Council laptop for their own personal use.
- 3.50 The former Councillor signed a form on receipt of his laptop stating that the equipment was not to be used for unauthorised purposes nor by unauthorised people. The former Councillor also accepted that he had received a letter from the Member's Services Manager which attached the Council's IT policy. That policy allowed occasional personal use of the Council's IT equipment and

internet, but prohibited the downloading of software for personal use. The policy also prohibited personal use that disregarded the policy, including the provisions regarding misuse and the access or development of offensive and illegal material and which would damage the reputation of the Council.

- 3.51 Some of the material downloaded by the former Councillor did not relate to Council business, some of which was obtained in breach of copyright, and some of which was of an offensive nature. The case tribunal considered that the former Councillor had not acted in accordance with the Council's reasonable requirements when using the resources of the authority, and had therefore breached paragraph 6(b)(i) of the Code of Conduct.
- 3.52 The case tribunal also found that the former Councillor had brought his office into disrepute, in breach of paragraph 5 of the Code of Conduct. A member of the public knowing that the former Councillor had not only used, but also allowed his family to use, his Council owned laptop and the purpose for which the laptop was used, would have, in the tribunal's opinion, grave concerns about his judgement, honesty and integrity.
- 3.53 The case tribunal found these to be very serious breaches involving the misuse of publicly funded Council resources in clear contravention of Council policy which the former Councillor had signed up to and fully admitted breaching.
- 3.54 As the former Councillor had resigned from the Council and was no longer a Councillor, the tribunal could only impose a censure or disqualification. The tribunal was of the view that disqualification was appropriate even if suspension were an available sanction in this case.
- 3.55 The tribunal was of the view that the gravity in which the Council treated this conduct if carried out by Council employees and the very serious consequences for employees if found guilty of this conduct, should be reflected in the sanction imposed in respect of Councillors. The tribunal therefore decided to disqualify the former Councillor for a period of two years.
- 3.56 In Leeds, IT equipment is provided to Members for use in their capacity as a Councillor. Members have to agree to abide by the Guidelines for Members Using Council ICT Equipment which is referenced in the Protocol on Member Officer Relations. The guidelines specifically list the types of websites which Members are not permitted to visit using the Council ICT equipment, and this list includes inappropriate websites, such as those showing pornography. The policy also states that Members should not download programmes from the internet, except where authorised to do so by the Chief IT Officer, and that Council and ICT equipment should not be used by anyone other than the Councillor to whom it is supplied.**

Parish and Town Councils

Compton Bishop Parish Council

- 3.57 It was alleged that a Councillor had breached the Code of Conduct by publishing and distributing three newsletters written by him and by other material printed in local newspapers. It was alleged that the Councillor had failed to treat others with respect, had been bullying and had brought his office or authority into disrepute.
- 3.58 In October and September 2008 the Councillor placed four advertisements in local papers about his role as a Parish Councillor and giving his view of the performance of the Parish Councils of which he was a Member. The advertisements referred to grating and a bench. In response, the Parish Council Members, with the exception of the subject Member, issued two factsheets putting forward their side of the story.
- 3.59 Following the issue of a Parish Council newsletter in October 2008, the Councillor decided to issue three newsletters of his own relating, amongst other things, to the grating and the bench.
- 3.60 The case tribunal considered the Councillor's alleged actions and made findings of fact, as follows:
- The Councillor wrote to the police alleging fraud in relation to the bench. He also raised concerns about the safety of it which were investigated and found to be without substance. The case tribunal found, on the basis of the signed record of the interview carried out by the Investigating Officer with the Chairman of the Parish Council, that the Councillor had seen receipts in respect of the bench and should not have had any reasonable grounds for questioning the Parish Council actions in providing the bench;
 - One of the Councillor's advertisements inferred that as a direct result of him reporting a defective highway grating the Parish Council voted him off its highways advisory group, however the Parish Council minutes show that he was removed for reasons unconnected to the grating. There was no evidence to support the Councillor's contention that reporting the grating led to his removal from the group;
 - The Councillor published three newsletters written by him and arranged for their distribution to each household in the parish. The tribunal found that a reasonable person reading the first newsletter would infer that the Parish Council had in some way dealt with the grant for the provision of the bench improperly. The tribunal further found that there were no grounds on which a reasonable person, who had the same knowledge as the Councillor, could have thought that there had been any impropriety;
 - The tribunal found that a reasonable person reading the first newsletter would also infer that both the Clerk and the Chairman of the Parish Council

had behaved improperly in dealing with the bench and that in some way inaccurate accounting was involved on their part. The Councillor had produced no evidence to support the implications he made in his newsletter and there were no grounds on which a reasonable person with the same knowledge as the Councillor could have thought that there had been any impropriety on the part of the Clerk or the Chairman;

- In his second newsletter the Councillor stated that the Chairman was a 'very twisted man' and 'a disgrace to this Council'. The tribunal found no evidence to justify these comments in respect of the Chairman;
- In his third newsletter, the Councillor claimed that some of the Parish Council's minutes were not accurate. He also claimed that the Council refused to add his amendments to the minutes. The Councillor gave no clue as to what his amendments were nor did he provide any support for his view that the minutes are not accurate. The tribunal therefore found that the minutes were accurate and the Councillor's allegations were without justification;
- The Councillor placed a further advertisement in a local newspaper stating the Parish Council had purchased a bench for a lesser sum than the grant received for that purpose. A similar complaint appeared in another local newspaper a week later. The tribunal found these claims to be unreasonable;
- In his second newsletter, and in a letter to the Chairman of the Parish Council, the Councillor claimed that the temporary Clerk to the Council had not been legally appointed. The tribunal found that the Councillor's comments about the manner of the appointment of the temporary Clerk to have no foundation in fact and to be irrational.

3.61 Due to his comments in relation to the bench, the Chairman's refusal to call a meeting to discuss gratings and the appointment of the temporary clerk, the case tribunal found that the Councillor had failed to treat the Chairman, the temporary Clerk and the other Members of the Parish Council with respect. The language in the newsletters was insulting and went far beyond that necessary to express his opinions about the conduct of the Parish Council and its Members.

3.62 The case tribunal found that the Councillor's newsletters were insulting and without justification. The sustained and personal nature of the Councillor's attacks and the lack of any basis for his views meant that his conduct breached paragraph 3(2)(b) of the Code and amounted to bullying of the other members of the Parish Council, particularly the Chairman.

3.63 The tribunal found that the Councillor has, without justification, implied that the Parish Council is guilty of financial impropriety, 'doctoring' its minutes, irrational behaviour in removing him from the highways advisory group, and accused the Parish Council of not properly appointing the temporary clerk. A reasonable

member of the public would conclude that a Council which indulged in such behaviour was disreputable, therefore the case tribunal found that the Councillor had breached paragraph 5 of the Code of Conduct.

3.64 The case tribunal also found that because of the number of publications produced by the Councillor, the adverse effect on the wellbeing of the other Parish Council Members was significant and amounted to the Councillor using or attempting to use his position as a Member improperly to confer on another person a disadvantage, in breach of paragraph 6(a) of the Code.

3.65 In considering what sanction to apply, the tribunal took into account the following mitigating and aggravating factors:

- The Councillor's honest but irrational view that his actions were justified;
- The fact the Councillor had made no complaints about breaches of the Code since April 2009 and the matters before the tribunal occurred before the end of 2008;
- The Councillor had eventually apologised in respect of his earlier breaches of the Code;
- The Councillor was apparently well meaning and appeared to manage to contribute to public life outside Parish Councils;
- In the three letters written by the Councillor to the Investigating Officer after he had been interviewed, he repeated many of his unsubstantiated accusations;
- The Councillor had attempted to justify his actions and he frequently repeated his groundless accusations to the tribunal;
- He had previously been suspended from the Parish Council for a period of three months in respect of conduct which was very similar in its nature to that before the tribunal;
- The Councillor had presented his accusation as arising from the fault of others when it was his own failure to ascertain and take account of the facts which was the true cause of his repeated groundless accusations;
- The Councillor had done his best to put his accusations in the public domain and to maximise the adverse impact of his accusations on the Parish Council and its Members;
- The Councillor's actions had breached a substantial number of paragraphs of the Code;
- The Councillor's conduct was repeated and over a substantial period of time.

3.66 In the tribunal's view it was necessary that a substantial sanction was imposed to demonstrate to others that the making of serious, insulting and unsubstantiated accusations over a considerable period of time was unacceptable and damaging to local government and the public's regard for members and their authorities. The tribunal decided that the disqualification of the Councillor for 18 months correctly reflected the seriousness of the case.

- 3.67 In Leeds, training is provided for Members on using public media appropriately. Members of the Standards Committee may also wish to consider whether it would be useful to include specific advice on this as part of the Code of Conduct training.**

Appeals against Standards Committee decisions

South Ribble Borough Council (i)

- 3.68 A Councillor appealed following a determination by the Standards Committee to censure him and require him to apologise to Councillor M in the form of a letter to be approved by the Chairman within 21 days of the hearing following a failure to comply with paragraphs 3(1) and 5 of the Code of Conduct.
- 3.69 The appeals tribunal determined that the Councillor did not breach the Code of Conduct because the circumstances of the conduct impugned did not fall within the ambit of the Code.
- 3.70 The Councillor is by profession a journalist. The matters which gave rise to the complaints considered by the appeals tribunal appeared in a small journal which the Councillor publishes and edits. This journal is not part of the business of the Council and in it the Councillor neither claims nor gives the impression of acting as a representative of the Council. While the Councillor's name frequently appears in the journal it is 'published for fun' and a member of the public would be in no doubt that the publication of this journal was not a matter which was the business of the authority.
- 3.71 Therefore, the appeals tribunal overturned the finding of the Standards Committee.
- 3.72 In Leeds, members of the Assessment Sub-Committee use the Code Matrix which ensures that the Sub-Committee considers whether the subject Member was acting, claiming to act, or giving the impression they were acting in their official capacity during the incident, and if not, no further action would be taken on the complaint.**

South Gloucestershire Council and Bitton Parish Council

- 3.73 A Councillor appealed against a determination of the Standards Committee to censure him for a failure to comply with paragraph 3(1) of the Code of Conduct.
- 3.74 The Councillor was given permission to appeal because:

- The Standards Committee’s findings on breach seemed to be based on the view that the Councillor’s comments were unreasonable and that is not the same as determining whether there was a failure to treat others with respect, and the link between the two findings is not clearly expressed in the decision; and
- The Standards Committee’s decision contained no explicit reference to the right of freedom of expression enshrined in the European Convention on Human Rights, although it did appear to have considered whether the comments merited the higher protection given in English Law to the expression of political views.

3.75 The allegations against the Councillor were that he had breached the Code of Conduct at two Parish Council meetings:

- On 18th April 2008 it is alleged that the Councillor raised his hand and said ‘I object to Councillor S being Chair as he is dishonest and totally untrustworthy’; and
- On 20th June 2008 the Councillor directed the following remarks to Councillor S:
 - (i) That he was dishonest;
 - (ii) That he had contempt for the Council; and
 - (iii) That he should resign.

3.76 The Councillor accepted that he had said the words alleged and the appeals tribunal therefore found as a fact that he had used the words and expressions set out above.

3.77 In the tribunal’s view, by the April meeting things broadly stood as follows from the Councillor’s point of view:

- He had good evidence that Councillor S was both in breach of planning conditions and of his personal undertaking to comply with these conditions;
- His parishioners were pressing him, in strong terms, to take action;
- There appeared from his discussions with the Clerk to be no way in which the Councillor could bring the matter before the Council for debate;
- The ‘block voting’ of the Liberal Democrats stifled discussion; and
- He believed himself to be under an obligation to raise the concerns of his parishioners at the Parish Council meeting.

3.78 Normally, the appeals tribunal would expect to find that an accusation of dishonesty breached paragraph 3(1) of the Code as a failure to treat a person with respect unless there were circumstances which justified the use of the word.

3.79 In the tribunal’s view the following factors indicated that there had been a breach of the Code at the April meeting:

- On their face the words used by the Councillor are disrespectful;

- The meeting was open to the public and it would not be obvious to the public to what the Councillor was referring in order that they could form their own view as to whether Councillor S was dishonest; and
- The matter could have been pursued by way of a Code of Conduct complaint and there was arguably no need to raise the matter at the meeting.

3.80 However, in the tribunal's view, these factors were outweighed by the following matters:

- The Councillor had good grounds to question Councillor S' honesty;
- The breach of the conditions was a planning matter and related to the role of Members, although often informally, in drawing breaches of planning control to the attention of the authority;
- A person's honesty is relevant to their suitability to act in a position such as chairing a Council meeting;
- The breach of the condition was raised by the Councillor's parishioners and was not apparently a personal grudge against Councillor S;
- There was considerable frustration on the Councillor's behalf at the apparent impossibility of getting the matter discussed by the Parish Council;
- The Councillor was not asked to explain his allegations, which he would have been happy to do so if he had been given the chance; and
- The Councillor was relatively inexperienced in local government.

3.81 Although close to the line the tribunal came to the judgement that in these circumstances the words used by the Councillor at the April meeting did not amount to a breach of the Code and were just about acceptable as part of the 'rough and tumble' of local politics.

3.82 In deciding whether the Councillor's comments at the June meeting were a breach the tribunal took into account that this was a second attack on Councillor S and the Councillor must have been aware by this time that other Councillors considered his comments unacceptable. In the tribunal's view, more neutral language could have been used to make the points the Councillor wished to raise.

3.83 However, the Councillor's comments were a response to being denied a full debate about a matter that was on the agenda, and it was widely known that this was a matter which the Councillor and others wished to discuss.

3.84 The tribunal concluded that the Councillor's response had been borne out of frustration, that his frustration was understandable, and that his comments were made in large part as a spur of the moment response when he realised that there was to be no debate about Members' conduct.

- 3.85 It was a fine judgement with strong factors indicating that the Councillor had breached the Code, however the tribunal considered that the factors it had identified as in the Councillor's favour outweighed those which indicated that the Code had been breached.
- 3.86 The tribunal therefore overturned the finding of the Standards Committee.
- 3.87 This case highlights the importance of the Hearings Sub-Committee providing clear reasons for finding a breach of the Code of Conduct, and explaining why the Member's behaviour constitutes a breach of each of the relevant paragraphs.**

Epping Forest District Council and Nazeing Parish Council

- 3.88 A Councillor appealed against a determination of the Standards Committee to censure, require her to apologise and receive training in relation to the Code and in particular its requirements relating to personal and prejudicial interests for a failure to comply with paragraphs 3(1) and 5 of the Code of Conduct.
- 3.89 The appeals tribunal determined that the Councillor did fail to follow these provisions of the Code. At three separate Planning Committee meetings, the Councillor said that Councillor O should declare a personal and prejudicial interest at all Planning Committee meetings as she is a property developer. At a Parish Council meeting she also read from a prepared statement, and illustrated her point with a contentious analogy. This led to letters being published in the local newspaper, including one from the Councillor in which she stated that she had referred to an analogy to illustrate a situation of a property developer chairing a Planning Committee. She also stated that she considered such a situation to be untenable with the potential to impact upon the integrity of the Parish Council and the possibility of unsafe outcomes on planning applications.
- 3.90 The appeals tribunal agreed with the Standards Committee's finding that the Councillor had failed to treat Councillor O with respect on three occasions. However it did not agree with the Standards Committee's finding that the Councillor did not bring the Parish Council into disrepute, because it was the Councillor's intention to draw attention to Councillor O's membership and role on the Planning Committee that brought the matter into the public arena. Further, the Investigating Officer concluded that the Councillor's comments at the Parish Council meeting and the resultant press coverage meant that the standing in which members of the public regarded members of the Council was adversely affected and that public confidence in Members being able to act in the public interest was similarly affected. The appeals tribunal therefore concluded that the Councillor's actions and comments at the Parish Council meeting, and the resultant publicity, had brought the Parish Council into disrepute.

- 3.91 The appeals tribunal decided that the action which is appropriate is for:
- The Councillor to be suspended from the Parish Council and its Committees for a period of three months;
 - The Councillor to be required to participate in an appropriate conciliation process through the Monitoring Officer and within 28 days to issue a personally signed written apology to Councillor O, and for a copy of the letter to be sent to the Monitoring Officer; and
 - If the Councillor complies with the action above then the suspension from the Parish Council and its Committees will cease.

3.92 In coming to this decision, the appeals tribunal took the following mitigating and aggravating factors into account:

- The Councillor had not followed guidance on the implications of the Planning Protocol and the Code of Conduct and had chosen to continue with her line of reasoning. The tribunal did not consider her actions to be dishonest, however they were misguided;
- There is no evidence of previous complaints or breaches of the Code by the Councillor;
- There has been no recognition by the Councillor that her actions have breached the Code of Conduct;
- There is no evidence that the Councillor's actions have had a beneficial effect;
- There is clear evidence that the Councillor has continued to deny the impact of her actions despite contrary evidence to this effect;
- There is no evidence that the Councillor has tried to move the blame for her actions on others;
- There is clear evidence that the Councillor has not followed guidance given on the provisions of the Code and their importance. She also repeated her position on personal and prejudicial interests on four separate occasions in a public arena;
- The appeals tribunal cannot discount from its consideration that a personal element was behind the confrontation and has exacerbated the friction within the Parish Council;
- The Councillor was described in warm terms by two of her Parish Council colleagues.

3.93 The appeals tribunal also noted the fact that the Councillor had already received training on the terms and implications of the Code of Conduct, had received further guidance during the incidents that led to the complaint, and in her view she was fully conversant with its terms and impact. The tribunal therefore came to the conclusion that there was little point in the Councillor undertaking further training on the Code of Conduct.

Teignbridge District Council

- 3.94 A Councillor appealed against a determination of the Standards Committee to censure her for a failure to comply with paragraphs 5 and 6(1)(a) of the Code of Conduct.
- 3.95 The Councillor had written a letter to the Chairman of the Trustees of the Information Centre requesting salary which she was owed. In the letter she acknowledged that this payment could put a strain on the Centre's finances and suggested that the Trust could apply through her for £500 from her Councillor's Community Fund.
- 3.96 In this case the Standards Committee rejected the Investigating Officer's opinion that there had been no breach of the Code. However, in rejecting the Investigating Officer's reasoning the Standards Committee simply said it did not accept his reasoning because its members were unable to construe the letter as meaning anything other than that the Trust could apply through the Councillor herself for monies from the Council's Councillors' Community Fund which would then enable the Trust to pay her submitted account, thereby using her position as a Member improperly to confer an advantage upon herself.
- 3.97 The Standards Committee gave no reason for finding that it was 'unable to construe' the letter as meaning 'anything other', and in the tribunal's view that undermined the Standards Committee's decision. In the tribunal's view, a reasonable Standards Committee would have acknowledged the strength of the Investigating Officer's reasoning and provided strong and clear reasons for rejecting his conclusion of no breach.
- 3.98 The following factors led the tribunal to find that the letter did not amount to a breach of the Code:
- The Councillor told the Investigating Officer that at no time did she seek to use her position improperly, for financial gain or to secure an advantage in anything. The tribunal considered that these protestations should not be dismissed, because the Councillor is acknowledged to be of good standing, to be a long serving Councillor, to have held the position of Chairman of the Council and is assessed by the clerk to Bovey Tracey Town Council as very strict in the way she approaches standards requirements;
 - The tribunal placed little weight on the comments which were critical of the Councillor's performance because there was a background of local politics and interests involved;
 - The amount of money involved was small and it is unlikely that the Councillor would have risked her good name over such a minor matter;
 - Her desire to help the Information Centre needed no further justification than her years of support for the centre as an employee;

- She had been open about her desire to help the Information Centre with the clerk to Bovey Tracey Parish Council and her letter referred to that earlier discussion;
- It is obvious that if the application through the Councillors' Community Fund was successful there would be an advantage to the Information Centre, but it would require strong evidence to lead to the next step that the money from the Fund was in fact to be used to pay the Councillor otherwise she would not be paid. Neither the Investigating Officer nor the tribunal found any such evidence nor did the Standards Committee beyond its reliance on the words of the letter; and
- If the Standards Committee had diligently assessed the reasoning of the Investigating Officer and grappled with finding convincing reasons for rejecting his report, there was a very real possibility that its decision would have been different.

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

Leicestershire County Council

3.100 A Councillor appealed against the Standards Committee's decision to impose a sanction of one month suspension, censure and training in relation to equalities and requiring the Councillor to pay the first £250 of the cost of that training, following a finding of failure to comply with paragraph 5 of the Code of Conduct. The appeal was limited to the sanction imposed.

3.101 In considering whether the sanction was fair, the tribunal took into account the following factors:

- The points made by the Councillor's representative about the impacts that the Standards Committee's decision had already had on the Councillor, and, while making no decisions as to their merits, his criticisms of the Standards Committee;
- The Councillor had been returned by the electorate when his comments which are the subject of the appeal were in the public domain, although the Standards Committee had not by then reached its decision;
- The Councillor had accepted his breach of the Code and the imposition of censure;
- In a statement, the Councillor accepted that his comments amounted to a lapse of judgement which he bitterly regrets and he has, at his own expense, undergone training. However the tribunal considered that his breach merited the imposition of a period of suspension to mark both the seriousness of the breach and to encourage others to keep the Code in mind when dealing with highly charged political issues;

- A Councillor with the experience and training of the subject Member should have been aware before the meeting of the likely prejudices that would be aired; and
- His comments were substantial and not a mere slip of the tongue which occurred in a relaxed jovial atmosphere.

3.102 The tribunal concluded that the suspension of the Councillor for one month was an appropriate sanction even against the background of the losses of the Councillor and taking into account his re-election.

3.103 In the tribunal's view, the Councillor's statement demonstrated that he accepted that he should not have made the comments, that he did now understand why they were objectionable, that he genuinely regretted his comments, and that the chances of him breaching the Code in this way again were negligible. The tribunal therefore found that no useful purpose would be served by the Councillor being required to undertake further training, and varied the sanction imposed by the Standards Committee by removing the requirement that the Councillor undertake further training in relation to equalities.

3.104 The tribunal therefore did not need to consider the view of the Standards Committee that, as there was no power under Regulation 19(3) of the Standards Committee (England) Regulations 2008 to require the Councillor to pay the first £250 of any training fee, the suspension should be increased to six weeks in order that the allowances lost by the Councillor could be put towards the costs of training. If the tribunal had considered this argument it would have rejected it because it would have been an attempt by another means to impose a sanction not provided for by Parliament.

3.105 This case highlights the importance of the Hearings Sub-Committee being aware of the sanctions that it can impose under the Regulations, which are listed in the Standards Committee Procedure Rules.

South Ribble Borough Council (ii)

3.106 A Councillor appealed against the Standards Committee's finding that he had failed to follow paragraph 4 of the Code of Conduct when comments he made which were published in local newspapers disclosed information of a confidential nature concerning the Council. The Councillor also appealed against the sanction applied, which was to suspend him for three months, and prior to resuming his duties, require him to undergo appropriate training on the current Code of Conduct, such training to be agreed with the Monitoring Officer and to include specific training on the issue of disclosure of confidential material.

- 3.107 The Councillor made some comments to the press about a large industrial site in his ward that has lain derelict for some years and has been the subject of discussions between the property owner and the Council. The Councillor is quoted as saying 'We could do a compulsory purchase on the land but then we could be looking at £10m to get it, it is all about negotiation'.
- 3.108 The Investigating Officer's report stated that 'The article contains reference to information contained in an exempt report dated 7 May 2008. All members had access to that report'. There is no indication of what that information actually is, and since elsewhere the Investigating Officer concedes that the figures quoted are not contained in the confidential report, and the background information that the problem had been in existence for some time can not be confidential, the tribunal was left to consider 'We could do a compulsory purchase on the land'. The tribunal considered that this is a general statement of the statutory powers of a local authority that are well known. The statement quoted does not necessarily imply that the Council has the intention of exercising these or any other powers in respect of the site in question or any other site.
- 3.109 Therefore, the tribunal rejected the finding of the Standards Committee.

Tonbridge and Malling Borough Council and East Peckham Parish Council

- 3.110 Two Councillors (Councillor C and Councillor G) appealed against the Standards Committee's finding that they had failed to declare a personal and prejudicial interest at several meetings, at which matters relating to a company of which they had been appointed as Directors (by the Parish Council) were discussed. The Councillors also appealed against the sanction applied which was to require them to submit a written apology and undertake mandatory training within 6 months.
- 3.111 At one of the meetings, the 2002 Code of Conduct was in force. The appeals tribunal found that the Councillors had a personal interest in any matter relating to the company of which they were Directors, however they failed to disclose the existence and nature of that interest. The appeals tribunal did not consider that this was also a prejudicial interest because paragraph 9(2)(c) of the 2002 Code applied here, as the matter related to a company of which the Councillors were appointed as Directors as representatives of the Parish Council, and therefore they were entitled to regard themselves as not having a prejudicial interest.
- 3.112 At the other meetings, the 2007 Code of Conduct was in force. The appeals tribunal found that the Councillors had a personal interest in matters relating to the company of which they were Directors. The tribunal noted that at one of the meetings, the Councillors did declare an interest in some of the items relating to

the company, but did not disclose the nature of that interest. At all of the other meetings they made no such declaration.

- 3.113 The appeals tribunal also found that the Councillors' personal interest was a prejudicial one as it was an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it was likely to prejudice their judgement of the public interest. The exemptions set out in paragraph 10(2) of the 2007 Code did not apply.
- 3.114 Therefore, the tribunal found that the Councillors had breached paragraph 8 of the 2002 Code, and paragraphs 9 and 12 of the 2007 Code. The tribunal noted that the Investigating Officer had not found that the Councillors acted with any malice or intent to deceive or obtain any personal advantage. He also found that these breaches did not result in any financial harm to the Parish Council. It also appeared to the tribunal that the Councillors' mistaken interpretation of the Code had been condoned by their Parish Council colleagues and by implication the District Council, assuming that the Parish Council had received basic monitoring from the District Council as it should have done.
- 3.115 The appeals tribunal concluded that in the circumstances a letter of apology served no purpose and would not be reasonable. However, training on the Code of Conduct was clearly necessary, not as a punishment but as a useful tool to assist the Councillors in preventing any further breaches of the Code and to assist them in carrying out a difficult job.
- 3.116 **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. Officers in Governance Services also compare meeting agendas with the relevant Committee Members' register of interests, and alert the Member concerned if a potential interest is identified.**

Coventry City Council

- 3.117 A Councillor appealed against the Standards Committee's decision to suspend him for three months and require him to submit a letter of apology for failing to comply with the Code of Conduct. The Councillor had no recollection of the alleged incident and therefore disputed that he had breached the Code.
- 3.118 As Lord Mayor of the Council, the Councillor hosted a community party. The appeals tribunal found, on a balance of probabilities, that sometime during the evening the Councillor, who had been drinking, had a collective dance with Ms X and some of her work colleagues. When Ms X left the dance floor and went to sit next to the complainant, the Councillor joined them. A conversation then took

place between the Councillor, Ms X and the complainant, some of which was of a sexually explicit nature.

- 3.119 On the facts found, the tribunal were of the view that the conversation that the Councillor had with the complainant and Ms X was highly embarrassing, offensive and disreputable. It would have offended anyone who heard it and was totally inappropriate. The Councillor failed to treat both Ms X and the complainant with respect and therefore he failed to comply with paragraph 3(1) of the Code of Conduct.
- 3.120 In addition, the appeals tribunal was of the view that by this disgraceful conduct, the Councillor had brought his office and authority into disrepute. Therefore, the Councillor had also failed to comply with paragraph 5 of the Code of Conduct.
- 3.121 The appeals tribunal was of the view that the Standards Committee's sanction was reasonable and proportionate and decided to uphold its decision to suspend the Councillor for 3 months and to require him to submit a letter of apology in a form specified by the Committee.

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 First-Tier Tribunal (Local Government Standards in England) 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 First-Tier Tribunal (Local Government Standards in 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 First-Tier Tribunal (Local Government Standards in England) 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>)

This page is intentionally left blank



Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Standards Committee Work Programme

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

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
Meeting date: 22nd April 2010		
Standards Committee Annual Report 2009/2010	To seek Member's comments on and approval for the Standards Committee Annual Report 2009/10.	Corporate Governance Officer Laura Ford
First-Tier Tribunal (Local Government Standards in England) Decisions/Notable Cases	Regular report detailing the most recent First-Tier Tribunal (Local Government Standards in England) 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. (Annual report which is provided because the Standards Committee is responsible for approving the Code of Practice)	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'. (Annual report which is provided because the Standards Committee is responsible for approving the Code of Practice)	Chief Planning Officer Phil Crabtree
Standards Committee Procedure Rules	Annual review of the Monitoring Officer, including Part 4 (the Hearings Sub-Committee Procedure) (Report provided on an annual basis)	Principal Corporate Governance Officer Kate Sadler

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<u>Unscheduled Items</u>		
Officer Code of Conduct	Consideration of a revised Leeds City Council Officer Code of Conduct following receipt of the Model Code. ¹	Chief Officer (Human Resources) Lorraine Hallam
Member Code of Conduct	Consideration 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 ²	<p>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.</p> <p>(Report to be provided after the new Member Code of Conduct has been released)</p>	Senior Corporate Governance Officer Amy Kelly
Enforcement of Local Codes and Protocols	<p>To receive a report asking the Committee to consider the status of the Local Codes and Protocols.</p> <p>(Report to be provided following the conclusion of consideration of the Local Codes and Protocols by Member Management Committee)</p>	Principal Corporate Governance Officer Kate Sadler

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

² To be submitted after the new Member Code has been released

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Politically Restricted Posts	To receive a report of the Chief Officer (Human Resources) confirming the Council's list of Politically Restricted Posts, further to the introduction of the Local Democracy, Economic Development and Construction Act 2009. (Added to the Work Programme in February 2010. To be provided when the list of restricted posts has been finalised.)	Chief Officer (Human Resources) Lorraine Hallam

This page is intentionally left blank