



STANDARDS COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 22nd April, 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

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 17th February 2010.</p>	1 - 6
6			<p>MINUTES OF THE ASSESSMENT SUB-COMMITTEE</p> <p>To note the minutes of the Assessment Sub-Committee meetings held on 1st February and 23rd March 2010.</p>	7 - 10
7			<p>MINUTES OF THE REVIEW SUB-COMMITTEE</p> <p>To note the minutes of the Review Sub-Committee meeting held on 26th February 2010.</p>	11 - 12
8			<p>MINUTES OF THE CONSIDERATION SUB-COMMITTEE</p> <p>To note the minutes of the Consideration Sub-Committee meetings held on 1st February, 26th February and 8th March 2010.</p>	13 - 20

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<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 10th February and 17th March 2010.</p>	21 - 32
10			<p>CHAIR'S OPENING REMARKS</p> <p>To receive the Chair's opening remarks.</p>	
11			<p>LOCAL GOVERNMENT CHRONICLE (LGC) AWARDS 2010: STANDARDS AND ETHICS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying Members of the Standards Committee that Leeds City Council has been successful in its entry for this year's LGC Awards 2010 'Standards and Ethics' category.</p>	33 - 36
12			<p>STANDARDS COMMITTEE PROCEDURE RULES</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) reviewing the Standards Committee Procedure Rules and making proposals for amendments in light of any issues that have arisen throughout the year.</p>	37 - 66
13			<p>STANDARDS COMMITTEE TRAINING PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking to address some outstanding issues and concerns raised by Members of Standards Committee at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposing some further amendments to address these issues.</p>	67 - 88

Item No	Ward/Equal Opportunities	Item Not Open		Page No
14			<p>STANDARDS FOR ENGLAND'S REVIEW OF THE LOCAL STANDARDS FRAMEWORK</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) summarising the results of the recent review of the proportionality and effectiveness of the local standards framework carried out by Standards for England.</p>	89 - 136
15			<p>STANDARDS COMMITTEE ANNUAL REPORT 2009/10</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) seeking comments on the draft Standards Committee Annual Report 2009/10.</p>	137 - 174
16			<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>	175 - 190
17			<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 2010/11 municipal year.</p>	191 - 198

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Standards Committee

Wednesday, 17th February, 2010

PRESENT:

Independent Members

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

Councillors

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

Parish Members

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

63 Appeals against refusal of inspection of documents

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

64 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the press and the 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:

Appendix 1 of agenda item 10 (Minute 72 refers), but only if the exempt information needs to be specifically discussed or referred to.

65 Late items

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

consideration.

66 Declaration of interests

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

67 Minutes of the Previous Meeting

The minutes of the Standards Committee meeting held on 16th December 2009 were approved as a correct record.

Further to Minute 51, the Committee was informed that the Chief Officer (Human Resources) had decided that job adverts would not state that a post is politically restricted where applicable, however this decision will be reviewed following the confirmation of the updated list of restricted posts, further to the introduction of the Local Democracy, Economic Development and Construction Act 2009.

Further to Minute 57, the Committee was informed that resolutions (a), (b) and (d) had been addressed, and that actions to address resolution (e) were in progress.

68 Minutes of the Assessment Sub-Committee

The minutes of the Assessment Sub-Committee meeting held on 14th December 2009 were received and noted.

69 Minutes of the Corporate Governance and Audit Committee

The minutes of the Corporate Governance and Audit Committee meetings held on 15th December 2009 and 13th January 2010 were received and noted.

The Chair highlighted Minute 76, which confirmed that the Corporate Governance and Audit Committee had approved an amendment to the Code of Corporate Governance, as requested by the Standards Committee.

70 Ethical Audit Action Plan: Human Resources Update

The Head of Human Resources presented 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, particularly in relation to 360 Degree appraisals and the Staff Survey.

Members of the Committee raised concerns as the results of the Staff Survey revealed that only 68% of the respondents are aware that they are required to register interests that may affect their work, and the results did not appear to

have improved since the Ethical Audits that were carried out in 2006 and 2007.

The Committee requested further information in order to clarify the breakdown of the Staff Survey results by officer grade, and to inform the Committee of the actions that will be taken to address the results.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the contents of the report; and
- (b) Request that further information is provided prior to the next Standards Committee meeting regarding the breakdown of the Staff Survey results by officer grade, and the actions that will be taken to address the results.

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

71 Compulsory Training for Members of Standards Committee

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) seeking approval 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.

Members of the Committee discussed the need to allow a period of time before requiring that all compulsory elements are completed, and to provide alternative options where only annual training is offered by the Council (for example, charring skills training).

Further to queries raised, the Monitoring Officer confirmed that not completing the compulsory training could only prevent a member from being a member of the relevant Sub-Committee, rather than the full Standards Committee.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Adopt the proposed training plan attached to the report as Appendix 1;
- (b) Endorse the proposal that specified elements of the Standards Committee training plan be compulsory; and
- (c) Recommend the proposed amendment to Article 9 of the Constitution to General Purposes Committee for consideration and recommendation to full Council.

(Under the provisions of Council Procedure Rule 16.5, Councillor Carter and Rosemary Greaves required it to be recorded that they voted against the above resolutions.)

72 Outcome of an Investigation into a Leeds City Council Member

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) notifying members of the Standards Committee of the outcome of an investigation into a Leeds City Councillor,

which was carried out by an Ethical Standards Officer from Standards for England.

The Committee particularly discussed the actions listed at paragraphs 3.9 and 3.11 of the report. Some members of the Committee felt that the actions were unnecessary, and that the current training provided is sufficient. Further to queries raised, it was confirmed that Members can object to or support a planning application in their private capacity, as long as they clarify that they are acting in their private capacity at all times.

At this point in the meeting, the Committee resolved to exclude the press and the public for the consideration of the remainder of this item, as the confidential information needed to be referred to in deciding whether the actions listed in paragraphs 3.9 and 3.11 of the report should be adopted.

Members of the Committee further discussed the suggested actions, and some members agreed that they were reasonable given the contents of the investigation report.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Receive the final report from the Ethical Standards Officer attached as Appendix 1 to the report;
- (b) Adopt the actions listed in paragraphs 3.9 and 3.11 of the report; and
- (c) 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.

(Councillor Campbell left the meeting at 3.00pm during the consideration of this item.)

73 Local Assessment - Readily Obtainable Information

The Senior Corporate Governance Officer presented 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.

The need to be cautious in gathering information about complainants was highlighted. It was confirmed that the Customer Services department holds a list of complainants who are barred from contacting the Council. The Assistant Chief Executive (Corporate Governance) undertook to contact the Corporate Customer Relations Manager in order to ensure that this information is provided to Group Whips and/or Group Support Managers.

RESOLVED - Members of the Standards Committee resolved 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.

74 Local Assessment - Progress Report

The Senior Corporate Governance Officer presented 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.

Concerns were raised in relation to the length of time taken to consider review requests. It was confirmed that this would be monitored, and that the time taken should be reduced as Sub-Committee meetings were now scheduled on a monthly basis. However, a complicating factor was the need to ensure that the composition of a Review Sub-Committee was different to the composition of the original Assessment Sub-Committee.

It was also noted that the time taken to complete investigations had reduced following the introduction of the Procedure for External Code of Conduct Investigations. Members of the Committee also requested that the table of complaints be made clearer in relation to whether the complaint concerns a Leeds City Councillor or a Town/Parish Councillor.

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

75 Annual Report on the Monitoring Officer Protocol

The Senior Corporate Governance Officer presented 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.

RESOLVED – Members of the Standards Committee resolved to:

- (a) Note the assurances and performance information provided in the report; and
- (b) Approve the revised Monitoring Officer Protocol which has been amended to take account of the creation of the Hearings Sub-Committee and Consideration Sub-Committee.

76 Reviewing the Effectiveness of the Standards Committee

The Corporate Governance Officer presented 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.

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

77 Standards for England: Public Perceptions of Ethics

The Assistant Chief Executive (Corporate Governance) submitted a report advising members of the Standards Committee of the findings of the research report published by Standards for England, which is the third in a series tracking public perceptions of ethics in local government.

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

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

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) advising the Standards 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.

RESOLVED – Members of the Standards Committee resolved to note the changes to the Tribunal arrangements as set out in the report.

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

The Assistant Chief Executive (Corporate Governance) submitted a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.

RESOLVED – Members of the Standards Committee resolved to note the latest decisions of the First-Tier Tribunal's case tribunals.

80 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.

It was confirmed that, despite the delay in the release of a national Officer Code of Conduct, Leeds City Council's Officer Code of Conduct is currently being reviewed, and a report regarding this was submitted to the Standards Committee on 15th October 2009. It was confirmed that a further report could be provided following the approval of the amended Code.

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

Standards Committee - Assessment Sub-Committee

Monday, 1st February, 2010

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

D Blackburn C Campbell

Parish Members

Councillor Paul Cook Parish Member

23 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.

24 Case Reference 0910010

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

As the Monitoring Officer had a conflict of interest in the complaint, she was not in attendance at the meeting. The Head of Governance Services had made arrangements for another authority's Monitoring Officer to be on call to advise the Sub-Committee, if needed.

The Assessment Sub-Committee was minded to refer the complaint for local investigation. It was noted that as both the Monitoring Officer and the Deputy Monitoring Officer had a conflict of interest in this complaint, the Monitoring Officer would need to nominate a Monitoring Officer of another local authority to oversee the investigation.

RESOLVED – The Assessment Sub-Committee resolved:

- That the subject Member may have potentially breached the Code of Conduct in all the circumstances of the complaint; and
- To refer all the allegations in the complaint to the Monitoring Officer for local investigation.

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Standards Committee - Assessment Sub-Committee

Tuesday, 23rd March, 2010

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

J L Carter B Gettings

Parish Members

Councillor Mrs P Walker

25 **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.

26 **Case Reference 0910011**

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.

27 **Lessons to Learn**

Members of the Assessment Sub-Committee discussed whether it would have been possible for them to have had access to the Clerk's notes of the meeting and recommended that such Plans Panel notes should be retained to assist the Assessment Sub-Committee and other Committees with their work. The Head of Governance Services expressed some reservations about the Assessment Sub-Committee's views but gave an undertaking to review the purposes of Clerks' notes with the Monitoring Officer.

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Standards Committee - Review Sub-Committee

Friday, 26th February, 2010

PRESENT:

Independent Members

Philip Turnpenny (Chair)

Councillors

C Campbell

Parish Members

Councillor Paul Cook

9 Declarations of Interest

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

10 Case Reference 0910007

The Monitoring Officer submitted a review request in relation to the above complaint to the Review Sub-Committee for consideration. The complaint was originally considered by the Assessment Sub-Committee on 14th December 2009.

RESOLVED – The Review Sub-Committee resolved:

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

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Standards Committee - Consideration Sub-Committee

Monday, 1st February, 2010

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

D Blackburn C Campbell

Parish Members

Councillor Paul Cook Morley Town Council

1 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.

2 Exempt Information - Possible Exclusion of the Press and Public

In relation to agenda item 5 (Minute 5 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was classified as exempt under Access to Information Procedure Rule 10.4 (7c). Members of the Sub-Committee agreed that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

In relation to agenda item 6 (Minute 6 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was originally classified as exempt under Access to Information Procedure Rule 10.4 (7c). However, the Sub-Committee decided that the public interest in maintaining the exemption was outweighed by the public interest in disclosing the information, as the complaint involves planning matters.

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:-

- Appendix 1 of agenda item 5 (Minute 5 refers).

3 Late Items

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

4 Declarations of Interest

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

5 Final Investigation Report - Case Reference 0910005

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer the complaint for investigation.

Appendix 1 to the report was designated as exempt under Access to Information Procedure Rule 10.4 (7c).

The Investigating Officer was present at the meeting to present her findings and to respond to any questions from Members.

There were two separate allegations to be considered by the Sub-Committee. In relation to the first allegation, the Sub-Committee accepted the finding of the Investigator that the subject Member had not failed to comply with the Code of Conduct.

In relation to the second allegation, the Investigator had found that the subject Member had failed to:

- Treat others with respect, contrary to paragraph 3(1) of the Code of Conduct;
- Bullied others, contrary to paragraph 3(2)(b) of the Code of Conduct;
- Conducted themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, contrary to paragraph 5 of the Code of Conduct; and
- Used their position improperly to confer on or secure an advantage or disadvantage for themselves or others, contrary to paragraph 6(a) of the Code of Conduct.

The Sub-Committee resolved to refer the second allegation to the Hearings Sub-Committee for determination.

RESOLVED –

- (a) In relation to the first allegation, Members of the Consideration Sub-Committee resolved to accept the Investigating Officer's finding of no failure; and
- (b) In relation to the second allegation, Members of the Consideration Sub-Committee resolved to refer the matter to the Hearings Sub-Committee for determination.

6 Final Investigation Report - Case Reference 0809014(ii)

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer part of the complaint for investigation.

The Investigating Officer was present at the meeting to present his findings and to respond to any questions from Members.

Members agreed that through their actions, the Councillor had not brought their office or authority into disrepute. Members therefore agreed to accept the Investigating Officer's finding that there had been no failure to comply with the Code of Conduct.

RESOLVED – Members of the Standards Committee resolved to accept the Investigating Officer's finding of no failure.

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Standards Committee - Consideration Sub-Committee

Friday, 26th February, 2010

PRESENT:

Independent Members

Philip Turnpenny (Chair) Independent Member

Councillors

D Blackburn C Campbell

Parish Members

Councillor Paul Cook Parish Member

7 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.

8 Exempt Information - Possible Exclusion of the Press and Public

In relation to agenda item 5 (Minute 11 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was classified as exempt under Access to Information Procedure Rule 10.4 (7c). Members of the Sub-Committee agreed that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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:-

- Appendix 1 of agenda item 5 (Minute 11 refers).

9 Late Items

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

10 Declarations of Interest

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

11 Final Investigation Report - Case Reference 0809006

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer the complaint for investigation.

Appendix 1 to the report was designated as exempt under Access to Information Procedure Rule 10.4 (7c).

The Investigator had found that the subject Member had:

- Failed to treat others with respect, contrary to paragraph 3(1) of the Code of Conduct; and
- Conducted themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, contrary to paragraph 5 of the Code of Conduct.

The Sub-Committee agreed that the action that the Hearings Sub-Committee could take against the Member would be sufficient were a finding of failure to be made, and therefore resolved to refer the matter to the Hearings Sub-Committee for determination.

RESOLVED – Members of the Consideration Sub-Committee resolved to refer the matter to the Hearings Sub-Committee for determination.

Standards Committee - Consideration Sub-Committee

Monday, 8th March, 2010

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

D Blackburn C Campbell

Parish Members

Councillor Paul Cook

12 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.

13 Exempt Information - Possible Exclusion of the Press and Public

In relation to agenda item 5 (Minute 16 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was classified as exempt under Access to Information Procedure Rule 10.4 (7c). Members of the Sub-Committee agreed that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as the matter relates to a sensitive neighbour dispute which could be aggravated if the contents of the report were made public.

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:-

- Appendix 1 of agenda item 5 (Minute 16 refers).

14 Late Items

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

15 Declarations of Interest

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

16 Final Investigation Report - Case Reference 0910004

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer part of the complaint for investigation.

The Investigating Officer was present at the meeting to present her findings and to respond to any questions from Members.

Members agreed that through their actions, the Councillor had not:

- brought their office or authority into disrepute;
- failed to treat others with respect;
- acted in such a way which compromised or was likely to compromise the impartiality of those who work for, or on behalf of, the authority; or
- used their position improperly to confer on or secure an advantage or disadvantage for themselves or others.

Members therefore agreed to accept the Investigating Officer's finding that there had been no failure to comply with the Code of Conduct.

RESOLVED – Members of the Consideration Sub-Committee resolved to accept the Investigating Officer's finding of no failure.

Corporate Governance and Audit Committee

Wednesday, 10th February, 2010

PRESENT: Councillor J Bale in the Chair
Councillors; D Blackburn, G Driver,
P Grahame, G Latty, C Campbell,
G Kirkland and T Leadley

Co-optee Mr M Wilkinson

Apologies Councillors A Lowe

84 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

85 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

86 Late Items

There were no late items added to the agenda.

87 Declaration of Interests

No declarations of interest were declared.

88 Apologies for Absence

Apologies for absence were received from Councillor A Lowe.

89 Minutes of The Previous Meeting

RESOLVED – The minutes of the Corporate Governance and Audit Committee meeting held on 13 January 2010 were approved as a correct record.

90 Matters Arising

Further to Minute 56, the Six Monthly Update Report on Risk Management. Mr M Wilkinson asked what action had been made in relation to the resolution to seek Executive Board support for the Committee's proposal for the regular

publication of the Council's Corporate Risk Register in a summary form and to include the Corporate Risk Map.

The Committee were informed that the proposal from this Committee was on the agenda to go to the Executive Board on 16 June 2010.

Members expressed their desire for proposals to come to an earlier Executive Board meeting preferably 7 April 2010.

Further to Minute 65, The Changing Financial Landscape report, Councillor Leadley asked whether the report had been circulated to all Members following the resolution to do so.

The Committee were informed that this had been done.

RESOLVED – The Committee resolved to request that, the Committee's proposal for the regular publication of the Council's Corporate Risk Register in a summary form and to include the Corporate Risk Map, be placed on the Executive Board agenda for 7 April 2010.

91 Annual Performance Assessment of Adult Services 2008/09

The Deputy Director (Strategic Commissioning) presented a report updating Members on the governance related comments made in the 2008/09 Annual Performance Assessment.

Members particularly discussed:

- that this was a positive report for the Council and noted the improvement from poor to adequate;
- the use of comparator councils and how these are arrived at;
- the importance of the Council comparing itself against results of previous years to give a fair indication of progress made, and that the Council should have its own framework of performance management. Further that the role of external agencies should be to provide assurance on the systems the Council has in place; and
- that the report showed the Council to be lagging behind the private sector in terms of training received by staff.

RESOLVED – The Committee resolved to:

Note the contents of the report and attached final performance review report from the Care Quality Commission for Adult Social Care Services in 2008/09 and the areas being progressed.

92 Leeds City Region - Update on Governance Arrangements

The Chief Officer (Leeds Initiative and Partnerships) presented a report of the Assistant Chief Executive (Planning, Policy and Improvement) updating the Committee on the governance revisions being undertaken by the Leeds City Region (LCR).

Minutes approved as a correct record at the meeting held on Wednesday, 17th March, 2010

Members particularly discussed:

- the legal status of the LCR;
- the risk of a democratic deficit in respect of the existing and evolving LCR structures;
- the importance of the views of elected Members being taken to the LCR; and
- the minimum governance arrangements within which the LCR and emerging structures should operate.

RESOLVED - The Committee resolve to:

- note the revised decision making arrangements being developed at the LCR level for skills and housing;
- note that further reports will be provided on the required interface to ensure that the Council is in a position to engage with and influence the decisions taken by the proposed governance arrangements for the LCR; and
- that a further report should be submitted to the Committee in May to address the extent to which the LCR and emerging structures have taken account of the governance themes contained within the Leeds Partnership Governance Framework.

93 KPMG Scrutiny Review

The Head of Scrutiny and Member Development presented a report of the Chief Democratic Services Officer advising Members of the progress made with the regards recommendations arising from the May 2009 KPMG Audit of Scrutiny.

Members particularly discussed the following:

- that scrutiny is an excellent function;
- the need for the skill required of a scrutiny chair to be documented;
- that dialogue between the Executive Board and Scrutiny should be more prevalent with regard to the priority of work undertaken by Scrutiny; and
- that due to the differing work loads of the Scrutiny Boards consideration should be given to having Scrutiny Boards which are not aligned to specific subject areas.

RESOLVED – The Committee resolved to:

note the progress made in implementing the recommendations made following KPMG's review of Scrutiny.

94 Monitoring of Key and Major Decisions

The Head of Governance Services presented a report of the Chief Democratic Services Officer updating Members on the monitoring and administration of

Key and Major delegated decisions during the period 1 April 2009 to 30 November 2009.

The Head of Governance Services was congratulated on an excellent report by Members, which highlighted an improving picture with regard to the administration of Key and Major decisions notified to Democratic Services.

Members particularly discussed:

- the importance of ensuring that all significant spending being appropriately approved; and
- the increasing number of decisions being recorded as Directorates are becoming more aware of the process required.

RESOLVED – The Committee resolved to:

(a) note the number of delegated decisions taken during the period 1 April 2009 and 30 November 2009 and the number of those that were exempt from call-in and the reasons why;

(b) note the number of delegated Key Decisions that did not appear in the Forward Plan of Key Decisions in the period 1 April 2009 and 30 November 2009;

(c) note the training of Chief Officers and key Directorate support staff in respect of the Council's decision making processes;

(d) note the improved monitoring arrangements introduced by the Head of Governance Services in respect of notified delegated decisions;

(e) note the work undertaken to date in respect of undertaking an analysis to establish that all payments over £100,000 have been notified in accordance with constitutional requirements; and

(f) request an annual update report on the monitoring of Key and Major decisions.

95 Access Routes and Publicity of the Corporate Complaints Process

The Head of Customer Service Development presented a report of the Chief Officer (Customer Services) informing Members of the various access routes the Council has for customers to obtain information about the Council's Corporate Complaints Process and the Local Government Ombudsman.

Members particularly discussed:

- the helpful nature of this report;
- how the Corporate Complaints Process links to complaints made about Members;
- the co-operation between the Council and other agencies with regards to complaints received;

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- that there is no requirement for complainants to provide personal information with regards to gender, race and sexuality. This was seen as a positive thing as such information could result in complainants feeling that people are treated differently dependant on the personal information they provide; and
- that poor literacy could put people off complaining but that the Council has arrangements in place to ensure that literacy is not a barrier to making a complaint.

RESOLVED – Members resolved to:

- (a) note the report; and
- (b) request that a further information be provided on the process for receiving complaints about Members.

96 Governance Framework for Significant Partnerships - Monitoring

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) updating Members on the results of the recent monitoring exercise on the extent to which the Council's Significant Partnerships.

Members particularly discussed:

- whether well regulated partnerships were giving better service to customers;
- the difficulty is comparing the Council's partnership work with other core cities due to the differing definitions of a significant partnership;
- the toolkit being a good example of a good standard devised by the Council;
- recognition that not all requirements set down in the toolkit are applicable to all partnerships; and
- that where partnerships involving the Council state that they do not intend to meet the minimum governance requirements appropriate to the relevant partnership, this should prompt the question to review whether the Council should continue to participate in the partnership.

RESOLVED – Members resolved to:

- (a) note the work being done in Directorates to further improve governance in significant partnerships; and
- (b) request a further report on the progress made in ensuring the Governance Framework for Significant Partnerships is being complied with.

97 Work Programme

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

RESOLVED – Members resolved that:

Minutes approved as a correct record at the meeting held on Wednesday, 17th March, 2010

- (a) 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.

Corporate Governance and Audit Committee

Wednesday, 17th March, 2010

PRESENT: Councillor G Latty in the Chair
Councillors M Wilkinson, D Blackburn,
G Driver, P Grahame, G Latty, N Taggart,
C Campbell, G Kirkland and T Leadley

Co-optee Mr M Wilkinson

Apologies Councillor J Bale

98 Appointment of The Chair

In the absence of the sitting Chair a new Chair was required to be elected by the Committee. Councillor G Latty was nominated and seconded for the position of Chair and was un-opposed.

99 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

100 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

101 Late Items

There were no late items added to the agenda.

102 Declaration of Interests

No declarations of interest were declared.

103 Apologies for Absence

Apologies for absence were received from Councillor J Bale.

104 Minutes of the Previous Meeting

RESOLVED – The minutes of the Corporate Governance and Audit Committee meeting held on 10 February 2010 be approved as a correct record.

105 Minutes of The Standards Committee

RESOLVED – The minutes of the Standards Committee meeting held on 17 February 2010 be noted.

106 Overview of Council and partner responses to anti-social behaviour

The Chief Officer Community Safety presented a report which provided an overview of anti-social behaviour, the services that respond to it and the process review being conducted by Safer Leeds.

Members particularly discussed:

- the current difficulties in knowing which agency is best to contact where anti social behaviour is encountered; and
- the importance of the different agencies involved in responding to anti-social behaviour working closely together;

RESOLVED – The Committee resolved to:

- (a) note the contents of the report; and
- (b) request that a further report be submitted detailing the results of the anti-social behaviour process review.

Councillor Taggart entered the meeting during the discussion of this item at 10.23 am.

107 The Ofsted and Care Quality Commission Inspection of Safeguarding and Looked After Children's services in Leeds

The Deputy Director of Children's Services and the Chief Officer (Children's Services) presented a report of the Director of Children's Services which detailed the outcomes of the Ofsted and care quality Commission announced inspection of safeguarding and looked after children's services in Leeds. Which had been published on 7th January 2010.

Members particularly discussed the governance arrangements in place for control and good management of Children's Services particularly around;

- information sharing;
- care management and review; and
- resource allocation.

RESOLVED – The Committee resolved to:

- (a) note the findings of the announced inspection of safeguarding and looked after children's services and the improvement work that is currently taking place;
- (b) request that a further report be submitted to the Committee to provide assurance that arrangements described in response to the inspection are operating as intended;
- (c) request that a report be submitted detailing the wider corporate performance management governance adopted by the authority, that

enables early warning of possible severe failure, rather than relying on inspection from external bodies.

Councillor Driver arrived during the discussion of this item at 11:10 am.

108 Remuneration Committee

The Head of Human Resources Strategy presented a report of the Director of Resources and Acting Deputy Chief Executive updating and consulting the Committee on considerations for establishing a Remuneration Committee following a previous report on 13th January 2010 regarding the current arrangements.

Members particularly discussed the importance of the emerging proposals, ensuring that there is clarity and consistency in where decisions on senior officer remuneration are taken and that there is transparency in documenting those decisions. Discussion also took place on the positives and negatives of the report being sent to the General Purposes Committee.

RESOLVED – The Committee resolved to:

- (a) by a majority vote request that the Head of Human Resources Strategy takes account of the Committees views in the planned future report to General Purposes Committee; and
- (b) be kept informed of further developments in relation to the creation of a Remuneration Committee.

109 International Financial Reporting Standards

The Principal Finance Manager (Resources) presented a report of the Director of Resources to provide assurance to Members that there is an appropriate structure in place to successfully implement International Financial Reporting Standards. In addition the report updated members as to the latest position in respect of the potential financial implications of these accounting changes.

Members particularly discussed the changes brought about by the International Financial Reporting Standards, how these would effect the accounts that are created by the Council and the potential media attention given to the Council's accounting policies.

RESOLVED – The Committee resolved to:

- note the framework established for planning and monitoring progress on the implementation of IFRSs;
- note the progress made to date; and
- agree to further updates on IFRS implementation in line with key milestones.

110 Certification of Completion of the Audit - Audit of the Accounts 2008/09

The Chief Officer (Financial Management) presented a report of the Director of Resources notifying the Committee as to the completion of the accounts.

RESOLVED – The Committee resolved to note the completion of the Audit of the Accounts for 2008/09.

111 Information Security Annual Report

The Chief Officer (Business Transformation) presented a report of the Assistant Chief Executive (Policy, Planning and Improvement). The report was the annual Information Security report and informed the Committee on the steps being taken to improve Leeds City Council's information security in order to provide assurance for the annual governance statement.

Members discussed the information security arrangements at the Council particularly the work undertaken to encrypt laptop computers and memory sticks.

Further Members highlighted the threat of information security breaches and the detrimental effect such breaches could have on the Council.

RESOLVED - The Committee resolved to:

- (a) note the contents of the report; and
- (b) request that a report be submitted detailing any attempted security breaches that the Council has been subject to and the work done to reduce the impact and mitigate against such attempts.

112 Decision Making and Managing Performance

The Chief Officer (Business Transformation) presented his report which explained the arrangements in place to ensure the Council produces relevant, reliable data and information to support decision making and manage performance as defined by the Audit Commission's CAA, Use of Resources Assessment.

Members congratulated the Chief Officer (Business Transformation) on a good report.

Members particularly discussed how population figures are arrived at and who produces population figures.

Further Members highlighted the need for care when using information received from other sources to ensure that it is of good quality and accurate in order for it to be used to identify Council priorities.

RESOLVED – The Committee resolved to note the contents of the report.

113 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for the remainder of the 2009/10 municipal year and the start of 2010/11.

RESOLVED – The Committee resolved to note the draft work programme.

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 2010

Subject: Local Government Chronicle (LGC) Awards 2010: Standards and Ethics

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 notify Members of the Standards Committee that Leeds City Council has been successful in its entry for this year's LGC Awards 2010 'Standards and Ethics' category.

2.0 Background Information

2.1 Leeds was named as the winner at the LGC Awards ceremony in London on Wednesday 24th March. More information about the LGC Awards can be found on the website, www.lgcawards.com.

2.2 The other shortlisted authorities were Waveney District Council, Kent County Council, the London Borough of Bromley, South Cambridgeshire District Council and West Somerset District Council. Waveney District Council was also highly commended by the judges, for its efforts in promoting high ethical standards. The authority's poster competition and 'Young Filmmaker Competition' were among the innovative approaches it took to communicating standards.

2.3 Examples of notable practice and profiles of all six authorities can be found on Standards for England's website, www.standardsforengland.gov.uk.

3.0 Main Issues

3.1 Leeds City Council has been named as one of the most ethical authorities in the country, winning in the Standards and Ethics category at the LGC Awards 2010. Members will recall that Leeds City Council was shortlisted in the same category in 2009.

- 3.2 In their press release, entitled “Standards are a winner for Leeds”, Standards for England (SfE) stated that it was impressed by Leeds’ approach to ethical governance within the authority, and highlighted the following areas of good practice:
- a series of measures designed to drive up and raise awareness of ethical standards;
 - working on the Standards Committee’s assessment and investigation procedures; and
 - engaging leadership by arranging for the Standards Committee Chair, the Monitoring Officer and the leaders of all five political parties to meet to discuss issues every quarter.
- 3.3 Dr Robert Chilton, Chair of Standards for England, said: “We were very impressed with Leeds City Council’s commitment to high ethical standards. Their success in the Standards and Ethics category shows the innovation and hard work put into areas such as communicating standards and engaging leadership. The judges were very pleased to be able to recognise and celebrate the notable practice of all six shortlisted authorities in this year’s award, and we were encouraged by their clear commitment to promoting and maintaining high standards of member conduct.”
- 3.4 Councillor Richard Brett, joint leader of Leeds City Council said: “The LGC Awards celebrate the very best in local government and it is a great achievement for us to be included on the winners list. We are very pleased that standards and ethics at the council have been singled out as some of the best in local government for this year, and we will continue to work on this and all other areas.”

4.0 Implications For Council Policy And Governance

- 4.1 Winning the Standards and Ethics category at the LGC Awards demonstrates that local politicians, officers and the Standards Committee of Leeds City Council are working together to champion ethical standards in the authority, and that this work has made a positive difference to perceptions of local democracy and public trust in the area.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 There were resource implications involved in preparing the entry and presentation for this award in terms of officer time, and there were cost implications to travelling to London for the presentation and attendance at the award ceremony itself. However, these costs were met from within existing budgets.

6.0 Conclusions

- 6.1 Leeds City Council has been named as one of the most ethical authorities in the country, winning in the Standards and Ethics category at the LGC Awards 2010. Leeds was named as the winner at the LGC Awards ceremony in London on Wednesday 24th March.

7.0 Recommendations

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

Background Documents

LGC Awards website: www.lgcawards.com

Standards for England press release “Standards are a winner for Leeds”:

<http://www.standardsforengland.gov.uk/News/PressOffice/Pressreleases/title,26743,en.asp>

Leeds City Council’s profile on Standards for England website:

<http://www.standardsforengland.gov.uk/Resources/Notablepractice/Standardsandethicsaward/LeedsCityCouncil/#d.en.26731>

Leeds City Council press release “Leeds raises the standard and goes from good to great”:

<http://www.leeds.gov.uk/page.aspx?pageidentifier=dca34310-fdfb-42e9-beed-ee8709fd850&pressReleaseId=3815>

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Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 2010

Subject: Standards Committee Procedure Rules

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 review the Standards Committee Procedure Rules and to make proposals for amendment in light of any issues which have arisen throughout the year.
2. The Procedure Rules were thoroughly reviewed by the Standards Committee in October 2009, in order to make them more accessible to subject Members and complainants, and more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process. Given this recent review of the Procedure Rules it is not considered necessary to review them in detail, however a few amendments are suggested as a result of further experience of the consideration and pre-hearing process.
3. Members of the Standards Committee are asked to:
 - Approve the proposed amendment to Procedure Rule 3.2.5 (regarding the publication of the Consideration Sub-Committee's decision);
 - Approve the proposed amendment to Procedure Rule 4.15.3 (regarding the publication of the Hearings Sub-Committee's decision);
 - Decide what timescales should be set for the subject Member and the investigator to return the pre-hearing forms (from the options set out in paragraph 3.12), and approve the necessary amendments to Procedure Rules 4.2.3 to 4.2.6;
 - Approve the proposed deletion of footnote 64 from Procedure Rule 4.2.9 (regarding the parties being required to notify the Committee Clerk at least 10 days before the Hearing in order to make representations on the issue of witnesses);
 - Approve the proposed amendment to Procedure Rule 4.3.1 (regarding the contents of the pre-hearing process summary);
 - Approve the addition of a new paragraph under Procedure Rule 4.3 to clarify that both parties are responsible for arranging for the attendance of their requested witnesses on the day of the Hearing;

- Approve the addition of a new paragraph under Procedure Rule 4.3 to clarify the procedure for deciding requests for adjournment made after the date of the Hearing has been set and at least five clear days in advance of the Hearings Sub-Committee meeting; and
- Approve the other amendments and corrections made for the purposes of clarification (such as page numbering and changes in titles).

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to review the Standards Committee Procedure Rules and to make proposals for amendment in light of any issues which have arisen throughout the year.

2.0 Background Information

- 2.1 The Standards Committee Procedure Rules are set out in Part 4 of the Constitution. They set out the arrangements to be followed in respect of complaints received under the Members' Code of Conduct, or in relation to the other Codes and Protocols adopted by Leeds City Council (local complaints).

- 2.2 The Procedure Rules were thoroughly reviewed by the Standards Committee in October 2009, in order to make them more accessible to subject Members and complainants, and more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process. Given this recent review of the Procedure Rules it is not considered necessary to review them in detail, however a few amendments are suggested as a result of further experience of the consideration and pre-hearing process.

- 2.3 Procedure Rule 1.3.2 requires the Monitoring Officer to report to the Standards Committee annually on whether the arrangements set out in the Procedure Rules have been complied with, and including any proposals for amendment in light of any issues which have arisen throughout the year. Members of the Standards Committee will note that Section 4 of the Procedure Rules will also be reviewed at the completion of each local Hearing.

3.0 Main Issues

Number of local complaints

- 3.1 The Monitoring Officer can confirm that there have been no complaints made about potential breaches of any local codes or protocols since the last report in April 2009. Members of the Standards Committee should note that the Member Management Committee Local Codes & Protocols Working Group continues to meet to consider the content and enforceability of the local codes and protocols.

Number of Code of Conduct complaints

- 3.2 There have been 13 complaints made under the Members' Code of Conduct to date during this municipal year. The Assessment and Consideration Sub-Committees have also considered six investigation reports and referred two of these to the Hearings Sub-Committee.
- 3.3 It is through this experience of the consideration and pre-hearing process that the Monitoring Officer has identified the following areas for amendment. An extract of

the relevant Procedure Rules showing these proposed amendments is attached as Appendix 1 to this report.

Proposed amendments to Section 3

- 3.4 Regulation 17(5) of the Standards Committee (England) Regulations 2008 state that as soon as reasonably practicable after making a finding of acceptance of no breach, the Standards Committee should publish a written notice of that finding in at least one newspaper circulating in the area of any authority concerned, and if considered appropriate by the Standards Committee, on the webpage of any authority concerned, and in any other publication.
- 3.5 These options are currently outlined in Procedure Rule 3.2.5. However the Procedure Rules do not specify **how** such decisions should be made. It is proposed that a small amendment is made to show that such decisions will be made on a case by case basis at the conclusion of the Consideration Sub-Committee meeting, subject to the consent of the subject Member that a notice should be published.

Proposed amendments to Section 4

- 3.6 The Hearing Sub-Committee also has the same options open to it at the conclusion of any Hearing in accordance with Regulation 20(1)(b). Again these options are reflected in Procedure Rule 4.15.3. However, again it is proposed that a small amendment is made to show that such decisions will be taken by the Hearings Sub-Committee on a case by case basis at the conclusion of the Hearing, subject to the consent of the subject Member that a notice should be published (if there is a decision that the subject Member has not breached the Code of Conduct).

Timescales for the pre-hearing process

- 3.7 Section 4.2 of the Procedure Rules deals with the conduct of the pre-hearing process. During the pre-hearing process, both the subject Member and the investigator must complete and return a series of forms which deal with procedural issues related to the Hearing, such as whether there are any disagreements over the findings of fact and whether any witnesses will be called. Once the pre-hearing process is complete, everyone involved in the Hearing is sent a copy of the pre-hearing process summary at least ten working days before the Hearing.
- 3.8 As Members of the Standards Committee will be aware, under the Regulations, a Hearing must be held within the period of three months beginning on the day the investigator's report is completed, and if it is not held within three months, as soon as practicable after that.
- 3.9 Procedure Rules 4.2.3 and 4.2.4 allow the subject Member a minimum of 10 working days to complete the form initially, and then a further 5 working days following a reminder. After this time has elapsed, certain assumptions are made about the subject Members' response. These are set out in Procedure Rule 4.2.5.
- 3.10 Procedure Rule 4.2.6 then allows the investigator a minimum of 10 working days to respond with their forms.
- 3.11 The Monitoring Officer has identified, from experience of the pre-hearing process to date, that officers have not had sufficient time during the pre-hearing process to comply with the timescales set out in the Procedure Rules for the parties to return

the pre-hearing forms. Instead the subject Member has only been given the minimum amount of time to respond, and the investigator has been given less than the minimum. The reasons for this lack of time are set out below.

- 3.12 There are certain statutory timescales within the pre-hearing process, which are shaded in Appendix 2 for clarity:
- The Hearing must be held within three calendar months of the Investigator completing the final report, rather than from the date it is considered by the Consideration Sub-Committee;
 - The agendas for both the Consideration and Hearings Sub-Committee meetings must be published and dispatched five clear working days beforehand; and
 - The pre-hearing process must be sent out to everyone involved in the Hearing at least 10 working days before the Hearings Sub-Committee meeting.
- 3.13 The Monitoring Officer has conducted a review of other authorities' Procedure Rules and has identified four options for amendment:
- **Option 1** - To give the parties 10 working days each to respond (with no potential extension for the subject Member);
 - **Option 2** - To give the parties 5 working days each to respond (with no potential extension for the subject Member);
 - **Option 3** - To give the parties 5 working days each to respond (with a potential extension of 5 working days for the subject Member following a reminder after which a series of assumptions will be made about their response); or
 - **Option 4** – To give the subject Member 10 working days to respond (with a potential extension of 5 working days following a reminder after which a series of assumptions will be made about their response), and to give the Investigator 5 working days to respond.
- 3.14 The Monitoring Officer favours Option 3 in the list above. This allows a reduction in the length of the pre-hearing process which would assist officers in complying with the statutory timescales, but also allows additional time if the subject Member is initially unable to respond for whatever reason. Appendix 2 shows two timetables for the pre-hearing process, the first based on the current timescales, and the second based on Option 3 from the list above, which should assist Members in understanding the actions required as part of the pre-hearing process.
- 3.15 Members of the Standards Committee will note that Standards for England, in their recent review of the local standards framework (March 2010), have recommended that the Consideration Sub-Committee should no longer be required to meet to consider investigation reports. Instead they propose that the Chair or Vice Chair of the Standards Committee should be able to take a decision on whether to refer the matter to the Hearings Sub-Committee for determination. Should this recommendation be accepted by the Government, this would clear another working week during the pre-hearing process. In addition, Standards for England have also recommended that the Chair be responsible for more of the pre-hearing decisions during the process. However, both these recommendations would require amendments to legislation.

Pre-hearing process summary

- 3.16 After both parties have returned their completed pre-hearing forms, the Monitoring Officer, in consultation with the Chair of the Hearings Sub-Committee, is required to make a series of decisions (as set out in Procedure Rule 4.2.8). The Monitoring

Officer, in consultation with the Chair of the Hearings Sub-Committee, is also able to make preliminary decisions on other issues (as set out in Procedure Rule 4.2.9) which will then be confirmed by the Hearings Sub-Committee at the start of the hearing.

- 3.17 Procedure Rule 4.2.10 requires the Monitoring Officer to notify the subject Member of any preliminary decisions made and the reasons for them prior to the hearing itself. It is proposed that for clarity these decisions are included in the pre-hearing process summary.
- 3.18 The contents of the pre-hearing process summary are set out in Procedure Rule 4.3.1. The list of contents has therefore been expanded to include those matters listed in Procedure Rules 4.2.8 and 4.2.9.
- 3.19 It is also proposed that footnote 64 is deleted from Procedure Rule 4.2.9 as it is unnecessary. This footnote requires the parties to notify the Committee Clerk at least 10 working days before the Hearing if they wish to make representations about the Hearings Sub-Committee refusing to hear evidence from any of the witnesses.
- 3.20 As this is a preliminary decision of the Monitoring Officer, this will be presented to the Hearings Sub-Committee as a recommendation for the Sub-Committee to make a formal decision under Stage 2 of the Hearing (Preliminary Procedural Issues), as outlined in Procedure Rule 4.9.1. Procedure Rule 4.9.1 already states that “the Hearings Sub-Committee will invite the Parties to make representations about any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process. This may include any preliminary decisions made by the Monitoring Officer in consultation with the Chair of the Hearings Sub-Committee.” Therefore there is no requirement for the parties to notify the Committee Clerk beforehand in order to be entitled to make such representations.

Attendance of witnesses

- 3.21 During the pre-hearing process the Monitoring Officer, in consultation with the Chair is able to take a preliminary decision on whether the Hearings Sub-Committee will wish to call any witnesses. This decision is then confirmed by the Hearings Sub-Committee at the start of the Hearing.
- 3.22 Guidance from Standards for England in “Standards Committee Determinations” states that “the subject Member must make their own arrangements to ensure that their witnesses (and witnesses they would like to question) will attend the Hearing”.
- 3.23 It is proposed that a new paragraph is added under Procedure Rule 4.3 “The Pre-Hearing Summary” in order to clarify that it is the responsibility of both parties to arrange for the attendance of their requested witnesses on the day of the Hearing.

Requests for adjournment prior to the Hearing

- 3.24 Procedure Rule 4.7 deals with the issue of adjourning the Hearings Sub-Committee meeting. However it is limited to adjournments which are made after the Hearing has commenced, and does not provide any guidance on how requests for adjournment should be decided when they are received after the date of the Hearing has been set, but before the Hearing has commenced.

- 3.25 During the pre-hearing process the Monitoring Officer, in consultation with the Chair of the Hearings Sub-Committee, has the authority to set the date, time and place of the Hearing (as set out in Procedure Rule 4.2.7). This decision is then reflected in the pre-hearing process summary which is sent out to everyone involved in the Hearing at least 10 working days before the Hearing. Once the pre-hearing summary has been issued the pre-hearing process is complete. Therefore it is unclear who has the authority to vary the date of the Hearing after the pre-hearing process has concluded but before the Hearings Sub-Committee meeting itself.
- 3.26 It is proposed that a new paragraph is added under Procedure Rule 4.3 “The Pre-Hearing Summary” to clarify this issue. It is proposed that the Monitoring Officer, in consultation with the Chair of the Hearings Sub-Committee, will have the authority to amend the date of the Hearing, as long as the request is made at least five working days before the date of the Hearings Sub-Committee meeting. After this time the agenda for the Hearings Sub-Committee meeting will have been dispatched and published, and so it is proposed that any requests for adjournment after this time are decided by the Hearings Sub-Committee at the beginning of the meeting itself.
- 3.27 In order to decide the issue the Monitoring Officer should obtain written representations from both parties which provides reasons why they wish to adjourn the Hearing, and comments in response to this request. The Monitoring Officer will then decide whether to set a new date for the Hearing based on these written representations.
- 3.28 Should the Monitoring Officer decide not to grant the request for an adjournment, this would not prevent the subject Member or the investigator from raising the issue again during Stage 2 of the Hearing, “Preliminary Procedural Issues”, nor the Hearings Sub-Committee from reaching a different view on the matter.
- 3.29 An alternative would be that the Hearings Sub-Committee could meet before the scheduled date of the Hearing to decide the request based upon the written representations of the parties, but this would require the consent of the Chair of the Hearings Sub-Committee, and may not always be possible given that there are only 10 working days between the issue of the pre-hearing summary (which sets the date of the Hearings Sub-Committee), and the Hearings Sub-Committee meeting itself.

4.0 Implications For Council Policy And Governance

- 4.1 Clear and transparent governance requires that the rules of procedure are set out fully and accurately within the Constitution. Making the recommended amendments will enable this to take place.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 This report confirms that the arrangements set out in the Standards Committee Procedure Rules have been complied with, and suggests a series of amendments to address issues encountered during the consideration and pre-hearing process set out in the Procedure Rules.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to:

- 7.1.1 Approve the proposed amendment to Procedure Rule 3.2.5 (regarding the publication of the Consideration Sub-Committee's decision);
- 7.1.2 Approve the proposed amendment to Procedure Rule 4.15.3 (regarding the publication of the Hearings Sub-Committee's decision);
- 7.1.3 Decide what timescales should be set for the subject Member and the investigator to return the pre-hearing forms (from the options set out in paragraph 3.12), and approve the necessary amendments to Procedure Rules 4.2.3 to 4.2.6;
- 7.1.4 Approve the proposed deletion of footnote 64 from Procedure Rule 4.2.9 (regarding the parties being required to notify the Committee Clerk at least 10 days before the Hearing in order to make representations on the issue of witnesses);
- 7.1.5 Approve the proposed amendment to Procedure Rule 4.3.1 (regarding the contents of the pre-hearing process summary);
- 7.1.6 Approve the addition of a new paragraph under Procedure Rule 4.3 to clarify that both parties are responsible for arranging for the attendance of their requested witnesses on the day of the Hearing;
- 7.1.7 Approve the addition of a new paragraph under Procedure Rule 4.3 to clarify the procedure for deciding requests for adjournment made after the date of the Hearing has been set and at least five clear days in advance of the Hearings Sub-Committee meeting; and
- 7.1.8 Approve the other amendments and corrections made for the purposes of clarification (such as page numbering and changes in titles).

Background Documents

- Local Government and Public Involvement in Health Act 2007
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- "Standards Committee Determinations" by Standards for England, last updated March 2010, available at: <http://www.standardsforengland.gov.uk/determinations/>
- "Local Standards 2.0 – the proportionality upgrade? A review of the local standards framework", Standards for England, March 2010

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3.0 **RECEIPT AND CONSIDERATION OF FINAL INVESTIGATION REPORTS**

3.1 **PROCEDURE FOR THE CONSIDERATION SUB-COMMITTEE MEETING**

3.1.1 When considering a Final Report referred to it by the Monitoring Officer⁴⁴, the Consideration Sub-Committee will only consider the information contained in the Final Report, and will not interview witnesses, or take representations from the parties. However the Consideration Sub-Committee may invite the investigator to the meeting in order to present their findings and answer any questions regarding their final report.

3.1.2 The Consideration Sub-Committee may also make recommendations to the relevant authority on matters arising from the Final Report.

3.1.3 When the Consideration Sub-Committee meets to consider a final report these meetings are normal meetings and the normal rules relating to notice and publicity apply. The Consideration Sub-Committee shall therefore consider whether to exclude the public from any part of the meeting and which parts of the agenda are not to be made available for public inspection⁴⁵.

3.2 **COMPLAINTS INVESTIGATED BY OR ON BEHALF OF THE MONITORING OFFICER**

3.2.1 The Consideration Sub-Committee will consider all Final Reports that have been investigated by the Monitoring Officer or their nominee.

3.2.2 The Consideration Sub-Committee will convene to consider the Final Report and decide:

- a) If the report contains a finding of no failure whether:
 - It accepts the Monitoring Officer/Investigators finding of no failure (a “finding of acceptance”); or
 - The matter should be referred for a hearing; and
- b) If the matter is to be referred for a hearing whether:
 - The matter should be referred to the Hearings Sub-Committee for determination; or
 - The matter should be referred to the First-Tier Tribunal (Local Government Standards in England) for determination.

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3.2.3 As soon as reasonably practicable after making a “finding of acceptance”, the Consideration Sub-Committee shall give written notice of the finding to:

- the subject Member;
- any ESO concerned⁴⁶;
- the Investigator;
- any Parish Council concerned⁴⁷; and

⁴⁴ In accordance with Regulations 14, 15 and 17 Standards Committee (England) Regulations 2008.

⁴⁵ Regulation 8(6) Standards Committee (England) Regulations 2008. This consideration should take into account the guidance from Standards for England in their document “Standards Committee Determinations”.

⁴⁶ Code of Conduct Complaint only when an ESO has been involved

⁴⁷ Code of Conduct Complaint only

- the complainant⁴⁸

3.2.4 After making a “finding of acceptance” the Consideration Sub-Committee shall also, as soon as reasonably practicable, arrange for a notice to be published stating that the Consideration Sub-Committee have found that there has not been a failure on the part of the subject Member to comply with the Code of Conduct. This notice shall not be published if the subject Member requests that it is not published.

3.2.5 This notice must be published in at least one newspaper circulating in the area of any authority concerned, and, if considered appropriate by the Consideration Sub-Committee, on the website of any authority concerned and in any other publication. The Consideration Sub-Committee will decide whether it is appropriate to publish such a notice on the Council’s website, or in any other publication, on a case by case basis at the conclusion of the Consideration Sub-Committee meeting.

3.2.6 The Consideration Sub-Committee may only decide to refer the matter to the First-Tier Tribunal for determination if: Deleted: Adjudication Panel

- it has determined that the action it could take against the subject Member would be insufficient were a finding of failure to be made; and
- the Principal Judge (or his Deputy) of the First-Tier Tribunal (Local Government Standards in England) has agreed to accept the referral.

3.3 COMPLAINTS INVESTIGATED BY AN ETHICAL STANDARDS OFFICER (ESO) Deleted: <#>the president or deputy president of the Adjudication Panel has agreed to accept the referral.¶

3.3.1 When a matter is referred to the ESO for investigation the ESO will make one of the following findings in relation to their investigation:

- That there has been no failure to comply with the Code of Conduct of the relevant authority concerned⁴⁹; Deleted: c
- That there has been such a failure to comply but no action needs to be taken⁵⁰; Deleted: c
- That the matters which are the subject of the investigation should be referred to the Monitoring Officer of the relevant authority concerned⁵¹; or Deleted: m
- That the matters which are the subject of the investigation should be referred to the Principal Judge of the First-Tier Tribunal (Local Government Standards in England) for adjudication by a case tribunal⁵². Deleted: o
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3.3.2 Where the ESO makes a finding that the matters should be referred to the Monitoring Officer, the ESO will produce a report on the outcome of the investigation and send this report to the Monitoring Officer and the Standards Committee of the relevant authority.

⁴⁸ Also, to the Standards Committee of the authority concerned, if not the Standards Committee that made the finding, and the Standards Committee of any other authority concerned, if not the Standards Committee that made the finding.

⁴⁹ In accordance with Section 59(4)(a) of the Local Government Act 2000.

⁵⁰ In accordance with Section 59(4)(b) of the Local Government Act 2000.

⁵¹ In accordance with Section 59(4)(c) of the Local Government Act 2000.

⁵² In accordance with Section 59(4)(d) of the Local Government Act 2000.

3.3.3 The Monitoring Officer will send a copy of the ESO's report to the subject Member. After the subject Member has received the report, the Monitoring Officer will refer this report to the Consideration Sub-Committee for it to decide whether:

- The matter should be referred to the Hearings Sub-Committee for determination; or
- The matter should be referred to the First-Tier Tribunal (Local Government Standards in England) for determination.⁵³

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3.3.4 The Consideration Sub-Committee may only decide to refer the matter to the First-Tier Tribunal for determination if:

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- it has determined that the action it could take against the subject Member would be insufficient were a finding of failure to be made; and
- the Principal Judge (or his Deputy) of the First-Tier Tribunal (Local Government Standards in England) has agreed to accept the referral.

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3.3.5 Where the ESO makes a finding that there has been no failure to comply with the code of conduct, or where there has been such a failure but no action needs to be taken, the ESO:

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- May produce a report on the outcome of their investigation (where the ESO does not produce any such report, he must inform the Monitoring Officer of the outcome of the investigation);
- Must send a copy of any such report to the Monitoring Officer; and
- May provide a summary of any such report to any newspapers circulating in the area of the relevant authority.

3.3.6 Such a report would not be considered by the Consideration Sub-Committee, but may be referred to a meeting of the full Standards Committee by the ESO if he believes it will assist the Committee in the discharge of its functions as prescribed in Part III of the Local Government Act 2000.⁵⁴

⁵³ In accordance with Regulations 15 and 17 Standards Committee (England) Regulations 2008.

⁵⁴ Section 3A of the Local Government Act 2000.

4.0 HEARINGS SUB-COMMITTEE PROCEDURE

4.1 PURPOSE OF THE PRE-HEARING PROCESS

4.1.1 The pre-hearing process will only deal with procedural issues. It will normally be dealt with by the Monitoring Officer, in consultation with the Chair of the Hearings Sub-Committee, and carried out in writing, although the Chair has discretion to convene a pre-hearing meeting of the Hearings Sub-Committee, which may be attended by the Parties, where the Chair considers this is necessary.

4.1.2 The purpose of the pre-hearing process is to:

- identify whether the subject Member disagrees with any of the findings of fact in the investigation report;
- decide whether or not those disagreements are likely to be relevant to any matter the hearing needs to decide;
- decide whether to hear evidence about those disagreements during the hearing;
- decide whether there are any parts of the hearing that should be held in private; and
- decide whether or not any parts of the investigation report or other documents should be withheld from the public prior to the hearing on the grounds that they contain 'exempt' material.

4.2 STARTING THE PRE-HEARING PROCESS

4.2.1 The Committee Clerk will commence the pre-hearing process once the Consideration Sub-Committee has made a decision to refer a complaint to the Hearings Sub-Committee for a hearing.

4.2.2 The Committee Clerk will contact the Chair of the Standards Committee following the decision of the Consideration Sub-Committee to establish who will act as the Chair to the Hearings Sub-Committee. This will normally be the Chair of the Standards Committee⁵⁵, unless he or she is prevented from taking part for some reason, in which case it will be the Chair's nominee, chosen from one of the other Independent Members appointed to the Standards Committee.

4.2.3 After consultation with the Chair of the Hearings Sub-Committee and within 3 days of the decision of the Consideration Sub-Committee the Committee Clerk will:-

- propose a date for the hearing (this must be within 3 months of the date on which the Investigator completed the report or from the date the Monitoring Officer received the report from the ESO, and at least 14 days⁵⁶ after the date on which the Monitoring Officer sent the subject Member a copy of the report, unless the subject Member agrees to an earlier date);

⁵⁵ As stated in Article 9 of the Constitution.

⁵⁶ These are not working days.

- provide a copy of this Hearings Sub-Committee Procedure to the subject Member;
- send the subject Member an outline of their rights during the hearings process (Appendix C to the Standards Committee Procedure Rules); and
- invite the subject Member to respond in writing within X days to the questions set out in the Member's Information Form, in order to find out whether the subject Member:
 - wants to be represented at the hearing by a solicitor, barrister or any other person;
 - disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
 - wants to give evidence to the Hearings Sub-Committee, either verbally or in writing;
 - wants to call relevant witnesses to give evidence to the Hearings Sub-Committee (if so, the subject Member should provide outlines or statements of the evidence that their witnesses intend to give);
 - wishes to make representations about any sanctions to be imposed if the Hearings Sub-Committee decide that they have breached the Code of Conduct;
 - can come to the hearing on the proposed date⁵⁸;
 - wants any part of the hearing to be held in private; and
 - wants any part of the investigation report or other relevant documents to be withheld from the public.

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4.2.4 If the subject Member does not respond within the time set the Committee Clerk will send the subject Member a reminder giving a further X days in which to respond.

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4.2.5 If the subject Member fails to respond following the reminder it will be assumed that the subject Member:

- agrees with the findings of fact in the report;
- does not wish to make representations about any sanctions to be imposed if the Hearings Sub-Committee decide that the subject Member has breached the Code of Conduct;
- does not want to be represented at the hearing by a solicitor, barrister or any other person;
- does not want to give evidence to the Hearings Sub-Committee, either verbally or in writing;
- is content for the hearing to be fixed on any of the proposed dates whether or not the subject Member can attend;
- does not want any part of the hearing to be held in private; and
- does not want any part of the report or other relevant documents to be withheld from the public.

⁵⁸ Where ever possible, given the availability of Members of the Standards Committee and the availability of suitable accommodation the Member will be given a choice of dates. These dates will be proposed by the Chair in consultation with the Committee Clerk.

Standards Committee Procedure Rules

4.2.6 Within 3 days of receiving the subject Member's response the Committee Clerk will send the subject Member's response to the Investigator for comment, and will request that the Investigator responds to the questions set out in the Investigator's Information Form within X days. These questions relate to whether the Investigator:

- wants to be represented at the hearing;
- wants to call relevant witnesses to give evidence to the Hearings Sub-Committee (If so, the Investigator should provide outlines or statements of the evidence their witnesses intend to give);
- wants any part of the hearing to be held in private; and
- wants any part of the investigation report or other relevant documents to be withheld from the public.

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4.2.7 After the set time periods have expired (or after the Committee Clerk has received responses from both Parties if this is earlier), the Monitoring Officer will review the information received, and, after consultation with the Chair of the Hearings Sub-Committee, will set the date, time and place of the hearing.

4.2.8 In consultation with the Chair of the Hearings Sub-Committee the Monitoring Officer may also decide any issues which will help the Hearings Sub-Committee to determine the complaint. Such matters include:

- Identifying whether the subject Member disagrees with any of the findings of fact in the investigation report;
- Identifying whether those disagreements are likely to be relevant to any matter the hearing needs to decide;
- Identifying whether evidence about those disagreements will need to be heard during the hearing;
- Deciding whether there are any parts of the hearing that are likely to be held in private; and
- Deciding whether any parts of the investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' information.

4.2.9 In accordance with the decision of the Standards Committee⁶⁰, where issues arise during the pre-hearing process which relate to decisions which are reserved to the Hearings Sub-Committee⁶¹, the Monitoring Officer will, in consultation with the Chair of the Hearings Sub-Committee, make preliminary decisions⁶² on those matters, as follows:-

- whether the Hearings Sub-Committee consents to the subject Member being represented by a non-legally qualified representative;

⁶⁰ Minute 12 of the Standards Committee meeting held on 8th July 2009.

⁶¹ As set out in Regulation 18(1) to (6) Standards Committee (England) Regulations 2008.

⁶² These preliminary decisions will be presented to the Hearings Sub-Committee as recommendations at the commencement of the hearing for the Sub-Committee to make a formal decision. According to Article 12 of the Constitution the Monitoring Officer has a responsibility to provide support to the Standards Committee and its Sub-Committees.

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- whether witnesses will be heard at the hearing;
- whether the Hearings Sub-Committee wishes to call any witnesses to attend who may help the Hearings Sub-Committee to determine the complaint;⁶³
- whether the Hearings Sub-Committee is likely to refuse to hear evidence from any of the witnesses notified by either Party, and the reasons for this;
- whether to send a request to either Party to provide by a set date such details, supplementary statement or access to documents as may be reasonably required for the determination of the complaint.

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4.2.10 The subject Member will be advised of the Monitoring Officer's preliminary decision and the reasons for it prior to the meeting of the Hearings Sub-Committee.

4.2.11 The Hearings Sub-Committee will then be invited to formally consider these preliminary decisions at the beginning of the Hearing itself. The Hearings Sub-Committee is entitled to reject the Monitoring Officer's preliminary decision if they see fit.

4.2.12 Alternatively the Chair of the Hearings Sub-Committee has the discretion to convene a pre-hearing meeting of the Hearings Sub-Committee to decide such matters, which may be attended by the Parties, where the Chair considers this is necessary.

4.3 THE PRE-HEARING PROCESS SUMMARY

4.3.1 The Monitoring Officer, in consultation with the Chair of the Hearings Sub-Committee will then prepare a pre-hearing process summary. The summary will contain the following information:

- The name of the relevant authority;
- The name of the subject Member;
- The name of the complainant (unless this has been withheld for whatever reason);
- The case reference numbers;
- The name of the Chair of the Hearings Sub-Committee;
- The name of the Monitoring Officer;
- The name of the investigator;
- The name of the Committee Clerk;
- The date the pre-hearing process was produced;
- The date, time and place of the hearing;
- A summary of the complaint;
- The relevant sections of the Code of Conduct;
- The findings of fact in the report that are agreed;
- The findings of fact in the report that are not agreed, a view on whether these disagreements are likely to be relevant to any matter the hearing needs to decide, and the evidence about those disagreements that will need to be heard during the hearing;

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⁶³ This may include the Complainant. The Committee cannot however order witnesses to appear or give evidence.

⁶⁵ This is subject to the Committee complying with the requirement that the hearing takes place within three months of the date when the Investigator issued the final report or when the Monitoring Officer received the report from the ESO.

- Whether or not the subject Member or the Investigator will attend or be represented (which may include a preliminary decision made by the Monitoring Officer on whether the Hearings Sub-Committee consents to the subject Member being represented by a non legally qualified representative);
- The names of any witnesses who will be asked to give evidence, including any preliminary decisions made by the Monitoring Officer on which witnesses the Hearings Sub-Committee will hear from, and whether the Hearings Sub-Committee is likely to refuse to hear evidence from any of the witnesses notified by either party and the reasons for this;
- An outline of the proposed procedure for the hearing, including whether any parts of the hearing are likely to be held in private, and whether any of the investigation report or other documents will be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' information; and
- Details of whether the Monitoring Officer has made a preliminary decision to request that either party provides, by a set date, such details, supplementary statement or access to documents as may be reasonably required for the determination of the complaint.

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4.3.2 The summary will be sent to everyone involved in the hearing (including the Parties, and the Members of the Hearings Sub-Committee) at least 10 days before the proposed date of the hearing.

4.3.3 It is the responsibility of the subject Member and the investigator to make their own arrangements to ensure that their witnesses (and witnesses they would like to question) will attend the Hearings Sub-Committee meeting.

4.3.4 Requests for adjournment (by either party) which are made after the pre-hearing process summary has been issued, but more than five working days before the Hearings Sub-Committee meeting itself, will be decided by the Monitoring Officer in consultation with the Chair of the Hearings Sub-Committee. The party requesting the adjournment must provide written reasons why an adjournment is necessary, and the other party must provide a written response to this request. The Monitoring Officer will then decide whether to amend the date of the hearing based on these written representations. Should the Monitoring Officer choose not to amend the date of the hearing, this will not prevent the party from raising this issue under Stage 2 of the hearing, nor the Hearings Sub-Committee from reaching a different view on the matter.

4.3.5 Any requests for adjournment which are made during the five working days before the Hearings Sub-Committee meeting (i.e. after the agenda for the meeting has been published), will be decided by the Hearings Sub-Committee at the start of the hearing itself.

GENERAL POINTS REGARDING THE HEARINGS SUB-COMMITTEE MEETING

4.4 FAILURE TO ATTEND THE HEARING

4.4.1 If either Party fails to attend a hearing, the Committee will consider whether there is sufficient reason for the failure.

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- 4.4.2 If the Committee does not consider that there is sufficient reason, it will consider the complaint and make a determination in the Party's absence. The Committee shall consider any representations submitted by the Party in writing before making any determination in the Party's absence.
- 4.4.3 If the Committee does consider there is sufficient reason, it will adjourn the hearing to another date.⁶⁵

4.5 RECORDING THE HEARING

- 4.5.1 It will be normal practice for hearings by the Hearings Sub-Committee to be taped as a matter of course, and the agenda for the hearing will indicate that the proceedings may be taped. It will be the duty of the Chair to inform all parties involved at the start of the hearing that the hearing is being tape recorded.
- 4.5.2 Access to the tapes will be controlled by the Monitoring Officer⁶⁶. Tapes will be kept by the Monitoring Officer for 2 months from the date of the hearing and will then be erased, except in the event of an appeal in which case the tapes will be retained until the final outcome of the case is known.

4.6 LEGAL REPRESENTATION AND ADVICE

- 4.6.1 The subject Member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the Hearings Sub-Committee, another person.
- 4.6.2 The Monitoring Officer will usually act as the legal advisor to the Hearings Sub-Committee for the hearing. The Hearings Sub-Committee may take legal advice, in private if necessary, from its Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Sub-Committee should be shared with the Parties attending the hearing.

4.7 ADJOURNING THE HEARING

- 4.7.1 The Hearings Sub-Committee will aim to complete a hearing in one sitting or in consecutive sittings.
- 4.7.2 The Hearings Sub-Committee may at any stage prior to the conclusion of the hearing adjourn the hearing⁶⁷ and require the Investigator to seek further information or undertake further investigation⁶⁸ on any specified point. The Hearings Sub-Committee may not adjourn the hearing on more than one occasion under this paragraph.
- 4.7.3 The Hearings Sub-Committee may at any stage prior to the conclusion of the hearing into a final report issued by an ESO, adjourn the hearing and make a written request

⁶⁶ Access will be provided where required in accordance with the Data Protection Act 1998, or where necessary in relation to an appeal to the [First-Tier Tribunal \(Local Government Standards in England\)](#).

⁶⁷ This is subject to the Committee complying with the requirement that the hearing takes place within three months of the date when the Investigator issued the final report or when the Monitoring Officer received the report from the ESO.

⁶⁸ Regulation 18(8) Standards Committee (England) Regulations 2008.

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to the ESO that the matter be referred back to the ESO for investigation. Any such request must set out the Committee's reasons for making it.⁶⁹

- 4.7.4 The Hearings Sub-Committee shall comply with any direction given by the ESO in response to such a request. Where the ESO directs that the Committee should continue to deal with the complaint, the hearing must be held within three months of the direction.

STAGES OF THE HEARING

4.8 STAGE 1: SETTING THE SCENE

- 4.8.1 The Hearings Sub-Committee and its advisors will assemble in the hearing room⁷⁰. At the start of the Hearing all parties present will be invited to enter the hearing room. The Chair will ensure that the Parties are formally introduced.

- 4.8.2 The Hearings Sub-Committee will consider whether to exclude the public from any parts of the hearing and which parts of the agenda are not to be made available for public inspection⁷¹. When doing so the Hearings Sub-Committee will have regard to the guidance from Standards for England on "Standards Committee Determinations".

- 4.8.3 The Hearings Sub-Committee will keep this issue under review throughout the hearing.

- 4.8.4 The Chair will explain how the Hearings Sub-Committee will run the hearing.

4.9 STAGE 2: PRELIMINARY PROCEDURAL ISSUES

- 4.9.1 The Hearings Sub-Committee will invite the Parties to make representations about any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process. This may include any preliminary decisions made by the Monitoring Officer in consultation with the Chair of the Hearings Sub-Committee.

- 4.9.2 The Hearings Sub-Committee will decide these issues or disagreements.

4.10 STAGE 3: MAKING FINDINGS OF FACT

- 4.10.1 After dealing with any preliminary issues, the Hearings Sub-Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigator's Final Report.

⁶⁹ Regulation 18(10) Standards Committee (England) Regulations 2008.

⁷⁰ At no time before, during or after the hearing, should either party be present or represented before the Committee without the other party being also present or represented, unless the other party has failed to attend and the Committee is discussing whether to proceed in his/her absence or has decided to proceed in his/her absence.

⁷¹ In accordance with Regulation 8(6) Standards Committee (England) Regulations 2008. If evidence is heard in private, the Legal Advisor should warn those present not to mention that evidence during the public parts of the hearing, or outside the hearing.

4.10.2 If there is no significant disagreement about the facts, the Hearings Sub-Committee will move on to Stage 4 of the hearing.

IF THERE IS DISAGREEMENT OVER THE FINDINGS OF FACT

4.10.3 If there is a disagreement, the Hearings Sub-Committee will invite the Investigator to make any necessary representations to support the relevant findings of fact in the Final Report.

4.10.4 The Investigator may, with the agreement of the Hearings Sub-Committee, call any necessary supporting witnesses to give evidence.

4.10.5 The Hearings Sub-Committee may give the subject Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.

4.10.6 The subject Member will then have the opportunity to make representations to support their version of the facts and, with the agreement of the Committee, may call any witnesses to give evidence.

4.10.7 The Hearings Sub-Committee may question any of the people involved or any witnesses and allow the Investigator to challenge any evidence put forward by witnesses called by the subject Member.

4.10.8 If the subject Member disagrees with most of the facts, the Hearings Sub-Committee may ask the Investigator to start by making representations about all the relevant facts, instead of discussing each fact individually.

4.10.9 If the subject Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence.

4.10.10 After considering the subject Member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:

- Continue with the hearing, relying on the information in the investigator's report;
- Allow the subject Member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or
- Postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already.

4.10.11 The Sub-Committee will usually move to another room to consider the representation and evidence in private. The Hearings Sub-Committee will make findings in relation to the facts.

4.10.12 On their return to the hearing room, the Chair will announce the Sub-Committee's findings of fact.

4.11 STAGE 4: DID THE SUBJECT MEMBER FAIL TO FOLLOW THE CODE OF CONDUCT?

4.11.1 The Hearings Sub-Committee shall consider whether or not, based on the facts it has found, the subject Member has failed to follow the Code.

4.11.2 The subject Member will be invited to give relevant reasons why the Sub-Committee should decide they have not failed to follow the Code.

4.11.3 The Sub-Committee will then consider any verbal or written representations from the investigator.

4.11.4 The Sub-Committee may, at any time, questions anyone involved on any point they raise on their representations.

4.11.5 The subject Member will be invited to make any final relevant points.

4.11.6 The Hearings Sub-Committee will then move to another room to consider the representations and decide whether or not the subject Member has failed to follow the Code.

4.11.7 Once a conclusion has been reached, the Chair will announce the Hearings Sub-Committee's decision as to whether or not the subject Member has failed to follow the Code.

4.11.8 Where the Hearings Sub-Committee decides that the subject Member has not failed to follow the Code, the Sub-Committee can move on to decide whether it should make any recommendations to the authority in accordance with Stage 6 of this procedure.

4.12 STAGE 5: DECISION TO APPLY A SANCTION

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4.12.1 If the Sub-Committee decides that the subject Member has failed to follow the Code, it will consider any verbal or written representations from the Investigator and the subject Member about:-

- whether or not the Committee should impose any sanction;
- what form any sanction should take.

4.12.2 The Hearings Sub-Committee may question the investigator and subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision. The Hearings Sub-Committee will also have regard to any advice issued by the First-Tier Tribunal (Local Government Standards in England) and Standards for England within their guidance on "Standards Committee Determinations".

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4.12.3 The Hearings Sub-Committee will then deliberate in private to consider whether to impose a sanction in the subject Member and, if so, what the sanction should be. The Hearings Sub-Committee can impose any one or a combination of the following:

- Censure of the subject Member.

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- Restriction for a period not exceeding six months of the subject Member's access to the premises of the authority or the subject Member's use of the Council's resources, provided that:
 - those restrictions are reasonable and proportionate to the nature of the breach; and
 - they do not unduly restrict the subject Member's ability to perform the functions of a Councillor.
- Partial suspension of the subject Member for a period not exceeding six months.
- Suspension of the subject Member for a period not exceeding six months.
- That the subject Member to submit a written apology in a form specified by the Hearings Sub-Committee.
- That the subject Member to undertake such training as the Hearings Sub-Committee specifies.
- That the subject Member participates in such conciliation as the Hearings Sub-Committee specifies.
- Partial suspension of the subject Member for a period not exceeding six months or until such time as the subject Member has met either of the following restrictions:
 - They have submitted a written apology in the form specified by the Hearings Sub-Committee.
 - They have undertaken such training or have participated in such conciliation as the Hearings Sub-Committee specifies.
- Suspension of the subject Member for a period not exceeding six months or until such time as the subject Member has met either of the following restrictions:
 - They have submitted a written apology in the form specified by the Hearings Sub-Committee.
 - They have undertaken such training or have participated in such conciliation as the Hearings Sub-Committee specifies.

4.12.4 Suspension or partial suspension⁷² will normally start immediately after the Hearings Sub-Committee has made its decision. However if the Hearings Sub-Committee chooses, the sanction may start at any time up to six months following its decision. This may be appropriate if the sanction would otherwise have little effect on the subject Member, for example, in the case of a suspension where there are no authority meetings which the subject Member would normally attend during this period. The Hearings Sub-Committee would also confirm the consequences, if any, for any allowances the subject Member may be receiving.

4.12.5 The Hearings Sub-Committee will retire to consider whether to impose a sanction, and will also decide how much of the information which it has considered should be made available for public inspection after the announcement of its decision in public.⁷³

4.12.6 The Chair will announce the Hearings Sub-Committee's decision.

⁷² Periods of suspension or partial suspension set by a standards committee do not count towards the six month limit for absences from local authority meetings, after which a member would normally be removed from office under section 85 of the Local Government Act 2000.

⁷³ The Standards Committee Media Protocol will be followed in relation to any dealings with the media about the Complaint.

4.13 STAGE 6: RECOMMENDATIONS TO THE AUTHORITY

4.13.1 The Hearings Sub-Committee will go on to consider any verbal or written representations from the Investigator about whether or not the Committee should make any recommendations to the Authority, with a view to promoting high standards of conduct among Members.

4.14 STAGE 7: MAKING THE FINDINGS PUBLIC AT THE HEARING

4.14.1 The Chair will verbally confirm the Hearings Sub-Committee's decision, with reasons, in public at the end of the hearing. Where practicable a written summary of the decision will be provided on that day⁷⁴.

4.14.2 The Committee Clerk will where possible prepare the full written hearing decision in draft on the day of the hearing.

4.15 THE HEARING DECISION

4.15.1 The Hearings Sub-Committee shall within 10 days, or as soon as reasonably practicable, take reasonable steps to give written notice of its findings and the reasons for the findings to:

- the subject Member;
- the ESO (if relevant);
- the Investigator
- the Standards Committee;
- the Standards Committee of any other authority concerned⁷⁵;
- any Parish Council concerned; and
- the Complainant.

4.15.2 The Hearing decision shall contain the following information and will be written having regard to the guidance in "Standards Committee Determinations" issued by Standards for England:

- a summary of the Complaint;
- the relevant section or sections of the Code of Conduct;
- a summary of the evidence considered and representations made;
- the findings of fact, including the reasons for them;
- the finding as to whether or not the Member failed to follow the Code of Conduct, including the reasons for that finding;
- the sanctions imposed, if any, including the reasons for any penalties; and
- the right of appeal, including details of the postal and website address for the ~~First-Tier Tribunal (Local Government Standards in England)~~. The appeal form produced by the ~~First-Tier Tribunal~~ (which can be downloaded from the website) will be attached to the decision.

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⁷⁴ If it is not practicable to provide a short written decision on the day of the hearing then it will be provided within 3 days of the hearing.

⁷⁵ where at the time of the complaint, the Member was a member of another authority

4.15.3 The Committee Clerk shall also arrange for a summary of the finding to be published in one or more newspaper circulating in the area of the Authority⁷⁶ and if considered appropriate by the Committee on the website of any authority concerned or in any other publication, except where the Committee has found that the subject Member had not failed to comply with the Code of Conduct, and the subject Member asks for the summary not to be published. The Hearings Sub-Committee will decide whether it is appropriate to publish such a notice on the Council's website, or in any other publication, on a case by case basis at the conclusion of the Hearings Sub-Committee meeting.

⁷⁶ In accordance with Regulation 20 of the Standards Committee (England) Regulations

OUTLINE OF THE SUBJECT MEMBERS' RIGHTS DURING THE HEARING PROCESS

PRE-HEARING PROCESS

The subject Member has the right to:

- go to the hearing and present their case;
- call a reasonable number of witnesses to give relevant evidence to the Hearings Sub-Committee; and
- be represented at the hearing by a solicitor, barrister or any other person.

Note – the Hearings Sub-Committee will normally give permission for Members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined.

Any disagreements with the findings of facts in the investigation report must be raised during the pre-hearing process. The Hearings Sub-Committee will not consider any new disagreements about the reports findings of fact at the hearing itself, unless there are good reasons why these have not been raised beforehand.

The subject Member does not have to go to the hearing or be represented. If the subject Member chooses not to go to the hearing, the Hearings Sub-Committee may make a determination in their absence.

The hearing will be held in public and the relevant papers will be available for public inspection unless the Hearings Sub-Committee is persuaded that there is a good reason to exclude the public. This is in line with the relevant access to information and human rights legislation.

HEARING PROCESS

After considering the written and verbal presentations, the Hearings Sub-Committee will reach and announce its findings of fact, whether the subject Member has failed to follow the Code of Conduct and whether a sanction should be applied. As well as announcing its decision at the hearing and providing a short written decision on the day of the hearing, the Hearings Sub-Committee will give the subject Member its full written decision within two weeks of the end of the hearing.

If the Hearings Sub-Committee decides that the subject Member has failed to follow the Code of Conduct and that the subject Member should be sanctioned, it may do any one or a combination of the following:

- Censure the Member. This is the only sanction available when dealing with a person who is no longer a member of the authority.
- Restrict the Member's access to the resources of the relevant authority for up to six months, which could include limiting their access to the premises of the relevant authority.
- Suspend or partly suspend the Member for up to six months.
- Suspend or partly suspend the Member for up to six months on the condition that the suspension or partial suspension will end if the Member apologises in writing, receives

Standards Committee Procedure Rules

any training, or takes part in any conciliation that the Hearings Sub-Committee orders them to. Conciliation involves an independent person helping the relevant people to try and reach an agreement on the matter set out by the Hearings Sub-Committee.

Sanctions may start immediately or up to six months after the hearing, if the Hearings Sub-Committee wishes.

The Hearings Sub-Committee will also arrange to publish a summary of its findings and any sanction applied in one or more newspapers that are independent of the authorities concerned and circulating in the area of those authorities. If the Hearings Sub-Committee finds that the subject Member has not broken the Code, the subject Member can ask the Hearings Sub-Committee not to have this information published.

The subject Member may appeal against the finding or any sanction applied by the Hearings Sub-Committee. The subject Member has the right to apply in writing to the Principle Judge of the First-Tier Tribunal (Local Government Standards in England) for permission to appeal.

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Current Timetable for Pre-Hearing Process

The current timetable, as set out in the Procedure Rules, is shown below. In order for the Hearing to be held within the three month period set out in the Regulations:

- both Parties must only use the minimum amount of time allocated to them;
- the Hearing must be held on the last day (or as close to it as possible) within the 3 month period; and
- the Consideration Sub-Committee agenda would need to be dispatched on the same day the Final Investigation Report is issued.

Even with these conditions, there are only 7 working days in the process to allow for any delays and for the Monitoring Officer and Chair to agree the pre-hearing process summary (or the Hearings Sub-Committee to have a pre-hearing meeting). If the Hearing was not scheduled for the final possible date, and if there were any unforeseen delays in the process, this time for the pre-hearing summary to be agreed would be reduced.

The timescales which cannot be changed are shaded for clarity. These are dictated by legislation, regulations or statutory guidance.

Timescale	Required action
Day 1	Final Report is issued by the Investigator, and the Consideration Sub-Committee agenda is published.
Days 2 to 6	These are the five clear days required following the agenda dispatch and before the Consideration Sub-Committee meeting.
Day 7	Earliest possible date the Consideration Sub-Committee meeting can be held.
Days 8 to 10	The Committee Clerk liaises with the Monitoring Officer and the Chair of the Standards Committee to confirm the following: <ul style="list-style-type: none"> • Who will act as the legal adviser to the Hearings Sub-Committee; • Who will be the Chair of the Hearings Sub-Committee; and • Potential dates for the hearing.
Day 11	Earliest date the Committee Clerk can send the pre-hearing forms to the subject Member for completion.
Days 12 to 21	Initial minimum 10 day period for the subject Member to complete and return their completed pre-hearing forms.
Day 22	The subject Member is given a potential extra five days to return the pre-hearing forms.
Days 23 to 29	This is the extra five day period for the subject Member to complete and return their pre-hearing forms, after which a series of assumptions is made about their response.

Timescale	Required action
Day 30	The subject Member's response is sent to the Investigator for comment.
Days 31 to 40	This is the minimum 10 day period for the Investigator to review the subject Member's response and provide their own response.
Day 41	The subject Member's and the Investigator's responses are collated by the Committee Clerk.
Days 42 to 48	During this time the Monitoring Officer and the Chair must meet to agree the contents of the pre-hearing summary, or alternatively the Chair can call a pre-hearing meeting of the Hearings Sub-Committee (this would probably have to be a short notice meeting).
Day 49	This is the last possible date that the Pre-Hearing Summary can be issued by the Committee Clerk. This must be sent to everyone involved in the Hearing at least 10 working days before the Hearing.
Days 50 to 53	-
Day 54	This is the last possible date for the agenda for the Hearings Sub-Committee meeting to be dispatched. This must be published five clear days before the Hearings Sub-Committee meeting.
Days 55 to 59	-
Day 60	Last possible date to hold Hearings Sub-Committee.

Proposed Timetable for Pre-Hearing Process (based on Option 3 in the report)

The timetable shown below allows two extra days at the beginning of the process, following the investigator issuing the final report, for the Committee Clerk to prepare the Consideration Sub-Committee agenda and dispatch it.

It allows the subject Member a total of 10 working days to respond with the pre-hearing forms (5 of these after an initial reminder), and allows the Investigator 5 working days to respond.

There is also extra time built in the end of the process, meaning that the Committee Clerk has a 12 working day period during which to schedule the Hearings Sub-Committee meeting, whilst still only allowing 6 working days for the Monitoring Officer and Chair to agree the pre-hearing process summary (or the Hearings Sub-Committee to have a pre-hearing meeting).

Timescale	Required action
Day 1	Final Report is issued by the Investigator.
Day 2 or 3	Consideration Sub-Committee agenda published.
Days 4 to 8	These are the five clear days required following the agenda dispatch and before the Consideration Sub-Committee meeting.
Day 9	Earliest possible date the Consideration Sub-Committee meeting can be held.
Days 10 to 12	The Committee Clerk liaises with the Monitoring Officer and the Chair of the Standards Committee to confirm the following: <ul style="list-style-type: none"> • Who will act as the legal adviser to the Hearings Sub-Committee; • Who will be the Chair of the Hearings Sub-Committee; and • Potential dates for the hearing.
Day 13	Earliest date the Committee Clerk can send the pre-hearing forms to the subject Member for completion.
Days 14 to 17	Initial five day period for the subject Member to complete and return their completed pre-hearing forms.
Day 18	The subject Member is given a potential extra five days to return the pre-hearing forms.
Days 19 to 23	This is the extra five day period for the subject Member to complete and return their pre-hearing forms, after which a series of assumptions is made about their response.
Day 24	The subject Member's response is sent to the Investigator for comment.
Days 25 to 29	This is the five day period for the Investigator to review the subject Member's response and provide their own response.
Day 30	The subject Member's and the Investigator's responses are collated by the Committee Clerk.
Days 31 to 36	During this time the Monitoring Officer and the Chair must meet to agree the contents of the pre-hearing summary, or alternatively the Chair can call a pre-hearing meeting of the Hearings Sub-Committee (this would probably have to be a short notice meeting).
Day 37	This is the earliest realistic date that the Pre-Hearing Summary can be issued by the Committee Clerk. This must be sent to everyone involved in the Hearing at least 10 working days before the Hearing.

Timescale	Required action
Days 38 to 41	-
Day 42	This is the earliest realistic date for the agenda for the Hearings Sub-Committee meeting to be dispatched. This must be published five clear days before the Hearings Sub-Committee meeting.
Days 43 to 47	-
Day 48	This is the earliest realistic date for the Hearings Sub-Committee to meet.
Days 49 to 59	-
Day 60	Last possible date to hold Hearings Sub-Committee.



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 2010

Subject: Standards Committee Training Programme

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 seeks to address some outstanding issues and concerns raised by Members at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposes some further amendments to address these issues. A copy of this proposed training programme is attached as Appendix 1 to this report. It is considered necessary that further consideration of these matters is required by Standards Committee in advance of asking General Purposes Committee to recommend amendments to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.
2. Members of the Standards Committee are requested to adopt the proposed training programme attached to this report as Appendix 1 and recommend to General Purposes Committee that the following learning targets are made compulsory:
 - To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
 - To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

1.0 Purpose Of This Report

- 1.1 This report seeks to address some outstanding issues and concerns raised by Members at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposes some further amendments to address these issues. A copy of this proposed training programme is attached as Appendix 1 to this report.
- 1.2 It is considered necessary that further consideration of these matters is required by Standards Committee in advance of asking General Purposes Committee to recommend amendments to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.

2.0 Background Information

- 2.1 At the Standards Committee meeting on 17th February 2010, Members agreed to endorse the proposal that some elements of the training programme should be compulsory prior to Members sitting on the relevant Sub-Committee. These are:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee.
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints.
 - To ensure all members have the necessary skills to conduct a local hearing.

If Standards Committee Members do not complete the above training they will not be able to sit on the relevant Sub-Committees.

- 2.2 In addition the Monitoring Officer was asked to ensure that any gaps in an Elected Member's training are brought to the attention of the 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 Member.
- 2.3 General Purposes Committee will consider this proposed amendment to Article 9 at their next meeting and decide whether to make a recommendation for amendment to full Council.

3.0 Main Issues

The Training Programme

- 3.1 Members will recall that the Standards Committee has a training programme for its members, which is reviewed on an annual basis. The programme 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 programme 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.
- 3.3 On 17th February 2010, the Standards Committee decided to update the Training Programme to distinguish between compulsory training, voluntary training and

recommended reading. The new training programme also specified three elements which would need to be completed prior to Members being eligible for appointment to the relevant Sub-Committee. This adopted version of the Standards Committee Training Programme is attached as Appendix 2 to this report.

- 3.5 However there are several outstanding issues and anomalies in the new Training Programme which need to be clarified in advance of General Purposes Committee. These issues, and responses to them, are outlined below.

Regularity of compulsory training

- 3.6 At the moment the training programme adopted by the Standards Committee in February 2010 states that the training day on the necessary skills to assess or review local complaints needs to be completed annually. This would suggest that a Member who has attended several Assessment and Review Sub-Committee meetings throughout the year with no concerns about their ability to take part, would potentially become ineligible to sit on the Sub-Committee until they had taken part in the training again. This seems unnecessary for the Members involved and impractical for the officers arranging the membership of the Sub-Committee meetings in advance.
- 3.7 It is therefore proposed that the Training Programme is amended to state that it is compulsory for Members to complete the local assessment training once prior to sitting on the Assessment or Review Sub-Committee for the first time, but only **desirable** that they repeat this training each municipal year.

Training on the Code of Conduct

- 3.8 The current training programme allows for a situation where a Standards Committee Member could sit on a Consideration or Hearings Sub-Committee meeting without having received training on the Code of Conduct.
- 3.9 According to the current training programme, the only Code of Conduct training which is currently compulsory (and enforceable) is that which is given as part of the local assessment and review training, and therefore Members who do not complete this training are only prevented from sitting on the Assessment and Review Sub-Committee.
- 3.10 It is therefore proposed that understanding of the Code of Conduct is made a separate compulsory learning target, and that this is subject to the proviso that Members will not be able to sit on the Assessment, Review, Consideration or Hearings Sub-Committee if they have not completed this training.

Consideration training

- 3.11 In the current training programme there is a learning target which is solely to ensure that Members have the necessary skills to consider final investigation reports. Attendance at Consideration Sub-Committees is not conditional on Members having completed this training, although it is included as part of the training on hearings, which is compulsory, so Members who wish to sit on the Hearings Sub-Committee will have to complete this training also.
- 3.12 It is however proposed that no such specialist training is necessary in order for Members to sit on the Consideration Sub-Committee, and so reference to such training be removed from the training programme. Instead, it is proposed that

membership of the Consideration Sub-Committee is made conditional on Members having completed training on the Members' Code of Conduct, as outlined above.

Proposed new compulsory training

- 3.13 It is therefore proposed that the Standards Committee Training Programme is amended to show that the compulsory learning targets are as follows:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
 - To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).
- 3.14 It is proposed by the Monitoring Officer that the only training listed above which must be repeated is the Hearings Sub-Committee training. This is because hearings do not take place on a regular basis in Leeds (the last one having taken place in May 2006), and therefore Members of the Standards Committee are unlikely to gain much practical experience in this area. In addition, there is a risk that a subject Member may be given permission to appeal to the First-Tier Tribunal if the Hearings Sub-Committee does not follow correct procedure.
- 3.15 However, it is also proposed that there is no set timescale for Members of the Standards Committee to repeat this training, but that the regularity will be determined by the Monitoring Officer. Therefore if hearings do take place more regularly in Leeds in future, there would be no requirement to repeat the training unnecessarily. Finally, it is proposed that the training is carried out on a regional basis where possible in order to save resources.
- “Compulsory training” not linked to the Sub-Committee functions**
- 3.16 All other training currently marked as “compulsory” in the Standards Committee Training Programme is not proposed to be subject to any Constitutional rule that Members must complete the training prior to carrying out any functions of the Standards Committee or its Sub-Committees.
- 3.17 At the February meeting, some other Members of the Standards Committee questioned how this training would be enforced if there was no penalty for not completing the training. Some Members of the Standards Committee expressed the view that Members should not be able to attend meetings of the full Standards Committee unless they had completed this training. However, this would be impractical for a number of reasons:
- Firstly, this could create a situation where Members would be able to sit on the Sub-Committees of the Standards Committee and deal with complaints, but be unable to sit on the Standards Committee meetings; and
 - Secondly, through attending meetings of the full Committee, Members can consider reports on the decisions of the First-Tier Tribunal (Local Government

Standards in England) which helps to ensure they have the necessary skills to assess complaints and carry out local hearings, and allows them to keep up to date with current issues for the Committee and the context of the Committee's work. Therefore attendance at full meetings of the Standards Committee helps Members to achieve some of the other learning targets.

"Highly recommended" training

- 3.18 As there is no suitable method of enforcing this training it is proposed that it is no longer termed "compulsory" and is instead called "**highly recommended**". Where a Member does not complete such training, the Monitoring Officer may choose to report their non attendance to the relevant Group Whip or Leader, or the relevant Executive Member. This will also apply to external members of the Committee.
- 3.19 Therefore it is proposed that Members who do not complete the highly recommended training are not prevented from sitting on the Standards Committee or any of its Sub-Committees (provided they have completed the compulsory training linked to those Sub-Committee functions as outlined in 3.13).

Commencement date of training programme

- 3.20 Members of the Standards Committee also asked:
- whether the newly added training would be compulsory for those Members appointed at the Annual Meeting in 2009; and
 - how long Members would have to complete the compulsory training prior to be removed from the Sub-Committee membership.

New training

- 3.21 It is proposed that the new elements of the training programme (such as the attendance at sample meetings of Parish Councils) are only effective from the date the Standards Committee adopted the programme. Therefore any activity which is subject to a requirement that Members must complete the training "on appointment to the Committee" will only be relevant to new Members appointed after this date. This will not therefore include the Members appointed at the Annual Meeting in 2009. However, this does not prevent those Members from completing the training on a voluntary basis.

Training in Article 9

- 3.22 The amendments to Article 9 will be effective from the date that the new version is approved by full Council. Members who have not completed the compulsory training by this date will not be able to sit on the relevant Sub-Committee. However there are only two Members of the Committee who are yet to complete some of the compulsory training, one of the Independent Members is yet to complete training on Charing meetings (although the Assistant Chief Executive (Corporate Governance) is currently looking into whether training in another format would be suitable), and one of the Elected Members is yet to complete training on hearings.
- 3.23 These Members are not currently invited to participate in the relevant Sub-Committee functions, so therefore there would be no change to the current procedures.
- 3.24 When arranging Assessment and Review Sub-Committee meetings in advance for the next municipal year it will be assumed that the Independent Member will have

completed Chairing training as part of the induction period and the Member will be invited to Chair some meetings from July 2010 onwards. However, if they are unable to take part in the training for whatever reason these meetings will be reallocated amongst the other Independent Members.

- 3.25 The Elected Member will be invited to attend training on hearings when it is next offered, as will all the other Members of the Committee. Under the proposed training programme, if any Member fails to repeat the hearings training they will not be eligible to sit on the Hearings Sub-Committee afterwards. Officers will endeavour to choose the most suitable date for Members and offer a second training session in order to ensure that all Members can attend, as has been done this year. If a Member has serious difficulties in attending, officers may consider offering one to one training sessions where resources allow.

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 This report seeks to address some outstanding issues and concerns raised by Members at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposes some further amendments to address these issues. A copy of this proposed training programme is attached as Appendix 1 to this report.
- 6.2 It is considered necessary that further consideration of these matters is required by Standards Committee in advance of asking General Purposes Committee to recommend amendments to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.
- 6.3 It is proposed that the Standards Committee Training Programme is amended to show that the compulsory learning targets are as follows:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).

- To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

7.0 Recommendations

7.1 Members of the Standards Committee are requested to:

7.1.1 Adopt the proposed training programme attached to this report as Appendix 1 and recommend to General Purposes Committee that the following learning targets are made compulsory:

- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
- To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
- To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
- To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

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
- Report to Standards Committee, 17th February 2010
- Minutes of Standards Committee, 17th February 2010
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution

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Standards Committee Training Programme

COMPULSORY TRAINING - ALL MEMBERS OF STANDARDS COMMITTEE				
Learning Target	Method of enforcement	Method of delivery	Timing	Responsibility
To ensure all members of the Committee have an understanding of the Code of Conduct	Must be completed prior to first attendance at Assessment Sub-Committee, Review Sub-Committee, Consideration Sub-Committee or Hearings Sub-Committee	Briefing session on the Members' Code of Conduct	On appointment to the Standards Committee (unless already completed by Leeds City Council Members)	Provided by Corporate Governance Team
To ensure all members of the Committee have the necessary skills to assess or review local complaints	Must be completed prior to first attendance at Assessment Sub-Committee or Review Sub-Committee	Training session to include update training on the Members' Code of Conduct and mock local assessment exercise with example cases	On appointment to the Standards Committee ¹	Provided by Corporate Governance Team
To ensure all members have the necessary skills to conduct a local hearing	Must be completed prior to first attendance at the Hearings Sub-Committee, and every time when offered thereafter prior to further attendance at the Hearings Sub-Committee	Training session (including mock hearing exercise)	On appointment to the Standards Committee and as necessary after that (regularity to be determined by the Monitoring Officer)	Provided by Corporate Governance Team – in conjunction with external facilitator where possible

¹ It is also desirable that Members repeat this training each municipal year, however failure to do so will not prevent them from sitting on the Assessment or Review Sub-Committee.

Standards Committee Training Programme

COMPULSORY TRAINING - INDEPENDENT MEMBERS OF STANDARDS COMMITTEE				
Learning Target	Method of enforcement	Method of delivery	Timing	Responsibility
To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee	Must be undertaken prior to chairing either the Standards Committee or any of its Sub-Committees.	Training session on chairing meetings	All new members on appointment to the Committee	Provided through Member Development

Standards Committee Training Programme

HIGHLY RECOMMENDED TRAINING - ALL MEMBERS OF STANDARDS COMMITTEE				
Learning Target	Method of enforcement	Method of delivery	Timing	Responsibility
To ensure all members understand the committee's relationship with external bodies/agencies	Monitoring Officer may report non attendance to the relevant Group Whip or Leader, or relevant Executive Member.	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	Monitoring Officer may report non attendance to the relevant Group Whip or Leader, or relevant Executive Member.	Briefing session on role of monitoring officer	On appointment to committee	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	Monitoring Officer may report non attendance to the relevant Group Whip or Leader, or relevant Executive Member.	Briefing session on the Committee's current work and current standards issues	On appointment to committee	Provided by Assistant Chief Executive (Corporate Governance)

Standards Committee Training Programme

HIGHLY RECOMMENDED TRAINING – INDEPENDENT AND PARISH MEMBERS OF STANDARDS COMMITTEE				
Learning Target	Method of enforcement	Method of delivery	Timing	Responsibility
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	Monitoring Officer may report non attendance to the relevant Executive Member.	Briefing session on Council business and political context	On appointment to the Committee	Provided by Monitoring Officer in conjunction with two senior Members of Leeds City Council, one of whom should be a representative of the Administration.
		Training on Council structures and decision making (briefing session).	On appointment to the Committee	Provided by Corporate Governance Team
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	Monitoring Officer may report non attendance to the relevant Executive Member.	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 ² to observe.	On appointment to the Committee	Facilitated by Corporate Governance Team (Members may find it helpful to discuss with the relevant officers the role of the Committee prior to attending.)

² As detailed on a list to be approved by Member Management Committee

Standards Committee Training Programme

HIGHLY RECOMMENDED TRAINING – INDEPENDENT AND PARISH MEMBERS OF STANDARDS COMMITTEE				
Learning Target	Method of enforcement	Method of delivery	Timing	Responsibility
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	Monitoring Officer may report non attendance to the relevant Executive Member.	Shadowing of Members of Leeds City Council ³ , 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

HIGHLY RECOMMENDED TRAINING – INDEPENDENT MEMBERS OF STANDARDS COMMITTEE				
Learning Target	Method of enforcement	Method of delivery	Timing	Responsibility
To ensure all Independent Members of the Committee have the necessary awareness of the role of a Parish or Town Councillor	Monitoring Officer may report non attendance to the relevant Executive Member.	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.	On appointment to the Committee	Arranged directly between Independent Members and Parish Members of the Committee

³ From a list approved by Member Management Committee

Standards Committee Training Programme

ALL MEMBERS OF STANDARDS COMMITTEE – RECOMMENDED READING			
Learning Target	Method of delivery	Timing	Responsibility
To ensure all members have an understanding of the Code of Conduct	Standards for England Guidance Booklet and Online Guides and Leeds City Council guidance documents for 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	Regular reports on First-Tier Tribunal (Local Government Standards in England) cases and decisions	Every committee meeting	Provided by Corporate Governance Team

Standards Committee Training Programme

ALL MEMBERS OF STANDARDS COMMITTEE – OPTIONAL TRAINING		
Learning Target	Method of delivery	Available from
To ensure all members have an understanding of the Code of Conduct	Standards Board for England DVD “The Code Uncovered”	Corporate Governance Team
	E-learning Modules “Cracking the Code”	Corporate Governance Team
To ensure all members understand the committee’s relationship with external bodies/agencies	Attendance at conferences organised by external bodies	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’	Corporate Governance Team

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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) in conjunction with two senior Members of Leeds City Council, one of whom should be a representative of the Administration.
	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

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.</p> <p>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 preview 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



Originator: Amy Kelly

Tel: 0113 39 50261

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 2010

Subject: Standards for England's review of the local standards framework

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 summarise the results of the recent review of the proportionality and effectiveness of the local standards framework carried out by Standards for England.
2. This review has drawn upon previous research, specially commissioned research by the University of Teesside, and consultation with key organisations, some Monitoring Officers and Standards Committee Members. Members will recall that on 16th December 2009, the Standards Committee agreed that officers should forward the results of the Leeds City Council questionnaire on local assessment to Standards for England for them to consider as part of their ongoing review. The letter sent by the Chair of the Standards Committee is attached as Appendix 2.
3. Standards for England have developed a series of recommendations to try and address issues within the standards framework. Their key recommendations include:
 - More streamlined local assessment – arrangements to more easily dismiss trivial and less serious complaints, saving on time, money and burdensome process.
 - An enhanced role for independent chairs and vice chairs – in the assessment of complaints and the progress of investigations.
 - A new power for standards committees to be able to halt investigations.
 - A commitment to greater transparency for members who are the subject of complaints.
4. Members of the Standards Committee are asked to note the contents of this report, and to consider whether to forward any additional comments on the recommendations made by Standards for England to Communities and Local Government.

1.0 Purpose Of This Report

1.1 The purpose of this report is to summarise the results of the recent review of the proportionality and effectiveness of the local standards framework carried out by Standards for England.

2.0 Background Information

2.1 Standards for England have recently conducted a review of the proportionality and effectiveness of the local standards framework in order to make recommendations for improvement to Communities and Local Government.

2.2 This review has drawn upon previous research, specially commissioned research by the University of Teesside, and consultation with key organisations, some Monitoring Officers and Standards Committee Members. Members will recall that on 16th December 2009, the Standards Committee agreed that officers should forward the results of the Leeds City Council questionnaire on local assessment to Standards for England for them to consider as part of their ongoing review.

2.3 As a result of this review, Standards for England believe that the new local standards framework is working, but that there are concerns about some aspects of the process including its timeliness, cost and fairness to all.

2.4 Standards for England have developed a series of recommendations to try and address these issues. Their key recommendations include:

- More streamlined local assessment – arrangements to more easily dismiss trivial and less serious complaints, saving on time, money and burdensome process.
- An enhanced role for independent chairs and vice chairs – in the assessment of complaints and the progress of investigations, with a counterbalancing extra power for the national regulator to investigate and if necessary remove poor performing or partisan chairs.
- A new power for standards committees to be able to halt investigations, if they have good reasons.
- A commitment to greater transparency for members who are the subject of complaints.
- The need to develop an approach which allows better understanding and management of costs associated with the operation of the framework.

2.5 The full review report is attached as Appendix 1 to this report

3.0 Main Issues

3.1 Standards for England wish to base the standards framework around eight design principles. These are:

1. The framework should be fair. All involved should feel their views are heard.
2. The framework should be swift. It should permit the majority of allegations to be dealt with promptly.
3. The framework should be local. Local authorities should take ownership of their own standards arrangements.

4. The framework should be free from political bias. For the framework to have credibility key decisions and judgements need to be made by individuals who are, and are seen to be, free from political bias.
5. The framework should be clear and transparent. Processes, costs and outcomes should be readily understood by members, officers and the general public so that all can make judgements about the proportionality and effectiveness of the framework.
6. The framework should strike a balance between the twin tasks of promoting principles and enforcing rules. It should have access to a range of remedies and sanctions which reflect the seriousness of the particular failings of standards.
7. The framework should give the public confidence that poor behaviour will be uncovered and dealt with appropriately.
8. The framework should be cost effective. All of the above should be provided at a reasonable cost, proportionate to the benefits to accrue from improved standards.

3.2 The recommendations in the report also seek to address the following specific criticisms of the current framework:

- It's too easy to get on the investigative track and too hard to get off it;
- The framework is too cumbersome;
- Trivial complaints clog up the system; and
- Members should know as soon as possible when they have been the subject of a complaint.

3.3 The recommendations made by Standards for England as a result of their review are outlined in detail, along with the arguments for and against these recommendations, on pages 15 to 27 of the review report (attached as appendix 1), however this report draws out the potential implications of these proposals for Leeds City Council in particular.

Implications for the Assessment and Review Sub-Committee

3.4 As Members of the Standards Committee will be aware, any complaint which is received about the behaviour of a Member which specifies, or appears to specify, that it is in relation to the Code of Conduct, must be forwarded to the Assessment Sub-Committee for them to decide whether the complaint is a potential breach of the Code of Conduct, and if so what action should be taken. The Assessment Sub-Committee must consider each complaint within an average of 20 working days, and therefore meetings are scheduled on a monthly basis. The Assessment Sub-Committee is made up of four Members, including two Leeds City Councillors, one Parish Member, and an Independent Member (who must Chair the meeting).

3.5 The first recommendation made by Standards for England is that Monitoring Officers should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct. This would mean that the Assessment Sub-Committee would no longer need to meet on a regular basis.

3.6 Instead the Monitoring Officer would be able to answer the following questions without reference to the Chair or to the Sub-Committee:

- Is the complaint about the conduct of one or more named Members of Leeds City Council or a Parish or Town Council in the Leeds area?
- Was the named Member an elected Councillor (or co-opted Member) at the time of the alleged conduct and was the Code of Conduct in force at the time?
- Does the complaint reveal a potential breach of the Code of Conduct?

3.7 During this municipal year the Assessment Sub-Committee has met to consider 11 complaints, 7 of which did not pass the above tests and so did not progress beyond Step 1 of the flowchart.

3.8 If the Monitoring Officer were to agree that the complaint reveals a potential breach of the Member's Code of Conduct, she would have to refer the complaint to the Chair for further consideration. The Chair would then have the individual authority, acting with the advice of the Monitoring Officer, to take one of the following decisions:

- To take no further action – (effectively determining that the behaviour complained about is not sufficiently serious, if proved, to warrant any sanction);
- To refer for local investigation;
- To refer to SfE for investigation;
- To refer to the Monitoring Officer for other action; or
- To refer to the Standards Committee to seek their advice in choosing one of the previous four options.

The Standards Committee Chair would have to provide written reasons for each decision.

3.9 These proposals would place more responsibility on the Chair of the Standards Committee as an individual in dealing with complaints, and there would be far less involvement from the other Members of the Standards Committee. Also the Council would have to appoint a Vice Chair from the other Independent Members on the Standards Committee, so that the Vice Chair could fulfil this role should the Chair be unavailable or has a conflict of interest, and may consider setting up reciprocal arrangements with other local authorities so that Chairs can assess each other's allegations.

3.10 Such reciprocal arrangements may not be widely supported in Leeds where the Independent Members are encouraged to undergo thorough training on the role of a City Councillor, and how different Committees function. Some Leeds City Councillors may not be content with complaints against them being dealt with by Independent Members from other authorities who may not be so familiar with their role and responsibilities.

3.11 However, Standards for England do suggest a wider role for the Standards Committee to undertake retrospective periodic reviews of the Chair's decisions to ensure consistency and quality. This is coupled with two other recommendations, firstly that Standards for England should ensure that basic training is provided to Standards Committee Chairs to enable them to fulfil this new role, and secondly that Standards for England should have the power to investigate allegations that the Chair or Vice Chair of a Standards Committee is not acting impartially, or is performing poorly. If there was sufficient evidence then Standards for England should be able to remove these Members from the Standards Committee.

- 3.12 Finally, Standards for England recommend that the automatic right to a review of an Assessment Sub-Committee's decision should be removed. Instead there should be a discretionary right to a review which could be undertaken by the Standards Committee, a Sub-Committee, or by an Independent Member not involved in the original decision, or someone from another local authority.
- 3.13 Standards for England have decided that the automatic right for review is not necessary as the national statistics show that only one in 20 requests leads to a reversal of the decision to take no action. In Leeds there have been no decisions to reverse the Assessment Sub-Committee's decision since the start of local assessment.

Implications for investigations, the Consideration and Hearings Sub-Committees

- 3.14 Standards for England are proposing that the Monitoring Officer should be able to recommend to the full Standards Committee that an investigation is stopped for whatever reason and at whatever stage. At the moment the Monitoring Officer would have to call a meeting of the Assessment Sub-Committee to consider such a request, and requests can only be made under specific circumstances.
- 3.15 Standards for England also suggest removing the role of the Consideration Sub-Committee altogether. Instead the Chair or Vice Chair, advised by the Monitoring Officer, would decide whether to accept an investigator's finding of no breach, and whether the case should go to a local hearing or to the First-Tier Tribunal. So far the Assessment Sub-Committee and the newly created Consideration Sub-Committee has been required to meet four times to consider final investigation reports.
- 3.16 Currently during the pre-hearing process, some decisions can be taken by the Monitoring Officer in consultation with the Chair of the Standards Committee, and some decisions are reserved to the Hearings Sub-Committee, which either must be decided during a pre-hearing meeting or at the start of the hearing. Standards for England propose that the Chair or the Vice-Chair should have a greater role in case management and make pre-hearing decisions (such as deadlines for responses to documents, deciding which witnesses should be called to give evidence and dealing with applications for an adjournment) with the advice of the Monitoring Officer. This would mean that the other Members of the Hearings Sub-Committee would not be required prior to the hearing itself.

Dealing with trivial complaints

- 3.17 Standards for England have considered various options for dealing with serial, trivial complainants, which include imposing sanctions on trivial complainants, referring such complainants to Standards for England, and, where the complaint is found to be unjustified, asking the complainant to pay costs. However, Standards for England concluded that these options may deter genuine complaints and put off people who are concerned about costs. Instead they have recommended that Chairs should be more robust in their decision notices and highlight when they believe an allegation to have been trivial.

Enhancing Members' right to know about complaints

- 3.18 As outlined in the attached report, present legislation does not allow the Monitoring Officer to notify a Member that a complaint has been made about them, and the

details of that complaint. This function can only be carried out by the Standards Committee which introduces a delay into the process, as to do so they have to meet. This is why Members do not receive the full details of the complaint against them until they receive the Assessment Sub-Committee's Decision Notice.

- 3.19 Standards for England acknowledge that this situation is unsatisfactory for Members who are the subject of a complaint as the complaint may be publicised by the complainant, and it is contrary to the design principle of transparency.
- 3.20 In order to address this, Standards for England propose that on receipt of an allegation the Monitoring Officer should inform the Member that they have been the subject of a complaint and the details of the complaint, unless there are compelling circumstances not to (for example, a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence).
- 3.21 In Leeds this is the issue possibly of most concern to Members whenever the local assessment process has been reviewed. This ongoing concern was reflected in the letter sent to the Chair of the Board of Standards for England by the Chair of the Standards Committee in February 2010 (attached as Appendix 2).

Publishing notices following an investigation

- 3.22 Currently, the Regulations require that the decision about the outcome of an investigation or hearing has to be published in a local newspaper in most cases. However this is very costly for local authorities, with public notices costing around £1000.
- 3.23 Standards for England instead propose that local authorities should no longer be required to publish decision notices in the local newspaper, and instead should be placed on the Council's website.
- 3.24 At the moment the Standards Committee could still choose to put such notices on the Council's website, in addition to putting it in the newspaper.

4.0 Implications For Council Policy And Governance

- 4.1 Members of the Standards Committee will note that there will be implications for the Standards Committee's procedures arising from many of Standards for England's recommendations, including the proposal to remove the automatic right for review, the delegation of additional powers to the Chair. Members will also note that there would be a requirement for the Standards Committee to appoint a vice-chair if these recommendations are accepted by Communities and Local Government.
- 4.2 If some of these proposals were implemented the local standards framework would become clearer and faster. This would improve the perception of the local standards framework both externally, and within the Council.
- 4.3 However, enhancing the role of the Independent Chair of the Standards Committee may have both positive and negative effects. Whilst it would show that the framework is free from political bias and might improve credibility with the public, it may also reduce credibility with Members, who would have less ownership of the process and would no longer be judged by their peers.

5.0 Legal And Resource Implications

- 5.1 The majority of the recommendations made by Standards for England as a result of this review require legislative or regulatory change. These required changes are listed in detail in Appendix 1 to the review report (pages 28 to 33 of the attached report).
- 5.2 There are positive resource implications to some of the recommendations, including reducing the number of Sub-Committee meetings which need to be held, no longer requiring local authorities to publish their investigation decisions in the local newspaper, and allowing Standards Committees to stop investigations at any point.

6.0 Conclusions

- 6.1 The proposals made by Standards for England have been developed around a set of design principles and to address certain issues with the local standards framework, as set out in paragraph 3.2.
- 6.2 The implications of their proposals for Leeds City Council are outlined in the main issues section of this report.
- 6.3 The proposals from Standards for England which require legislative change will now be considered by Communities and Local Government. Some other recommendations simply require a change in emphasis in Standards for England's work and guidance. However, Standards for England has decided to wait for the views of the government before determining the next steps.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to:
- note the contents of this report; and
 - consider whether to forward any additional comments on the proposals made by Standards for England to Communities and Local Government.

Background Documents

"Local Standards 2.0 – the proportionality upgrade? A review of the local standards framework", Standards for England, March 2010

Minutes of the Standards Committee, 16th December 2009

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Local Standards 2.0 – the proportionality upgrade?

A review of the local standards framework

Standards for England, March 2010

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1) Introduction

We are delighted to introduce the results of our recent review of the local standards framework '*Local Standards 2.0 – the proportionality upgrade*'. It's not just a stylistic device to give this report a 'techy' title, the parallels are valid. This is a report into the operation of a **system** a year and a half after its introduction.

And – just as with a new software application, however well designed and tested – after 18 months of live operation, collecting the experiences of real users will tell us much about how robust that system is.

Is it working as planned, or are there unintended consequences? Are there bugs and glitches which need fixing? How much does it cost to service and run? More fundamentally, is it a system worth having, or do we need something different altogether?

We know the local standards framework generates strong views. It's a system imposed by Parliament to regulate the behaviour of local politicians in their political arena – so it could hardly be otherwise.

For the purpose of this review we have collected opinion from the full range of stakeholders – weighing it alongside findings from our research programmes and evidence from cases, from our monitoring of local authorities' standards work, and from our busy advice and guidance 'help desk'.

We have also taken the opportunity to consider the principles which ought to underpin the operation of the local framework, and taken them into account in making proposals for change and improvement. In our view, these changes, if implemented, will help to achieve outcomes the public can have confidence in:

- high standards of behaviour among members of English local authorities
- an effective, proportionate redress system when members behave badly

The recommendations of this review are, we believe, timely. It makes sense to review and refine how the local standards framework is working now that we all have some experience of it in practice.

We believe that our proposals will chime with the views of those familiar with the framework in practice, and hope that they offer the Government a sound basis for development.



Bob Chilton
Chair
Standards for England



Glenys Stacey
Chief Executive
Standards for England

2) Executive summary

The local standards framework is working. There is evidence – presented within this review - that it is both having a positive influence on behaviour and generating confidence that bad behaviour will be dealt with. Within local government it attracts considerable support, although the public knows less about it.

After 18 months it is maturing and there is a body of evidence relating to most aspects of its use.

However, we know there are bugbears and glitches, both for those operating the system and those regulated under it, raising questions about the proportionality of the framework - its timeliness, cost and fairness to all, at all times.

We believe these difficulties can be fixed. The fixes are often pragmatic – ways of improving effectiveness and redressing proportionality to offer a better alignment of *nature of behaviour, degree, cost and clarity of process and sanction or outcome*.

Our recommendations, in chapter eight, are set into a narrative which describes our findings. We have also grouped the recommendations together in an appendix.

Key ones include:

- More streamlined local assessment – arrangements to more easily dismiss trivial and less serious complaints, saving on time, money and burdensome process.
- An enhanced role for independent chairs and vice chairs – in the assessment of complaints and the progress of investigations, with a counterbalancing extra power for the national regulator to investigate and if necessary remove poor performing or partisan chairs.
- A new power for standards committees to be able to halt investigations, if they have good reasons.
- A commitment to greater transparency for members who are the subject of complaints.
- The need to develop an approach which allows better understanding and management of costs associated with the operation of the framework.

We end with some thoughts about the need for and the role of the strategic regulator in this sector. With more streamlined local processes there will be extra risks to manage, and there is a growing need to provide high quality training, advice, support and access to good practice.

The review now goes to the Department for Communities and Local Government for their consideration. Although the majority of recommendations require legislative or regulatory change, some could be brought about through a change of emphasis in our work and guidance. However it is important to note that in all matters raised in this review we await government views before determining next steps.

3) Scope and methodology of this review

The remit of the review was to consider the proportionality and effectiveness of the **local standards framework** so as to make recommendations for improvement to the Department for Communities and Local Government.

By the local standards framework we mean those arrangements in principal English local authorities requiring them to properly constitute Standards Committees, which then carry out a range of duties, as set out in the relevant Acts of Parliament and associated regulations and guidance, including handling complaints brought against members of the authority under the national Code of Conduct for elected members.

Appendix 2 gives a brief overview of the development of the local standards framework.

Our review has been carried out in three stages:

Stage 1: We identified the key questions and issues we wanted to cover. We drew on the stated rationale behind the local standards framework, and current thinking on the principles of good regulation, in particular those that should underpin a standards framework. We considered research findings on the impact of the framework and took into account our experience of working with it. The key questions and issues we identified were:

- What has been the impact on public trust in politicians?
- What has been the impact on confidence in accountability mechanisms?
- What has been the impact on member behaviour?
- What are the key design principles of a standards framework?
- What aspects of the framework work well?
- What are the problems with the standards framework?
- What are the solutions/alternatives?
- What is the cost of the standards framework?

Stage 2: The first three questions were answered by drawing upon research already conducted. The remaining questions were addressed through a combination of previous research and experience, along with a specific consultation undertaken for us by Teesside University².

Alongside consultation with some monitoring officers and standards committee members, representatives from the following organisations have been consulted:

- Department for Communities and Local Government
- Audit Commission
- Local Government Association
- Local Government Ombudsman
- Standards Commission for Scotland

- Public Services Ombudsman for Wales
- Committee on Standards in Public Life
- Adjudication Panel for England
- Society of Local Authority Chief Executives
- Association of Independent Members of Standards Committees in England
- Association of Council Secretaries and Solicitors
- Society of Local Council Clerks
- Welsh Assembly

The Teesside work also included a comparison with the standards frameworks in local government in Scotland and Wales.

Stage 3: We developed our recommendations for improvement. To help us test and refine these recommendations we talked again with some of the organisations listed above. We know, therefore, that there is good support for the recommendations we have made.

The scope of this review did not include a review of the operation and effectiveness of the members' Code of Conduct itself as this has been the subject of a separate consultation run by CLG. Participants in the review did express concerns about the Code's language and detail and we have included a recommendation about the next formal review of the Code, which we plan to carry out during 2010-11.

4) Context to the review

The review is a timely test of opinions on our arrangements for regulating local politicians, and in any event good regulatory practice suggests that regulatory arrangements should be reviewed on a regular basis to ensure they are robust enough to deal with the issues of the day.

Since the inception of the local standards framework, in May 2008, regulation elsewhere has been under critical scrutiny: for example in the financial and social services sectors where it has been found wanting and in Parliament, where weaknesses in the expenses regime have impacted on public trust in politicians.

The public should be able to trust those that they elect to represent them and make decisions affecting their lives. The public expects elected politicians to hold themselves to high standards of conduct³ and research shows that confidence in the integrity of politicians is valued by the public⁴.

Confidence in political systems is also important. A recent poll⁵ found that 80% of people surveyed did not just blame MPs for the current problems but also 'the parliamentary system'.

Having mechanisms which ensure that politicians can be held to account is an important cornerstone of democracy. For politicians falsely accused of wrongdoing, good systems bring the added benefit of clear exoneration.

Deepening citizen participation has emerged as a theme of national policy proposals for local government. The local standards framework gives a key role to individuals from within the local community but outside of local politics, the standards committee independent chairs and independent members.

The review took place at a time of financial uncertainty and constraint within the public sector. In making our recommendations we have been mindful of this. But cost must be weighed against the benefits of effective regulation, whatever the arena for regulation.

5) Support for the standards framework: evidence from research

We can find little support for the complete removal of the ethical standards framework in local government - and wide support for having one. Specific research for this review concludes:

“... although there are problems within the existing framework, the removal of the framework (is) simply not a viable alternative. It is considered to have provided tangible benefits and to perform an extremely valuable role in local democracy².”

Since its inception there has been a growth in support for the Code of Conduct. By 2009 94% of members and officers agreed that all members should sign up to a code, compared to 84% in 2004⁶.

Other research has concluded both that the standards framework is a safeguard, vital to ensuring public accountability³ and that the standards framework has brought focus and coherence to ethical governance and the training and advice on standards expected of councillors⁷.

Members of the public are using the standards framework as a mechanism for holding local elected politicians to account for their behaviour. In 2008-09, 2,863 complaints about the behaviour of local authority members were made across England, over half by members of the public.

There is a growing perception within local government that the standards framework, in its past and present form, is improving member behaviour. However this has not translated into public perception.

Table 1. Percentage of sample agreeing with the statement ‘member behaviour has improved in recent years’^{6 8 9}

Year	2004	2007	2009
Members and officers	27	44	47
Public	n/a	11	9

We believe that a realistic goal of ethical regulation is to ensure that accountability mechanisms are open, transparent and accessible to those who want to use them. Furthermore, the public need to have confidence that such mechanisms will uncover poor behaviours and deal with miscreants appropriately.

So, any work which seeks to assess the impacts of the standards framework in local government must include an assessment of public perceptions. In this review we have taken public views into account through specific research undertaken in 2009².

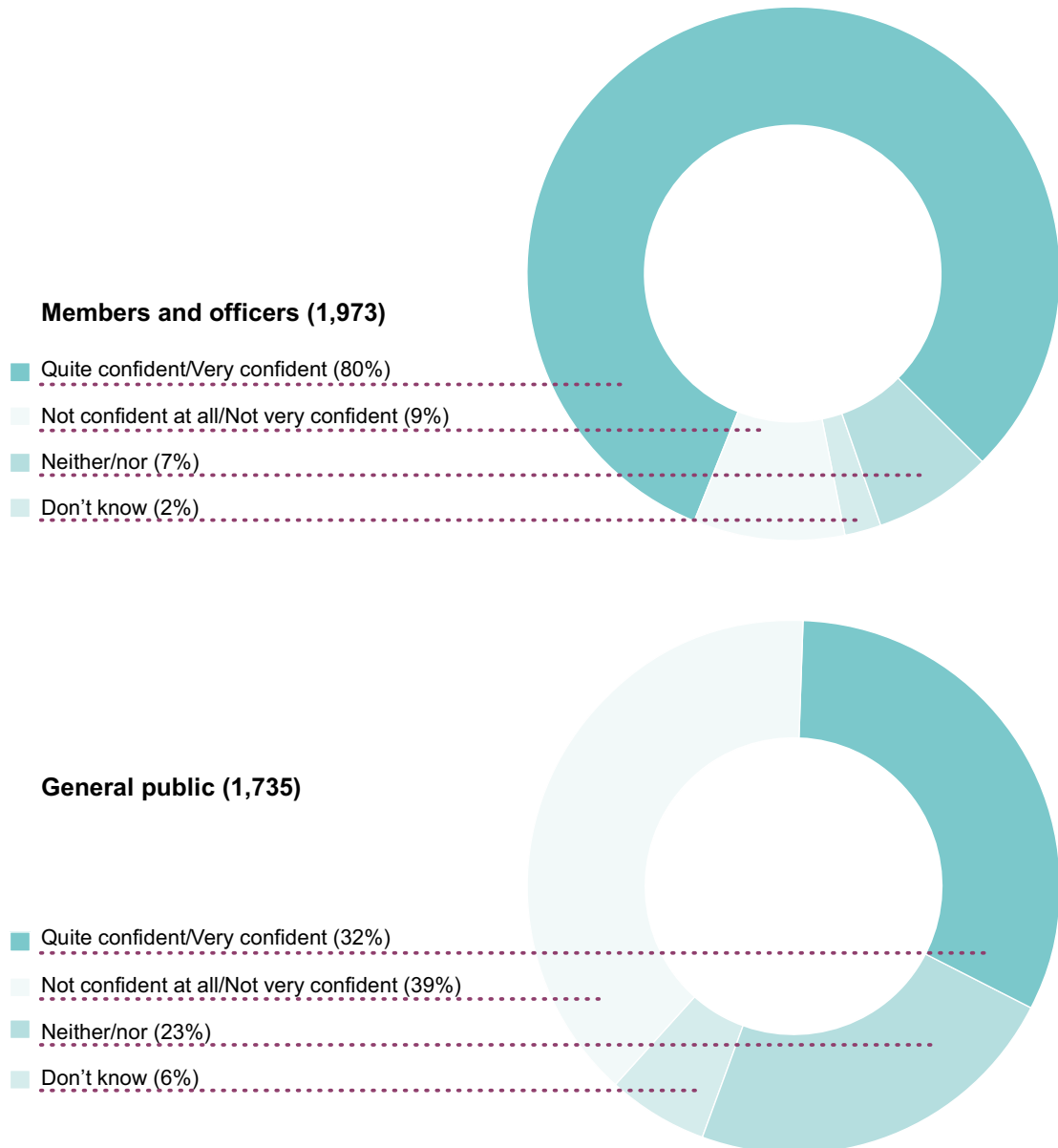
Our research suggests that the improved behaviour is due to a combination of the raised awareness of the Code of Conduct and rules of behaviour¹⁰ the support the framework provides to the sanctioning, demotion and resignation of councillors⁷ and the threat of sanctions¹¹.

There is a high level of confidence, within local government, that local authorities will uncover breaches of the Code of Conduct and deal with them appropriately⁶. Again, however, the public is not so confident¹², as illustrated below.

Confidence in local authority to uncover a breach



Confidence in local authority to deal with local councillor appropriately if a breach were to be uncovered



Many different factors combine to influence public perceptions of trust and confidence in politicians; a number of these are outside the control of local government⁷.

Public perceptions alone, therefore, are not a fair indicator of the effectiveness of the standards framework.

In 2007 a House of Commons Public Administration Select Committee concluded¹³:

'If the link between levels of regulation and levels of public trust is complex, that leads inevitably to questions about whether it is realistic or desirable to make increased trust a goal of ethical regulation.'

We want the public to recognise that principles matter to local government, and moreover to have confidence in the mechanism for holding local politicians to account.

The view from within local government that the standards framework has had an impact on behaviour is borne out by the degree to which it has influenced changes of practice.

The standards framework has brought about a range of innovation in local government which help to improve governance processes and procedures, and enhance accountability arrangements^{7, 14, 16}.

For example, there have been innovations in:

- communicating standards issues both within authorities and to the public
- training members
- engaging leaders to ensure that standards become part of the culture of the organisation
- promoting local democracy
- ensuring good governance across partnership arrangements.

There are other factors, outside the formal standards framework, which can help ensure high standards, for example the role of political parties⁷.

Research leads us to conclude, from the perspective of those in local government, that the framework has been largely effective. Benefits include increased confidence in accountability, improved member behaviour and improved governance arrangements.

6) A standards framework built on principles

A perception² of the current local standards framework is that it has developed in the absence of any design principles.

We make a distinction here between the ten principles of ethical conduct in local government¹⁷ which underpin the Code of Conduct, and a set of design principles which could help us shape the standards framework.

Based on discussions with stakeholders, we recommend eight design principles.

1. The framework should be fair. All involved should feel their views are heard.
2. The framework should be swift. It should permit the majority of allegations to be dealt with promptly.
3. The framework should be local. Local authorities should take ownership of their own standards arrangements.
4. The framework should be free from political bias. For the framework to have credibility key decisions and judgements need to be made by individuals who are, and are seen to be, free of political bias.
5. The framework should be clear and transparent. Processes, costs and outcomes should be readily understood by members, officers and the general public so that all can make judgements about the proportionality and effectiveness of the framework.
6. The framework should strike a balance between the twin tasks of promoting principles and enforcing rules. It should have access to a range of remedies and sanctions which reflect the seriousness of the particular failings of standards.
7. The framework should give the public confidence that poor behaviour will be uncovered and dealt with appropriately.
8. The framework should be cost effective. All of the above should be provided at a reasonable cost, proportionate to the benefits to accrue through improved standards.

A consequence flowing from these principles is that the full benefits of a locally based framework will only be realised if it is supported, as other regulatory schemes are, by a regulator working to best practice in regulation and seeking to achieve agreed regulatory outcomes – in this case that there are high standards of conduct among members in authorities and that there is an effective and proportionate standards framework in operation.

When applying the design principles, decisions have to be made about inherent tensions between them. Between 'fairness' and 'swiftness', for example, or between local decision making and national consistency. The framework must find ways to keep these tensions in balance.

7) The case for a local framework

Until 2008 the Standards Board for England, as it was then called, received and filtered all allegations of misconduct. Between 2002-2004 we carried out all investigations. This arrangement continues to prevail in the Scottish and Welsh frameworks. Between 2004 and 2008 we were able to refer most cases for local investigation and/or determination. Since 2008 allegations are received and assessed locally and the more serious, contentious or complex can be referred to us for investigation at a national level.

During our review we explored afresh the arguments around a centralised, versus a local, system in England.

The key advantages of a centralised system are:

- A central body dealing with all allegations is more likely to achieve consistency of process and outcome, than is a framework that allows local authorities to deal with their own cases.
- A central body removes the resource burden on local authorities of the cost of investigations and the time and effort involved in formal meetings to deal with them.
- A central, independent body would be expected to give the public a greater degree of confidence in the impartiality of the framework compared to matters being handled by a subject member's own authority.

We believe the consistency argument is one of degree. There should not be huge differences in similar cases, between authorities, in either process or outcome. However, there is room for some local variation. We are mindful of the consistency issue and **recommendation 5** addresses this further. On cost, although centralisation reduces the burden on local government, it then transfers it to a central regulator.

We also considered a regional option, where standards committees (and assessment, consideration and review committees) could be set up for a defined region. The consistency considerations apply as for a centralised model, and in addition this arrangement could be less resource intensive than a completely localised system.

But on balance we continue to support the principle of a local system, and our reasons are similar to those proffered by CSPL¹⁸. A local framework:

- enables local people to be involved in managing ethical standards issues and encourages them to be aware of issues going on in their authority
- allows the use of local information which may influence decisions about the seriousness or validity of a complaint
- provides an opportunity for the monitoring officer and standards committee to deal with some issues via more informal and proportionate methods.

The focus of this review has been on the procedural elements of a standards framework. That is, the mechanisms that are engaged following an allegation of a breach of the Code of Conduct.

However, the standards framework – and the duty of standards committees to promote high standards – is firmly located within broader ethical governance arrangements in local authorities. These impact on the culture of an

organisation and play a key role in preventing standards problems in the first place.

Such aspects include, for example, the role that leaders and chief executives can play, and the role that political parties can play in ensuring the discipline of their members. In our regulatory role we are keen to stress the importance of these aspects and to encourage and disseminate notable and innovative practice in local government.

Overall we believe local ownership is less likely to result in authorities perceiving standards issues as something 'done to them' rather than something for which they have responsibility.

In turn, this is more likely to result in the importance of high standards of behaviour being embedded in the culture of an organisation, leading to subsequent innovations that emphasise prevention.

8) Our findings and recommendations

The recommendations which follow are intended to bring a better match between the framework and the design principles set out in section 6 above.

They also set out to address particular criticisms of the current framework. It is suggested that:

- it's too easy to get on the investigative track and too hard to get off it
- the framework is too cumbersome
- trivial complaints clog up the system
- members should know as soon as possible when they have been the subject of a complaint.

We have found that making recommendations in one area, which might enable the framework to adhere to one design principle or address one criticism, has a potential impact on another area or another design principle. It follows therefore that our recommendations are interlinked and should be considered as a whole.

While based on research and taking into account the views of others, the recommendations are our own.

In some areas there are conflicting arguments for particular options. In the narrative below we set out options considered as part of the review, explain why we rejected some and provide a rationale for preferring others.

8.1) Improving the local handling of complains

A summary of how the local standards framework currently deals with complaints is set out within appendix 2, on page 35.

We found a general consensus that the current process beginning with the assessment of a complaint, and leading if necessary to its investigation and resolution, can be cumbersome, difficult to understand, resource intensive and slow.

Two broad alternatives were considered:

1. replacing the current investigation arrangements with an open hearing
2. streamlining and simplifying the process

It is worth noting that the two are not, necessarily, mutually exclusive, but for explanatory purposes, we can consider them as alternatives.

An open hearing would involve both the complainant and the member complained about, along with witnesses, coming together in a 'one-off' hearing to present evidence, answer questions and argue the merits of their cases.

A key benefit, suggested by some consultees, would be that, on the face of it at least, it simplifies the process. It would remove some of the formal meetings currently necessary as part of the process and negate the need for a resource-intensive investigation.

At the same time it would be a transparent process, giving members the opportunity to face their accusers.

There are however, disadvantages:

- Compiling evidence for a hearing would not, in our view, necessarily require less work than carrying out an investigation. Evidence would still need to be collected and disclosed to the parties involved.
- An open hearing is potentially adversarial. We believe the onus on complainants to articulate their case would be intimidating for many members of the public and could deter them from making legitimate allegations.

For these reasons we preferred the alternative, looking to see how we could streamline and simplify the existing investigative process.

8.1.1) Simplifying the local filter

Currently, all allegations received by a local authority have to be considered by an assessment sub-committee. This means a meeting must be convened between one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor (with the likely inclusion of the monitoring officer for advice). Arranging this meeting takes time and incurs costs. Many complaints do not need such a formal mechanism.

We feel the current arrangements are unnecessarily resource intensive and slow down the process. Making a decision about whether or not an allegation is within the remit of the Code of Conduct is relatively simple and generally uncontroversial.

In the first instance, we recommend it is made much clearer that the monitoring officer acts as an initial filter, assessing which allegations fall within the remit of the Code and which do not.

Recommendation 1:

The law should say that monitoring officers, rather than standards committees, should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct.

8.1.2) Swift assessment by the independent chair

Building on recommendation 1, we considered two alternatives to the current assessment sub-committee approach for dealing with those allegations which the monitoring officer has deemed as being within the remit of the Code of Conduct.

- The monitoring officer should be the person who decides what should happen to those allegations which are within the remit of the Code.
- The independent chair, with advice from the monitoring officer, should be the person who decides what should happen to those allegations which are within the remit of the Code.

We are aware that many allegations, although within the remit of the Code, are not sufficiently serious to warrant an investigation. The first option would have the benefits of ensuring that cases could be assessed more quickly and involving fewer resources than current arrangements. Many of the monitoring officers we spoke to favour this option.

We are concerned that such an arrangement has the potential for the monitoring officer, as a paid employee, to be subject to pressure from elected politicians seeking to influence his or her decision. The perception of independence is compromised in this option.

The second option better addresses these concerns as standards committee chairs are not employees, but instead are chosen to represent the public with political independence a key requirement.

We recognise it is not always possible for the chair to be available to make decisions. For example, they may be on holiday or may be conflicted, and therefore we recommend that the vice chair (also independent) can deputise in such cases.

In addition, we recommend that standards committees develop a wider range of reciprocal arrangements so that chairs can assess each others' allegations. This could be particularly valuable in helping those authorities which have high numbers of allegations.

We recognise that some monitoring officers and elected members have concerns about both the skills and understanding of local government of independent chairs and the extent to which they are impartial. We address these concerns in recommendations 16 and 17.

Recommendation 2:

For allegations within the remit of the Code the independent chair of the standards committee, acting with the advice of the monitoring officer, should determine what happens to an allegation.

The chair would have a choice of five options

- to take no further action – (effectively determining that the behaviour complained about is not sufficiently serious, if proved, to warrant any sanction)
- to refer for local investigation
- to refer to SfE for investigation
- to refer to the monitoring officer for other action
- to refer to the standards committee to seek their advice in choosing one of the previous four options.

The standards committee chair should provide written reasons for each decision.

Recommendation 3:

The vice chair of the standards committee should be an independent member.

Recommendation 4:

If the chair is unavailable or has a conflict of interest in relation to an allegation then the independent vice chair should deputise. Standards committees should be able to develop reciprocal arrangements so that their chairs can assess each other's allegations.

Recommendation 5:

Standards committees should undertake retrospective periodic reviews of these decisions to ensure consistency and quality. The national body should also provide oversight via its regulatory role.

8.1.3) Removing the right to review

We know that the framework in many authorities gets 'clogged up' through having to deal with reviews of cases from those complainants not satisfied with the assessment decision.

Not only is this time consuming, it also has cost implications because a review committee or sub-committee of different members (one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor) needs to be set up. We also know that only around one review in 20 leads to a reversal of the original decision.

However if there is not to be a mandatory right of review, we need to make alternative arrangements to redress the perceived loss of fairness and the check and balance that the review procedure brings.

But on balance we do not believe there should be an automatic right of review built into legislation.

Recommendation 6:

The current statutory review arrangements should be removed but authorities should be given a discretionary power to allow for the review of particular decisions. This review could be undertaken by the standards committee or a sub-committee of it, by an independent member of the standards committee not involved in the initial decision or by any of these from another principal authority.

8.1.4) Removing the need for a consideration committee

The consideration committee is another committee or sub-committee that, currently, must be convened (one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor), following an investigation. It has to decide whether to accept a finding by a monitoring officer after investigation that there has been no breach of the Code or, if a breach is found, decide whether the

case should go to a standards committee hearing or to the First-tier Tribunal.

Again, we are aware of the time and cost involved in convening such a committee. We considered two alternatives to the current arrangements:

- The monitoring officer should determine what should happen.
- The independent chair or vice chair, advised by the monitoring officer, should determine what should happen.

The consideration committee was designed to avoid the risk of the monitoring officer being put under improper influence to bring a matter to an end by deciding there had been no breach. Hence for the same reasons as in 8.1.2 above, we decided upon the latter option.

As with recommendations 1, 2, 3 and 6, our recommendation here will enable a swifter response, and has beneficial cost implications when compared to the current arrangements.

Recommendation 7:

After completion of a local investigation the chair of the standards committee should decide whether to accept a finding of no breach, and where a breach is found, whether the case should go to a local hearing or to the First-tier Tribunal. Vice chairs should be able to deputise in this role.

Standards committees should be able to develop a wide range of reciprocal arrangements with other standards committees so that their chairs can assess each other's investigations in this way.

Recommendation 8:

The chair or the vice-chair should have a greater role in case management, making the pre-hearing decisions (For example, setting deadlines for responses to documents, deciding which witnesses should be called to give evidence and dealing with applications for an adjournment) with advice from the monitoring officer.

A consequence of recommendations 1 to 8 is that standards committees would be able to focus on the more serious matters demanding their attention including their role of promoting high standards (See 8.9), as well as their oversight role.

8.2) Deterring trivial complaints

There is a set of related perceptions and misconceptions about trivial complaints: that the standards framework encourages them; that it is

clogged up with them; and that there are serial trivial complainants who waste authorities' time and cost them large amounts of money. We believe, based on our monitoring information, that such circumstances are very rare. Nevertheless these perceptions undermine the credibility of the framework. In those few local authorities where this is true it can be a drain on resources.

Recommendations 1, 2, 3 and 6 will, we believe, enable local authorities to deal more swiftly and more appropriately with trivial or less serious complaints.

We have received suggestions for dealing with serial, trivial complainants. The following ideas were considered:

- sanctions against trivial complainants
- all complaints by a person deemed as 'a serial trivial complainant' to be dealt with by the national body
- the cost of 'failed' complaints to be met by the complainant
- the cost of complaints to be covered by the 'loser'.

All these would be likely to deter trivial complainants. However, they would also deter justified complaints. Even 'serial trivial complainants' may still, on occasion, have justified complaints.

The second option would be contrary to the principle of 'local ownership'. The fourth option could also be a deterrent to members standing for election as they would, justifiably, be concerned about incurring costs. We have decided, therefore, against any new specific recommendation to address such complainants. Instead we believe recommendations 1, 2, 4 and 7, will prevent them from using up resources and clogging up the system.

We do, however, want local authorities and standards committees in particular, to be more robust and public in discouraging trivial complaints generally and serial trivial complainants specifically.

Recommendation 9:

Standards for England should produce guidance that urges chairs to be more robust in their decision letter and highlight when they believe an allegation to have been trivial.

8.3) Closing down an investigation

A criticism of the standards framework is that it is very difficult to stop an investigation, even when it is agreed that there is little or no benefit in continuing. Examples from our own experience include when a member who had been the subject of a complaint had died, when a member has resigned and when an apology has been received, and accepted, by the complainant.

Enabling a complaint to be closed down at any time would prevent resources being unnecessarily expended. We considered the following options on who might close down a case:

- monitoring officer
- chair of the standards committee
- the full standards committee

We have referred earlier to our concerns about a paid employee being placed under political pressure and we believe that the potential for such a situation also arises here.

Our concern with the chair undertaking this role is that they may be 'too close' to the case – the chair will have been the one who made the decision to investigate in the first place and may be reluctant to overturn this decision.

We think it best if the full standards committee take this decision, based on a recommendation from the monitoring officer.

Recommendation 10:

The monitoring officer should be able to recommend to the standards committee – at any stage and for any reason – that an investigation be stopped. The standards committee should decide whether or not to accept such recommendations by considering how the public interest is best served.

8.4) Enhancing members' 'right to know'

A frequently heard criticism of the current assessment process is that members who are the subject of a complaint only find out that they have been complained about after an initial decision has been made on whether or not the allegation merits an investigation.

At present the legislation requires the standards committee to notify a member. However in order to do that they have to meet, which introduces a delay. Our guidance says members should be told as quickly as possible, but the law needs to be clarified.

However, members feel they have a 'right' to know. Potential complaints are often discussed openly and sometimes publicised, and members can find themselves the subject of rumour or press interest which they are unprepared for as they are unclear about the precise nature of the allegation.

Importantly, we feel the current situation is contrary to the design principle of transparency. On balance we think the current situation is

unsatisfactory. The framework should be as transparent as possible and members who are the subject of an allegation have the right to know, as soon as possible, about that allegation.

Recommendation 11:

On receipt of an allegation the monitoring officer should inform a member that they have been the subject of a complaint unless there are compelling circumstances not to (for example, a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence).

8.5) Publishing decision notices

Currently, notice of a decision about the outcome of some investigations and most hearings has to be published in a local newspaper. The intention is laudable in that it facilitates transparency.

It does, however, have a cost impact for local authorities. The current economic climate, coupled with increasing use of the internet, leads us to conclude that a better alternative is for decision notices to be published prominently on council websites. This will keep to the design principle of transparency, yet mean an easy cost saving for local government.

Recommendation 12:

Local authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be publicised on the local authority's website.

8.6) The composition of standards committees

One of our design principles is 'independence'. Recommendations 2, 4 and 7 ensure that there is an independent element in key decisions in the investigative process, and recommendation 16 will ensure independent overview of the local standards framework and its application.

We considered increasing the mandatory number of independent members on standards committees or having standards committees composed entirely of independent members. A key benefit of this would be to give the public greater confidence that local arrangements were truly impartial and that local government was not simply 'investigating its own'.

However, we believe that such a move would have negative consequences which outweigh this benefit:

- Political groups may be less likely to take ownership of standards issues, and buy-in to the importance of high standards, as it would be perceived as something outside of their remit and something that is 'done to them'.
- The credibility of standards committees, and standards issues, would be undermined as standards committees rely on elected members for their knowledge and guidance of 'how local government works'.

- We know that some standards committees already struggle to attract sufficient independent members.

On balance we believe the current approach is right.

8.7) Parish and town councillors and the Code

The inclusion of parish and town councils in the standards framework divides opinion.

There is a view that it is a disproportionate mechanism for parish and town councils, particularly those which have few resources and few powers

On the other hand we believe that parish and town councils should be included within the standards framework and our reasons echo those of the CSPL¹⁸; parish and town councils are part of the fabric of local democracy, and many do spend significant sums of public money.

All national parties have plans to increase the significance of this sector and such councils are statutory consultees in the planning process. We think that it is beneficial if there is a consistency of standards to which all elected members have to adhere.

The National Association of Local Councils (NALC) supports this position.

Parish councillors in fact make up around three quarters of all members covered by the Code. They account for just under half of all complaints; 2,557 between May 8 2008 and 31 December 2009.

An advantage of their exclusion would be a resource one – this would significantly reduce the number of allegations and so the amount of resources used to deal with them. However we remain convinced that parish and town councils should be included in the framework for the reasons set out above.

8.8) The cost of the local framework

It became clear during our review that quantifying the cost of the standards framework was problematic². Costs are calculated on a different basis by different authorities.

Elements of cost include the cost of convening meetings and remuneration for standards committee members, the cost of investigations and costs associated with other action and sanctions. Case costs vary depending on volume of cases, case type and methodology of investigation. Currently there is little transparency in these costs, nor consistency in the way they are calculated.

We recognise that we need to do more work to be able to offer better information on reasonable costs, both to allow authorities to better judge their expenditure and to allow the public and stakeholders to better assess proportionality and effectiveness of the framework.

The cost of investigations is of particular concern – we are interested in seeing the cost of investigations contained while maintaining natural justice.

We have been mindful of actual and potential costs to local government and the public purse as we have carried out this review. Many of our recommendations would result in reduced costs to local government.

For example, a local filter and reducing the number of sub-committees involved in case handling would result in lower administrative costs. Similarly, not having to publish decision notices in a local newspaper would result in cost savings.

We are also committed to providing training, guidance and support in effective and efficient investigation, to help authorities avoid unnecessary expenditure in this area.

Recommendation 13:

Standards for England should assist local government by developing a clear and consistent understanding of the costs of the local standards framework and, through working with local authorities, identify and promote ways of ensuring those costs are reasonable and that excessive and wasteful expenditure can be avoided.

8.9) The local framework and promoting high standards

The focus of the review has been on the process aspects of the framework, for example the complaints, assessment and investigative processes and the roles of the various individuals involved. We also recognise that standards committees have a statutory role to promote high standards of behaviour, and that there are many ways in which local government can engage to demonstrate high standards.

For example, engaged political parties, strong identification with the council and supportive political and managerial leadership all contribute toward good ethical governance⁷.

These duties under the framework should be encouraged. This is the promotion of ethical principles, as well as rules, which features in the design principles. The regulator should play a lead role in co-ordinating and disseminating good practice which leads to good ethical governance.

In this way local authorities will be encouraged to observe the spirit as well as the letter of the law. It also encourages local solutions, and an emphasis on prevention rather than reliance on the more costly formal elements of the framework.

Recommendation 14:

Local authorities should be encouraged to develop local solutions. Good practice in local solutions should be shared so local authorities can benefit from each other's experiences.

8.10) The members' Code of Conduct

The Code of Conduct has been subject to relatively regular review and a detailed study was not included within the scope of this work. That said, a review of the framework will inevitably include some comment on the Code.

We believe that a Code is the right way to regulate the behaviour of members of local authorities. However, the climate in which it operates changes over time, making regular review important. Reviews should, for example, take account of how the Code is being interpreted by the First-tier Tribunal (formerly the Adjudication Panel for England) and by the higher courts.

We believe future reviews should look for opportunities to simplify the Code.

Recommendation 15:

The next review should look for opportunities to simplify the Code and ensure that it is readily understood by members, and remains fit for purpose.

9) The role of the national regulator

In a year when Parliament has chosen to operate with specialist, independent regulation of its standards, we have looked again at whether there is a need for a national regulator over the local standards framework and if so what its role should be.

There would be some immediate financial benefits to national government in not having such an organisation. There would be a related reduction in regulatory burden, but a need for local standards committees to retain all cases, however challenging. Such a move would also support the design principle of local standards being a local responsibility.

There are, however, powerful arguments for a national regulator.

In the research undertaken by Teesside University² there was a strong consensus among stakeholders that national oversight gives politicians, officers and the public confidence that there is independent scrutiny of the standards framework, that poor performance is being dealt with and political interference can be addressed.

A national regulator is not just there to ensure local authorities are discharging their responsibilities – for example by monitoring complaint handling and making sure investigations are completed without undue delay – but has the key regulatory function of assessing systemic, sectoral and entity risks of standards failure – and acting to minimise them.

We accept that an emphasis on local ownership will bring variations in interpretations of the Code. But a national regulator helps bring some consistency to those interpretations, to process and to the application of sanctions. For the framework to have credibility, and avoid accusations of being a postcode lottery, any variations must be within acceptable parameters. A national body should, via its training, advice and guidance, as well as through its national oversight, ensure a greater degree of consistency than if each authority were left to its own devices.

Our own evidence shows that there is a significant demand for advice, guidance and training and development to help authorities discharge their functions. Standards for England currently provides support to local government via, for example, online training materials, telephone help lines, the ethical governance toolkit and our annual assembly. Much support comes in the form of technical expertise on case handling, and interpretations of the Code of Conduct.

This expert resource, and training role, would be particularly important for independent chairs, in light of the greater responsibility given to them in recommendations 2 and 7.

We do not want to inhibit local innovation and the development of informal options in dealing with standards issues. Recommendation 14 stresses the value of this. We do play a key role disseminating examples of how authorities have developed various local solutions to ensure good ethical governance as well as good practice in case handling.

There is a small, consistent, and far from insignificant class of contentious and high profile cases (for example complaints about members of the standards committee, or complaints by senior officers about the Leader or other senior members) which it is inappropriate to handle locally and should be handled at a national level.

Recommendations 2 and 7 give greater responsibility to independent chairs. We know that some monitoring officers and elected members have concerns about both the skills and impartiality of independent chairs. We need sufficient checks and balances to safeguard against poor performance and inappropriate political interference, and we believe this imposes a need for further training and guidance from Standards for England and for a specific extra power to deal with poor performance of independent standards committee members.

Standards for England is committed, in its 2010-13 Corporate Plan, to carrying out a review of its powers to ensure it is able to respond appropriately, proportionately and effectively to meet the requirements of its regulatory role. That work would need to take into account the implications of the recommendations set out in this review, if they are accepted.

Recommendation 16:

Standards for England should develop its training role. In particular it should respond to the increased responsibility given to independent standards committee chairs by ensuring basic training is provided to enable them to fulfil this role.

Recommendation 17:

The national regulator should have power to investigate allegations that the chair/vice chair of a standards committee was not acting impartially, or performing poorly. If there is sufficient evidence that this is the case then the national regulator should be able to remove the chair/vice chair of the standards committee.

Appendix 1

The Recommendations

The recommendations are repeated here, alongside a note of the main legislative provisions which would need to be amended to bring about the proposed change.

Recommendation 1:

Monitoring officers should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct.

Changes to s.57A(1) and s.57C LGA 2000 to replace references to the standards committee with references to the monitoring officer

Addition to Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow monitoring officers to do this.

Change to paragraph 11 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow monitoring officers to inform the subject member on receipt of the complaint.

Recommendation 2:

For allegations within the remit of the Code the independent chair of the standards committee, acting with the advice of the monitoring officer, should determine what happens to an allegation. The chair would have a choice of five options:

- to take no further action (effectively determining that the behaviour complained about is not sufficiently serious, if proved, to warrant any sanction)
- to refer for local investigation
- to refer to Standards for England for investigation
- to refer to the monitoring officer for other action
- to refer to the standards committee to seek their advice in choosing one of the previous four options.

Changes to s.57A (2)-(6) LGA 2000 to replace references to the standards committee with references to the chair and to add the additional option of referring to the standards committee for advice on which option to choose.

Changes to paragraphs 6 – 8 Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to replace references to the standards committee and sub-committees with references to the chair

The standards committee chair should provide written reasons for each decision.

Recommendation 3:

The vice chair of the standards committee should be an independent member.

Addition to s.53(4) LGA 2000

Recommendation 4:

If the chair is unavailable or has a conflict of interest in relation to an allegation then the independent vice chair should deputise. Standards committees should be able to develop reciprocal arrangements so that their chairs can assess each other's allegations.

The following provisions would need amending to allow the vice-chair to deputise and to allow for reciprocal arrangements:

s.56A LGA 2000

s.57A LGA 2000

Paragraphs 6 – 8 Standards Committee (England) Regulations 2008 SI 2008 No. 1085

The Standards Committee (Further Provisions)(England) Regulations 2009 SI 2009 No. 1255

Recommendation 5:

Standards committees should undertake retrospective periodic reviews of these decisions to ensure consistency and quality. The national body should also provide an oversight via its regulatory role.

Addition to the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to require the retrospective reviews.

Also possible addition to regulation 3(2) of the Standards Committee (Further Provisions)(England) Regulations 2009 SI 2009 No. 1255 to include additional intervention powers based on concerns about the way in which the independent members are carrying out the initial assessment function.

Recommendation 6:

The current statutory review arrangements should be removed but authorities should be given a discretionary power to allow for the review of particular decisions. This review could be undertaken by the standards committee or a sub-committee of it, by an independent member of the standards committee not involved in the initial decision or by any of these from another principal authority.

Amend s.57B LGA 2000 by removing the mandatory review provision but allowing a discretionary one.

Paragraphs 6, 7 and 8 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 would need amending to reflect the proposed discretionary nature of a review.

Recommendation 7:

After completion of a local investigation the chair of the standards committee should decide whether to accept a finding of no breach, and where a breach is found whether the case should go to a local hearing or to the First-tier Tribunal. Vice chairs should be able to deputise in this role. Standards committees should be able to develop a wide range of reciprocal arrangements with other standards committees so that their chairs can assess each other's investigations in this way.

Addition to s.66 LGA 2000 to give the Secretary of State power to make regulations allowing the chair rather than a standards committee to make these decisions.

Amend regulation 17 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow the chair or vice-chair rather than a standards committee to make these decisions.

Addition to the Standards Committee (Further Provisions) (England) Regulations 2009 SI 2009 No. 1255 to allow the chair or vice-chair of other standards committees to make these decisions under reciprocal arrangements.

Recommendation 8:

The chair or the vice-chair should have a greater role in case management, making the pre-hearing decisions (For example, setting deadlines for responses to documents, deciding which witnesses should be called to give evidence and dealing with applications for an adjournment) with advice from the monitoring officer.

Addition to s.66 LGA 2000 to give the Secretary of State power to make regulations to allow the chair or vice-chair to make pre-hearing decisions.

Addition to the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to provide for case management.

Recommendation 9:

Standards for England should produce guidance that urges chairs to be more robust in their decision letter and highlight when they believe an allegation to have been trivial.

No statutory or regulatory changes needed to implement this recommendation.

Recommendation 10:

The monitoring officer should be able to recommend to the standards committee – at any stage and for any reason – that an investigation be stopped. The Standards Committee should view such recommendations with regard to how the public interest is best served.

Amendment to regulation 16 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to enable the monitoring officer to recommend that an investigation cease. Also regulations 14 and 17 would need to be made subject to the amended regulation 16.

Recommendation 11:

On receipt of an allegation the monitoring officer should inform a member that they have been the subject of a complaint unless there are compelling circumstances not to (for example, a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence).

Amendment to s.57C LGA 2000 to require the monitoring officer rather than the standards committee to inform the member.

Change to paragraph 11 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow monitoring officers to inform the subject member on receipt of the complaint.

Recommendation 12:

Local authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be publicised on the local authority's website.

Amendment to regulation 17(3) (b), 17(5), 20(1) (b) of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to remove the requirement for a notice in the local press.

Recommendation 13:

Standards for England should assist local government by developing a clear and consistent understanding of the costs of the local standards framework and through working with local authorities identify and promote ways of ensuring those costs are reasonable and that excessive and wasteful expenditure can be avoided.

No statutory or regulatory changes needed to implement this recommendation.

Recommendation 14:

Local authorities should be encouraged to develop local solutions. Good practice in local solutions should be shared so local authorities can benefit from each other's experiences.

No statutory or regulatory changes needed to implement this recommendation.

Recommendation 15:

The next review should look for opportunities to simplify the Code and ensure that it is readily understood by members, and remains fit for purpose.

Changes to the Local Authorities (Model Code of Conduct) Order 2007

Recommendation 16:

Standards for England should develop its training role. In particular it should respond to the increased responsibility given to independent standards committee chairs by ensuring basic training is provided to enable them to fulfil this role.

Addition to s. 57 LGA 2000 to make clear that the training role is a function of Standards for England. Addition to Schedule 4 paragraph 2 of the LGA 2000 for the same purpose.

Recommendation 17:

The national regulator should have power to investigate allegations that the chair/vice chair of a standards committee was not acting impartially, or performing poorly. If there is sufficient evidence that this is the case then the national regulator should be able to remove the chair/vice chair of the standards committee.

Addition to s.57D LGA 2000 to enable regulations to be made for intervention by the Standards for England where the chair/vice chair of a standards committee is not acting impartially, or is performing poorly.

Addition to regulation 3(2) of the Standards Committee (Further Provisions)(England) Regulations 2009 SI 2009 No. 1255 to include additional intervention powers based on concerns about the way in which the independent members are carrying out the initial assessment function or any other function carried out as a result of these recommendations.

Addition to the above regulations to provide a mechanism for removal of the chair/vice chair of a standards committee.

Appendix 2

Background to the local standards framework

Although local government has been described as having a relatively clean bill of 'ethical' health^{18, 19, 20} there were, nevertheless, several notable incidences of poor ethical behaviour in local government during the 1970s, 1980s and 1990s.

- The John Poulson case is often cited as a landmark case of corruption in local government. Poulson was an architect who bribed numerous public figures in order to win contracts. The leader of Newcastle City Council was jailed for his role in this case.
- The 1980s saw high profile problems in Liverpool City Council, where the district Labour Party was suspended after its members were accused of putting militant tendency interests ahead of council ones.
- At Westminster City Council Leader Dame Shirley Porter was the central figure in the 'homes for votes' scandal which resulted in her being ordered to pay back millions of pounds in surcharges, costs and interest to the council.
- The 1990s saw 19 Doncaster councillors found guilty of falsifying expenses claims, with one councillor receiving a four year prison sentence in the 'Donnygate' scandal.

Concerns about the conduct of MPs and government ministers led the then Prime Minister to establish the Committee on Standards in Public Life (CSPL) in 1994. The remit of the CSPL was expanded to include conduct in public life more generally and its third report, published in 1997, focussed on local government.¹⁹

For local government, CSPL recommended a statutory standards framework to replace the hitherto voluntary system. They called for a localised standards framework including a code of conduct to which councillors must sign up, a standards committee for each council and local government tribunals to act as independent arbiters on the code of conduct and to hear appeals from councillors and others.

The government introduced a new ethical framework via the Local Government Act (2000). The Act introduced a statutory Code of Conduct that applied to all members, and two new national bodies; the Standards Board for England, which was to assess and investigate allegations of breaches of the Code of Conduct, and would also issue guidance, and the Adjudication Panel for England which would hear the most serious cases.

Standards committees, already present in some authorities, were made compulsory and their role was to adjudicate on a completed investigation and to promote high standards.

The standards framework in local government was not merely a reaction to the risks of poor standards. Positive ambitions included a desire to build trust and confidence in politicians and local democracy, and recognition of the importance of high standards of behaviour to good governance.

Once in operation there were criticisms of this first standards framework, made worse by delays in legislation which would have enabled more cases to be referred to the local level. There was a concern that standards committees and monitoring officers were being marginalised, that the centralised system inhibited the consideration of local circumstances and context when considering cases, and that the Standards Board was unable to focus on the most serious cases.

CSPL, in its tenth report¹⁸ returned to look at the standards framework in local government and advocated a more localised framework, with the Standards Board taking a more strategic oversight role.

The recommendations were accepted by government and enacted in the Local Government and Public Involvement in Health Act (2007). Local authorities now have greater responsibility for their own ethical arrangements; standards committees handle complaints locally, not the Standards Board, and standards committees must promote high ethical standards.

The Standards Board (known as Standards for England) now has the role of a strategic regulator, overseeing the effectiveness of the local ethical standards framework, monitoring local arrangements and engaging with those authorities where standards are poor or at risk.

Standards for England still investigates those complaints not suitable for local authorities to deal with themselves, but the majority of complaints are dealt with locally.

How the local standards framework deals with complaints

The current arrangements require standards committees to convene a properly-constituted assessment sub-committee to receive complaints.

At this point they can:

- decide to take no further action
- ask the monitoring officer to investigate the complaint locally
- ask Standards for England to investigate the complaint
- ask the monitoring officer to resolve the matter through alternative action (such as mediation or training) – in which case no finding is made as to the complaint itself

A complainant, if not satisfied with the assessment decision to take no further action, has the right to have the complaint considered again by a review sub committee (properly constituted with different individuals to the assessment sub-committee).

Where complaints are investigated locally a properly constituted consideration committee is required to receive the investigation report. It can:

- agree with the monitoring officer that no further action is necessary
- refer the case to the Standards Committee or a hearing sub committee
- refer the case to the First Tier Tribunal (Local Government Standards in England)

When hearing cases, standards committees or hearing sub-committees can:

- find no breach of the code
- find a breach but no further action is required
- impose a sanction of up to six months suspension
- impose other sanctions such as a requirement that the member undergo training or apologise

The First Tier Tribunal can impose a wider range of sanction, up to five years disqualification.

A member can appeal to the First Tier Tribunal against a finding of breach and / or against the sanction applied.

The impetus for high ethical standards is mirrored by an emphasis on governance - the systems and processes, culture and values by which an organisation is controlled and directed.

Good governance is held to contribute toward improved performance, better services and stronger leadership. High ethical standards are recognised as a key component of good governance for example in CIPFA/SOLACE's good governance framework²¹ and have been included as criteria in the Audit Commission's Comprehensive Area Assessment.

Alongside these developments was the growing concern that councils were becoming disconnected from their communities and that there was a need to rebuild trust in local councillors and confidence in local democracy.

Some characteristics of public disengagement with politics are falling voter turn out, 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.

These concerns were reflected in two white papers which formed the government's Local Government Modernisation Agenda (the 1998 white paper Modern Local Government: in touch with the people, and the 2001 white paper Strong Local Leadership, Quality Public Services) and other legislation (Local Government Acts of 1999 and 2000).

The modernisation agenda sought to achieve²²:

- improvements in local services
- more effective community leadership by councils
- increased accountability
- greater engagement of local stakeholders
- improved public confidence in local government.

Confidence and trust were closely linked with the issue of conduct so that better conduct by members and officers and being accountable (along with improved services) would result in improved confidence and trust.

Appendix 3

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 Fax: (0113) 39 51599
 Email: amy.kelly@leeds.gov.uk
 Our Ref: Local Assessment Review

15th February 2010

Dear Dr. Robert Chilton,

Review of Local Assessment Arrangements

We noticed in the 'View from the Chair' section of the Standards for England website, that the Board is carrying out a review of the local standards framework looking particularly at its effectiveness and proportionality. We also noted that you are particularly considering the issues of timeliness, cost, sanctions, process, transparency and how we deal with trivial / tit-for-tat / vexatious complaints, and that you will be submitting your recommendations to Communities and Local Government in the spring.

We recently carried out a survey of all 99 Councillors in Leeds City Council asking them various questions about the current arrangements for receiving and assessing complaints against Members. 18 Councillors responded to the survey, and the results showed that those Members are still broadly unhappy with the local assessment process. Unfortunately the majority of comments we received as part of the survey relate to the content of the Regulations or guidance and so cannot be addressed by our Standards Committee. The Standards Committee therefore resolved that they should be forwarded to the Board for consideration as part of your review of local assessment.

The comments from certain Members focused on the following issues:

Vexatious, political and malicious complaints. Members felt that the present process lays elected Members open to abuse, as there appear to be no steps which can be taken against malevolent, malicious or tendentious complainants. Some Members suggested that there should be mechanisms for dealing with those who make vexatious, malicious or trivial complaints, such as having Standards Committee reports which name such complainants. Some Members also felt that individuals who are known to be malicious complainants should not be dealt with in exactly the same manner as those who do not fall into this category. The Members also felt that there should be a way of recognising and dealing with "political agitators".

Publicity afforded to the complaints process. One Member felt that having a section on the Council's website, and other publicity which explains how people can complain about elected Members may encourage trivial complaints. This Member also stated that sometimes they have to refuse requests for assistance from constituents for the good of the wider community, and publicising the complaints process encourages such constituents to waste a great deal of officer and Member time on trivial complaints.



One Member also expressed the view that no publicity should be generated until the case has been properly heard and decisions have been made, suggesting that case summaries should not be made available for public inspection until a case has been fully investigated and a conclusion reached.

Information which can be provided to the subject Member i.e. subject Members are not provided with a summary of the complaint until after the Assessment Sub-Committee has met to consider it, and the identity of the complainant may be withheld if the complainant has requested confidentiality and the Assessment Sub-Committee is yet to consider this request.

Some Members expressed the view that it is a fundamental principle of law that a person should know his accuser, and that it is a breach of human rights to have a charge made against a person and that person not be told the accuser and details of the accusation. Several Members stated that natural justice suggests everyone accused should be aware as early as possible of the allegation, and that in the interest of fairness and transparency all details of a complaint should be made available to the Member who is the subject of the complaint at the earliest opportunity.

One Member suggested that a complainant should not have any right to confidentiality and nor should details of the complaint be withheld from the subject Member. One Member also expressed concerns about how this element of the Regulations can affect the good working relationship that elected Members have with their constituents, as if they do not know who has complained about them, they make the assumption that everybody they meet could be the complainant and treat them with suspicion.

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

The Regulations do not allow the subject Member to have any input into the initial assessment process. Three Members felt that they should be able to put their response to the Assessment Sub-Committee before it makes its decision, and that it is not natural justice to take someone through the process of an investigation when this may not be necessary. One Member also felt that there should not be a presumption that the complainant is telling the truth, and the Assessment Sub-Committee should be able to take into account the subject Members' response so they can reach a view as to whether that is the case. There was a general view that Members should be provided with full information about the complaint and have the opportunity to either respond in writing or attend the meeting of the Assessment Sub-Committee, and that the current process is unfair as it does not allow the subject Member any input in the initial assessment process.

I would be grateful if you could consider these comments by some Members as part of your review of the local assessment arrangements. Please don't hesitate to contact me if you have any queries about any of these comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Wilkinson', with a horizontal line underneath.

Mike Wilkinson
Chair of the Standards Committee



Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 2010

Subject: Standards Committee Annual Report 2009/10

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to seek the Committee's comments on the draft Standards Committee Annual report 2009/10.
2. Members of the Standards Committee are asked to:
 - Review the contents of the report and make any suggestions for amendment;
 - Give authority to the Assistant Chief Executive (Corporate Governance), in consultation with the Chair, to approve the final report subject to any suggested amendments;
 - Agree to forward the final report to the Corporate Governance and Audit Committee to constitute the second of its six monthly update reports; and
 - Agree to forward the final report to full Council for consideration.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to seek comments on the draft Standards Committee Annual Report 2009/10.

2.0 Background Information

- 2.1 This is the Committee's fifth annual report, and as before it is proposed that it is submitted to full Council to outline the achievements of the previous year and plans for the year 2010/11. A press release will also be produced to publicise the annual report to members of the public, and it will be sent directly to all senior officers within the Council.
- 2.2 The annual report also forms part of the reporting arrangements to the Corporate Governance and Audit Committee and will be submitted at its first meeting of the 2010/11 municipal year as the second of the six monthly updates.

3.0 Main Issues

- 3.1 The annual report takes the same format as in previous years, however members of the Committee will note that this year, the impact of the Committee has been highlighted at the end of each section. The Committee's Annual Return for 2010 has also been included as an Appendix, in accordance with the Committee's decision of 8th July 2009.
- 3.2 As before, members of the Committee are asked to check their biographies and contact the report author if they wish to make any amendments.
- 3.3 The section regarding the work of the Committee is categorised in the same way as last year's annual report, into issue areas which reflect the Committee's terms of reference. However a section on politically restricted posts has also been included this year to incorporate this additional area of responsibility for the Committee.

4.0 Implications For Council Policy And Governance

- 4.1 Producing a report which details the Committee's work throughout the year and the decisions it has taken promotes transparency of the Committee's actions.
- 4.2 The annual report is also a method by which Members and officers can be informed of the Committee's role and its inputs and outputs. This is an objective of the Standards Committee Communications Plan which seeks to cascade regular information to Members and officers. The annual report will therefore have a fundamental contribution to the corporate governance arrangements of the Council.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 This report presents the draft Standards Committee Annual Report 2009/10 for the Committee's comments and suggestions for amendment.

6.2 The publication of the annual report will support the Council's governance arrangements by promoting transparency in the Committee's actions and helping to fulfil the Standards Committee Communications Plan.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to:

- Review the contents of the report and make any suggestions for amendment;
- Give authority to the Assistant Chief Executive (Corporate Governance), in consultation with the Chair, to approve the final report subject to any suggested amendments;
- Agree to forward the final report to the Corporate Governance and Audit Committee to constitute the second of its six monthly update reports; and
- Agree to forward the final report to full Council for consideration.

Background documents

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

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Leeds City Council

Standards Committee

Annual Report 2009 – 2010



Introduction

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

This is the Committee's fifth Annual Report and it presents a summary of its work during the 2009-10 municipal year. This report supports the corporate governance arrangements of the Council by promoting good conduct and cascading information.

Our Ambition

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

Foreword from the Chair



I am pleased to inform you that Leeds City Council was announced as winner of the Standards and Ethics category at the Local Government Chronicle Awards 2010. The judging panel was impressed by the Leeds' approach to ethical governance within the authority, and its commitment to promoting and maintaining high standards of Member conduct. I am delighted that the work undertaken by the Standards Committee has been recognised in this way.

This year the Standards Committee has continued to meet and address the challenges of adapting to its local assessment role, and has also taken on a new role in assessing Politically Restricted Posts. I am sad to say that, having served eight years, I will be standing down as Chair and Independent Member of the Committee at the Council's Annual Meeting in May 2010. On behalf of the Committee, I would like to extend a warm welcome to my successor, Mr Gordon Tollefson, who I am sure will continue to drive forward the standards agenda in Leeds.

We hope you enjoy learning about the Standards Committee and its work throughout the 2009/10 municipal year.

Mike Wilkinson
Chair of the Standards Committee



Members of the Committee

The Standards Committee is composed of four independent members (and one reserve independent member for the 2009/10 municipal year), seven City Councillors, and three Parish Councillors.

Independent Members

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

Mike Wilkinson

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



Rosemary Greaves

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



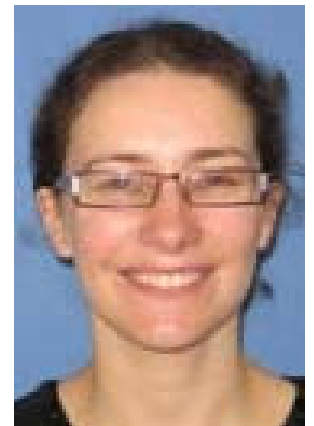
Philip Turnpenny

joined the Standards Committee in April 2008. Philip is the retired Director of Human Resources at Moores Furniture Group in Wetherby, where he is now Chairman of the Trustees of the Pension and Life Assurance Scheme. Philip is a Magistrate sitting in both the Adult and Family Proceedings Courts in Bradford, Chair of the Governing Body at Tadcaster Grammar School and Chair and Member of the Interim Executive Boards of St Joseph's Catholic Primary School and Sherburn High School respectively. Philip also sits on the Board of Foundation Housing. Philip's current term of office runs until the Annual Meeting in 2012.



Joanne Austin

joined the Standards Committee in May 2009. Joanne worked at KPMG for 21 years in a variety of roles, and most recently as a Principal Advisor within the Financial Services Advisory Group. She has also recently completed a degree in Psychology from the Open University. Joanne's current term of office runs until the Annual Meeting in 2013.



Gordon Tollefson

joined the Standards Committee as a reserve independent member in May 2009. Gordon retired from the NHS in January 2006 where he worked as a Senior Ambulance Service Manager. He has served as a magistrate in Leeds since 1994 and chairs Courts on a regular basis. In 2008 he was appointed by the Ministry of Justice to the Lord Chancellor's Advisory Committee for Leeds, which is the body that handles all matters relating to standards, discipline and governance within the Leeds Magistrates' Courts. In February, Gordon was appointed as a full Independent Member of the Committee for a period of four years, commencing at the Annual Meeting in 2010, and as Chair of the Committee for the 2010/11 municipal year.



Leeds City Councillors

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

Councillor David Blackburn

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



Councillor Colin Campbell

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



Councillor Les Carter

is a member of the Conservative Group and has been a Leeds City Councillor since 1973. He represents the Adel and Wharfedale ward on Leeds City Council and is also an Executive Board Member with responsibility for Neighbourhoods and Housing. Councillor Carter's areas of responsibility include housing policy and strategy, community safety, regeneration, homelessness and environmental health.



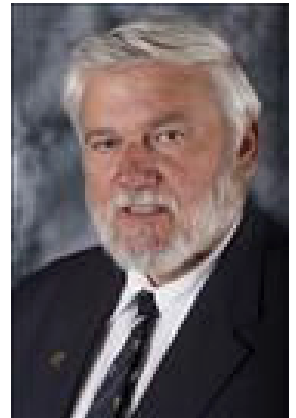
Councillor Ronald Feldman

is a member of the Conservative Group and represents the Alwoodley ward on Leeds City Council. Councillor Feldman is also a member of the Licensing Committee and the Children's Services Scrutiny Board.



Councillor Bob Gettings

is a member of the Morley Borough Independent Group and represents the Morley North ward on Leeds City Council. Councillor Gettings is also a member of the Children's Services Scrutiny Board and a member of Morley Town Council, on which he represents the Scatcherd Ward.



Councillor Janet Harper

is a member of the Labour Group and represents the Armley Ward on Leeds City Council. Councillor Harper is also a member of Plans Panel (West).



Councillor Brian Selby

is a member of the Labour Group and represents the Killingbeck and Seacroft Ward on Leeds City Council. Councillor Selby is also a member of the Licensing Committee, the Children's Services Scrutiny Board and he Chairs the East (Inner) Area Committee.

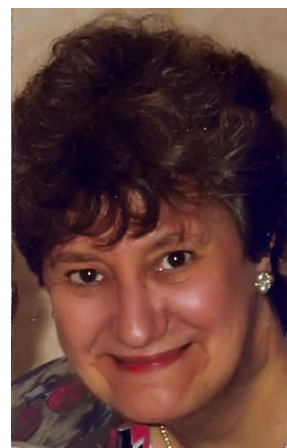


Parish Councillors

The role of the Parish Councillors on the Standards Committee is to make sure that the parish and town councils in Leeds are represented throughout discussions. At least one of the Parish Councillors must sit on the Standards Committee at all times when parish matters are being discussed. As the Standards Committee also has responsibility for the Parish and Town Councillors in the Leeds area, the Parish Councillors on the Standards Committee demonstrate that parish issues are going to be dealt with fairly. They also bring an additional independent perspective to the Committee as they are not able to be members of Leeds City Council.

Councillor Mrs Pat Walker

is a member of Pool-in-Wharfedale Parish Council which she was elected to for the first time 7 years ago. She is lead member on conservation matters. Previously a Harrogate District Councillor, she has been involved in politics at local, national and European levels. A business manager in Leeds and Harrogate for 25 years, she is now an active member of the Ruskin Society and is presently a Foundation Governor of Prince Henry's Grammar School, Otley. Councillor Walker's current term of office runs until the Annual Meeting in 2013.



Councillor John C Priestley

joined the Committee in 2005 as a reserve parish member and became a full member in 2007. He is a retired (litigation) solicitor and was a senior partner of Booth & Co. Leeds. He retired in 2002 and is now the Chairman of East Keswick Parish Council. He is also a Trustee of the W.W. Spooner Charitable Trust. Councillor Priestley's current term of office runs until the Annual Meeting in 2011.



Councillor Paul Cook

joined the Committee in 2009 as a full parish member. He was elected to Morley Town Council in 2007, and is currently the Deputy Mayor. He was a police officer for 30 years and retired in 1999. Councillor Cook's current term of office runs until the Annual Meeting in 2013.



Monitoring Officer to the Committee

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

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



Introduction to the Standards Committee

The general functions of the Standards Committee are:

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

The terms of reference for the Committee are:

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

The Work of the Committee 2009 – 2010

Promoting, monitoring and reviewing the Codes of Conduct

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

► **Reviewing the Codes and Protocols** - The Standards Committee has responsibility for several codes and protocols in the Constitution. To ensure that these are operating effectively, are being complied with, and are fit for purpose the Standards Committee has added regular reports regarding these codes and protocols to its work programme. This year the Standards Committee has reviewed:

- the Monitoring Officer Protocol; and
- the Standards Committee Media Protocol.

The Council's Member Management Committee is currently undertaking a review of the Local Codes and Protocols that affect elected Members, therefore the consideration of these Protocols by the Standards Committee will be delayed until the next municipal year.

The Committee also reviewed its own Procedure Rules in October in order to make them more accessible to subject Members and complainants, and to more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process.

► **Ethical Audit** - Through the results of the ethical audits carried out in 2006 and 2007, the Standards Committee identified a general lack of awareness and understanding amongst officers of the ethical framework. As a result the Committee requested that work be carried out by Human Resources to create a new ethical framework training and awareness programme for officers. A progress report was presented to the Committee in July 2009, which detailed some of the

activities undertaken such as including ethical governance questions in the Staff Survey and the 360 degree appraisals for senior officers. A report detailing the results of these ethical governance questions was presented to the Committee in February 2010, and concerns were expressed as the results did not appear to have improved since the Ethical Audit was undertaken. The Committee has therefore been provided with a list of actions that will be implemented in order to address the results.

- ▶ **Register of Interests and Gifts and Hospitality** - The Standards Committee seeks to reassure itself that the Members' register of interests is being reviewed and updated by Members on a regular basis and that the rules surrounding the registration of gifts and hospitality are being observed. The Committee receives annual reports to this effect, the last report on this subject having been considered on 8th July 2009. The Standards Committee was satisfied that the review arrangements in place are fit for purpose.
- ▶ **Officer Code of Conduct** - The Standards Committee received a report in October 2009 from Human Resources which proposed some amendments to the Council's Officer Code of Conduct, given the delay in the release of a national Code for officers. The proposed amendments, which were supported by the Committee, will bring the Code up-to-date, particularly in respect of organisational changes and technological advances.

Impact

By seeking assurance that the Codes and Protocols are fit-for-purpose and effectively promoted, the Committee has ensured that high standards of ethical governance exist throughout the authority, and that any issues, for example the results of the Staff Survey, are addressed.

Local Assessment of Complaints

Since May 2008, the Standards Committee has had responsibility for initially assessing and reviewing complaints against Leeds City Councillors and Parish and Town Councillors in the Leeds area.

- ▶ **Assessment and Review Sub-Committees** – The table below shows the number of complaints which have been made about Councillors in Leeds during this municipal year, and the number which have been referred for further investigation. The Assessment Sub-Committee has considered a total of 13 complaints. The Review Sub-Committee has considered 6 review requests, and the decision to take no further action was upheld in all cases.

Authority	Number of Complaints	Number of Councillors referred for investigation	Number of Councillors referred for other action
Leeds City Council	12	5 (3 of which are ongoing)	0
Parish and Town Councils	1	0	0

The Standards Committee aims to assess and review complaints within an average of 20 working days. During the 2009/10 municipal year, complaints were assessed in an average of 21 working days. This is due to two complaints which took 37 and 34 working days to be assessed, as further clarification had to be sought. Without these two complaints, the average is 19 working days.

Review requests were considered in an average of 39 working days. This was due to difficulties in some cases in achieving a quorum for the Review Sub-Committee. However, all review requests were considered within the statutory 3 month deadline.

Six investigations have been completed during the municipal year, and were completed within an average of 10 months.

- ▶ **Consideration and Hearings Sub-Committees** – In July, the Committee agreed to set up a Hearings Sub-Committee to determine complaints made against Members, and in December a Consideration Sub-Committee was created to receive and consider final investigation reports. This year, four final investigation reports were received which contained a finding of no failure, and this finding was accepted by the Consideration Sub-Committee in all cases. Two reports were received which contained a finding of failure (one of which also contained a finding of no failure, which was accepted by the Consideration Sub-Committee), and were referred to the Hearings Sub-Committee for determination. ***(To be updated following the Hearings Sub-Committee meetings.)***
- ▶ **Local Assessment Progress Reports** – The Committee receives reports on a six monthly basis, which provide an update on all complaints received under the Members’ Code of Conduct. The Committee is meeting the statutory deadlines in relation to the assessment and review of complaints, however concerns were expressed in relation to the time taken to complete investigations. In order to address this, a Procedure for External Code of Conduct Investigations was introduced. In February, the Committee was informed that the time taken to complete investigations had reduced as a result of the procedure.
- ▶ **Review of Local Assessment Arrangements** – The Standards Committee reviews the local assessment arrangements on an annual basis. In December, a questionnaire was sent to all City and Town and Parish Councillors seeking their comments on the local assessment process, including whether they wished to be notified that a complaint had been made against them prior to the meeting of the Assessment Sub-Committee. As the majority of respondents had indicated that

they did wish to be informed as soon as possible, the Committee agreed that subject Members should be notified prior to the meeting of the Assessment Sub-Committee, but that Members should be provided with the opportunity to opt-out of this process if they wish. Several other issues were raised during the review, however as most of these related to the content of the relevant legislation, it was agreed that the comments received should be forwarded to Standards for England and Communities and Local Government.

- ▶ **Training and Guidance for Members of the Sub-Committees** – In February, the Committee reviewed its training plan, and further to a recommendation by Corporate Governance and Audit Committee, it was agreed that members should be required to attend the relevant training prior to sitting on the Assessment, Review, Consideration and Hearings Sub-Committees.

Impact

By reviewing its local assessment arrangements, the Committee has been able to make amendments where possible to take Members' views and any arising issues into account. The Committee has also satisfied itself that it is meeting its obligations under the Standards Committee (England) Regulations 2008 by receiving six monthly update reports on complaints received.

Providing Guidance and Training

The Standards Committee has a special responsibility for ensuring that Members are trained in matters relating to the Code of Conduct and arranging for appropriate training to be provided. As there wasn't a local election in 2009, the Committee has not been provided with information in relation to the Code of Conduct training provided to Elected Members.

- ▶ **Governance Matters** - The Standards Committee features heavily in the regular bulletin 'Governance Matters' which is distributed to all Members of the Council, Directors, Chief Officers and all officers within Legal, Licensing and Registration, Procurement and Democratic Services. This bulletin contains a 'spotlight on' section which provides advice on specific standards or governance issues, front page news and feedback from the Council's governance committees. Past issues are available to download from the Council's website¹.
- ▶ **First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals** – The Committee receives regular reports summarising the decisions of case and appeals tribunals made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct. The Committee assesses whether there are any lessons to be learned from the decisions in relation to the training and guidance provided to Members in Leeds.

Impact

By training Members and officers on standards issues, the Committee is adhering to the Council's Code of Corporate Governance by helping to foster a culture of behaviour based on ethical principles and good conduct.

1

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

Relationship with Parish and Town Councils

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

- ▶ **Addressing the results of the Annual Audit** – A questionnaire was sent to Parish Clerks at the end of October 2007 to assess the ethical arrangements in place at their Parish or Town Council, the results of which were presented to the Committee on 16th October 2008. The Monitoring Officer, Chair and Parish Members of the Committee then met to discuss the results in detail and agree on the actions to be taken. The results of this meeting were reported to the Committee on 8th July 2009.
- ▶ **Parish and Town Council Liaison Forum** – A report was submitted to the meeting of the Parish and Town Council Liaison Forum which took place in October, which provided an update on ethical governance.

Impact

The Committee has assisted the Town and Parish Councils in meeting the requirements of the Code of Conduct, and is therefore helping to reduce the number of complaints received against Town and Parish Councillors and in turn the negative impact that this can have on the public's perception of ethical standards within Councils.

Politically Restricted Posts

The Local Government and Public Involvement in Health Act 2007 amended the Local Government and Housing Act 1989, transferring powers in relation to politically restricted posts from an Independent Adjudicator to Standards Committees.

- ▶ **Procedure for Politically Restricted Posts** – In August 2009, the Committee considered a proposed procedure for the consideration of politically restricted posts. The Committee raised several queries in relation to the procedure, including how political restriction would be dealt with as part of the Council’s recruitment process and how the list of restricted posts would be reviewed and monitored. A further report was therefore submitted to the Committee in October to address these issues. Under the Local Democracy, Economic Development and Construction Act 2009, the rate of remuneration is no longer applicable to restricted posts. Therefore, the Committee will receive a further report in the new municipal year outlining an amended procedure and list of restricted posts.
- ▶ **Applications for exemption from Political Restriction** – The Committee has received one application for exemption from the list of politically restricted posts, in relation to the post of Economic Policy and Information Manager. The Committee was informed that this role does not involve reporting to Council Committees or the Executive on a regular basis, and it was therefore resolved to remove this post from the list of restricted posts.

Impact

The Committee has ensured that it is meeting its obligations under the Local Government and Housing Act 1989, and has ensured that its procedure for considering applications for exemptions from or additions to the list of restricted posts is fit for purpose.

Working with Other Agencies

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

► **Local Government Chronicle Awards 2010** –Leeds City Council was announced as the winner of the 'Standards and Ethics' category of the Local Government Chronicle Awards 2010. The judging panel was impressed by the Council's commitment to high standards, and the innovation and hard work put into areas such as communicating standards and engaging leadership.

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

Case study work is being conducted with Councils at two-yearly intervals, the first round of which took place in September 2008. This included interviews being conducted with Members, key officers, local stakeholders and public focus groups. The second round of interviews will take place in Summer 2010.

► **Standards for England** - The Chair and a Parish Member of the Committee attended the Eighth Annual Assembly of Standards Committees held by Standards for England on 12th and 13th October 2009, which provided an opportunity for training and guidance and also feedback to Standards for England on their work. The Chair of the

Standards Committee was also a member of the steering committee for this year's conference, and was a speaker on the features of highly effective standards committees. The Monitoring Officer also attended and co-presented a workshop on managing investigations with confidence.

The Standards Committee is kept up to date on national conduct issues by receiving regular Standards for England Bulletins and issues of the Town and Parish Standard. The Standards Committee also received and considered Standards for England's Annual Review at its meeting in December 2009.

In 2009, Standards for England introduced the Annual Return, which all standards committees are required to complete. It asks questions on topics such as the role of the standards committee, what the committee does to promote standards, and Member/officer relations. The Annual Return for 2010 is attached at **Appendix 1** for information.

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

Impact

The Committee has ensured that it is kept up-to-date on national developments within the standards regime, and that the views of Members and officers in Leeds are taken into account through correspondence with Standards for England and Communities and Local Government.

Issues for 2010 – 2011

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

- ▶ **Member and Officer Codes of Conduct** – Communities and Local Government have advised that a new Member Code of Conduct will not be released prior to the general election. The Committee is therefore anticipating the release of a new Code of Conduct in the coming municipal year, as well as the release of a further consultation document in relation to the Officer Code.
- ▶ **Induction of the new Chair** – The current Chair of the Standards Committee, Mike Wilkinson, ends his final term of office at the Annual Meeting in 2010. The Council has appointed Mr Gordon Tollefson (who is currently a reserve Independent Member) as Chair for the 2010/11 municipal year. Mr Tollefson has already spent some time shadowing the current Chair to prepare for the role.
- ▶ **Recruitment Process** – The Committee will consider proposals for amending its process for recruiting the Chair of the Committee, and Independent Members.
- ▶ **Increasing understanding of local assessment** – Through the review of its local assessment procedures, the Committee has become aware that there are some concerns and misunderstanding amongst elected Members in relation to the complaints process. Action will therefore be taken to address this, for example by creating a list of Frequently Asked Questions, and the Monitoring Officer will also offer to attend political group meetings to discuss the process.

Useful Links

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

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

Parish Councils

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

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

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

The Monitoring Officer

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

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

- ▶ reporting on contraventions or likely contraventions of any enactment or rule of law and 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;
- ▶ advising Members on interpretation of the Code of Conduct;
- ▶ supporting the Standards Committee;
- ▶ receiving reports from Ethical Standards Officers and decisions of case tribunals;
- ▶ conducting and/or commissioning investigations into misconduct;
- ▶ performing ethical framework functions in relation to Parish Councils;
- ▶ acting as the proper officer for access to information;
- ▶ making arrangements for relevant matters to be considered by the Standards Committee with regard to initial assessment, review, consideration of final investigation reports and hearings, and to advise the Standards Committee on such matters;
- ▶ advising whether executive decisions are within the budget and policy framework; and
- ▶ advising on vires issues, maladministration, financial impropriety, probity, and budget and policy issues to all Members.



Annual Return form - 2010

Authority name Leeds City Council
Primary contact Nicole Jackson
Primary contact email nicole.jackson@leeds.gov.uk

PART 1: COMMUNICATION

Annual Report

Does the standards committee produce an annual report?

Yes

What does the report contain?

- | | |
|--|--|
| <input checked="" type="checkbox"/> A personal statement by the standards committee chairman | <input checked="" type="checkbox"/> Information about the members of the standards committee |
| <input checked="" type="checkbox"/> The role of the standards committee | <input checked="" type="checkbox"/> The standards committee terms of reference |
| <input type="checkbox"/> Information about the Code of Conduct | <input checked="" type="checkbox"/> Statistical information about complaints that have been received |
| <input type="checkbox"/> Information about the length of time taken dealing with complaints | <input type="checkbox"/> A summary of complaints which have led to investigation, sanction or other action |
| <input checked="" type="checkbox"/> Details about training/events provided | <input checked="" type="checkbox"/> The forward work plan of the standards committee |
| <input checked="" type="checkbox"/> Other | |

Please describe what "Other" contents are in the report.

Key achievements of the Standards Committee throughout the year and what they perceive to be their challenges for the year ahead.

A list of the Parish and Town Councils in Leeds and web addresses where relevant.

A list of places to find further information.

Details about the role of the monitoring officer, and brief details of the officers who support the Standards Committee.

This year (Annual Report 2009 – 2010) we will also include information about the length of time taken in dealing with complaints, including the average time taken to complete initial assessment and the average length of investigations, and a summary of complaints which have resulted in a hearing.

How is the standards committee annual report circulated?

- | | |
|---|--|
| <input type="checkbox"/> Sent to all senior officers | <input checked="" type="checkbox"/> Sent to all members |
| <input checked="" type="checkbox"/> Sent to parish/town councils | <input checked="" type="checkbox"/> Available on the authority intranet |
| <input checked="" type="checkbox"/> Available as a specific item on the authority website | <input checked="" type="checkbox"/> Available in the standards committee papers published on the authority website |
| <input checked="" type="checkbox"/> Included as a full authority meeting agenda item | <input type="checkbox"/> Publicised in local press |
| <input type="checkbox"/> Distributed to households | <input checked="" type="checkbox"/> Available at authority offices |
| <input type="checkbox"/> Not circulated outside of the standards committee | <input checked="" type="checkbox"/> Other |

The report is "Available as a specific item on the authority website", please provide the web address.

<http://democracy.leeds.gov.uk/ecSDDisplay.aspx?NAME=SD249&ID=248&RPID=692403&sch=doc&cat=519&path=467,519>

The report is "Available in the standards committee papers published on the authority website", please provide the web address.

<http://democracy.leeds.gov.uk/ieListDocuments.aspx?Cid=104&MId=3446&Ver=4>

Please describe the "Other" circulation methods.

This year (Annual Report 2009-2010) we will also be sending the Annual Report to

all senior officers and issuing a press release about the report.

Publicising Complaints

How can the public access information about how to make a complaint against a member?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Through a 'compliments and complaints' type section of the council website | <input checked="" type="checkbox"/> Through the standards committee section of the website |
| <input checked="" type="checkbox"/> Complaints leaflets available from the authority | <input type="checkbox"/> Included as part of a council newsletter |
| <input checked="" type="checkbox"/> Advertised through parish councils | <input type="checkbox"/> Information is not available to the public |
| <input checked="" type="checkbox"/> Other | |

The information is on the "compliments and complaints' type section of the council website", please provide the web address.

http://www.leeds.gov.uk/Council_and_democracy/Councillors_democracy_and_electio

The information is on "standards committee section of the website", please provide the web address.

<http://democracy.leeds.gov.uk/mgCommitteeDetails.aspx?ID=104>

Please describe the "Other" places the public can access this information.*

Posters were sent to Citizen's Advice Bureaux in Leeds and are displayed in all Council buildings, including one stop centres and libraries.

Also staff in the Council's Contact Centre are trained to forward complaints to the Monitoring Officer which concern the behaviour of Councillors.

How can the public access information about the outcome of initial assessment decisions?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Written summary available for public inspection | <input type="checkbox"/> All initial assessment decisions are publicised in the local press |
| <input type="checkbox"/> Publicised in the local press only if the subject member agrees | <input checked="" type="checkbox"/> Assessment decisions published on the authority website |
| <input type="checkbox"/> Articles published in the authority newsletter | <input checked="" type="checkbox"/> Other |

Please describe the "Other" ways initial assessments are available.

The Assessment and Review Sub-Committees produce minutes of their meetings, as well as a case summary which is kept in Civic Hall and made available for public inspection. The minutes are published on the Council's website and as part of the Standards Committee agenda, and the full Council agenda. The minutes are anonymised and do not contain any details about the allegations.

How can the public access information about the outcome of investigations?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hearings are open to the public | <input type="checkbox"/> All investigation outcomes are publicised in the local press |
| <input checked="" type="checkbox"/> Publicised in the local press only if the subject member agrees | <input checked="" type="checkbox"/> Published on the authority website |
| <input type="checkbox"/> Decision notices are available for public inspection | <input type="checkbox"/> Articles in the authority newsletter |
| <input checked="" type="checkbox"/> Other | |

Please describe the "Other" ways investigation outcomes are available.

Minutes of the Consideration Sub-Committee meeting and an open covering report by the Monitoring Officer (which details the outcome of the investigation but not the names of the parties) are published on the Council's website. If the Sub-Committee decide it is in the public interest the full investigation report would also be published. If the Member has not breached the Code the notice would only be placed in the Yorkshire Evening Post if they agreed (as per Reg 17(4)). During the pre-hearing process the parties can request that all or some of the hearing is held in private. Such requests would be considered by the Hearings Sub-Committee and decisions made on a case by case basis. The written decision of the Hearings Sub-Committee would be published on the Council's website, with the minutes, and a notice is published in the Yorkshire Evening Post. If the Member did not breach the Code, they could request it is not published, as per Reg 20(2(b)).

Do you have a mechanism in place for measuring the satisfaction of all those involved

in allegations of misconduct? For example the member, complainant and witnesses.

Yes

If yes, please can you describe the process?

We carry out an annual survey of all Councillors and Parish and Town Councillors asking what they think to each stage of the complaints process and what improvements they would like to see. At the end of each complaint we also ask the subject Member and the complainant for feedback on the process. Both sets of results are reported to the Standards Committee on an annual basis alongside recommendations for how the process could be improved. This year's review led to the Council changing its approach to notifying Members that a complaint has been made about them before the Assessment Sub-Committee has met to consider the matter. The Standards Committee resolved that Members should have a choice about whether they are notified prior to the Assessment Sub-Committee meeting or whether they wish to wait until they can be given a summary of the complaint alongside the decision in the form of a decision notice. This was in response to concerns from some Members that the previous procedure had caused them particular worry or concern, which was later found to be unnecessary.

At the end of each hearing the Standards Committee is also required to review the relevant sections of the Standards Committee Procedure Rules in light of any issues that have arisen during the case.

Finally, the Assessment and Review Sub-Committees consider whether there are any lessons to learn from the cases they have considered at the end of each meeting. Any recommendations would be considered by the Monitoring Officer and appropriate changes made. For example, suggestions have been made regarding the amount of readily obtainable information provided with the complaint, and the format of the agenda itself.

Communicating the role and work of the standards committee and standards generally

What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Dedicated standards committee pages on intranet | <input checked="" type="checkbox"/> Standards committee has its own newsletter / bulletin |
| <input type="checkbox"/> Standards committee issues briefing notes | <input type="checkbox"/> Articles in employee newsletter / bulletin / newspaper |
| <input checked="" type="checkbox"/> Standards committee independent members observe other authority meetings | <input checked="" type="checkbox"/> Standards committee independent members contribute to other authority meetings |
| <input checked="" type="checkbox"/> Other | |

Please give further details of the contributions made to other authority meetings.

The Chair of the Standards Committee is a co-opted non-voting Member of the Corporate Governance and Audit Committee. This arrangement is set out in Article 9 of the Constitution.

Please describe the "Other" methods used.

Independent and Parish Standards Committee Members shadow elected Members of Leeds City Council by attending ward surgeries. This is part of the Standards Committee's Training Plan to help the external Members understand the role of a City Councillor.

The Chair of the Standards Committee meets with the Leaders of all the Political Groups and the Chief Executive on a quarterly basis with the Monitoring Officer. The minutes of Standards Committee meetings are received by the Corporate Governance and Audit Committee and Full Council. The Standards Committee also provide a six monthly update on their work to the Corporate Governance and Audit Committee (one of these reports is the Annual Report).

How can the public access information about your standards committee?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Dedicated standards committee section on the authority website | <input checked="" type="checkbox"/> Within 'council and democracy' type section of website |
| <input type="checkbox"/> Ethical standards issues have been included in the local press / media | <input checked="" type="checkbox"/> Standards committee minutes, agendas, and reports are available to the public |
| <input checked="" type="checkbox"/> Leaflets and/or posters are placed in public buildings | <input checked="" type="checkbox"/> Places articles in the authority newsletter / bulletin / other publication |
| <input checked="" type="checkbox"/> Standards committee meetings are observed by members of the public | <input type="checkbox"/> Information is not available to the public |
| <input type="checkbox"/> Other | |

Please provide the web address for the standards committee section on the authority website.

<http://democracy.leeds.gov.uk/mgCommitteeDetails.aspx?ID=104>

Please provide the web address for information within the council and democracy section of your website.

<http://democracy.leeds.gov.uk/ieListMeetings.aspx?CIId=104&Year=2010>

What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

We publish our own bi-monthly newsletter called "Governance Matters" which highlights front page news and the regular work of the governance committees, as well as providing guidance on one key governance area per issue. This is available to the general public through the Council's website.

Our Chair is the Chair of the West Yorkshire Fire Authority's Standards Committee, a Director without Portfolio in the Association of Independent Members of Standards Committees in England, a member of the SfE's Annual Assembly Steering Group, and the Chair of the Yorkshire and the Humber Independent Members' Forum, raising the profile of the Standards Committee.

We work with other West Yorkshire authorities, particularly through our Monitoring Officer who has monthly meetings with her counterparts to discuss any ethical governance issues. Our Monitoring Officer led a session on "Managing Investigations" at the Annual Assembly which shared our experience in this area. The Chair and the Monitoring Officer also arranged the West Yorkshire Regional Standards Conference with their counterparts to share best practice.

Our Toolkit for Partnership Governance supports the Council's Framework for Significant Partnerships, and provides advice for partnerships on how to put in place codes of conduct and procedures for dealing with conflicts of interest. The Standards Committee have reviewed the toolkit.

We work with Parishes in Leeds through our Parish and Town Council Charter, Liaison Forum, and annual Spring Conference. This year our presentation at the Conference focused on local assessment and what a Member could expect if a complaint was made about them, reducing fears surrounding the process. We also send each Clerk a letter regarding every Standards Committee agenda highlighting matters of interest to Parish Councils.

The Committee has a communications plan which is kept under regular review to ensure it is communicating effectively with these different audiences.

PART 2: INFLUENCE

How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal meetings between standards committee members and senior figures specifically set up to discuss standards | <input type="checkbox"/> Informal discussion on particular standards issues |
| <input type="checkbox"/> Senior figure attendance at standards committee meetings | <input checked="" type="checkbox"/> Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings |
| <input checked="" type="checkbox"/> Executive or senior member has portfolio responsibility for standards | <input type="checkbox"/> Chair (or other standards committee member) addresses full authority meeting(s) |
| <input type="checkbox"/> Other | |

How do the senior figures in your authority demonstrate strong ethical values?

- | | |
|---|---|
| <input type="checkbox"/> Through a strongly promoted whistle-blowing policy | <input checked="" type="checkbox"/> By ensuring there are references to ethics in the authority vision / objectives |
| <input checked="" type="checkbox"/> Demonstrating appropriate behaviours | <input type="checkbox"/> Senior figure(s) makes personal commitment to standards in statements to public/employees |
| <input checked="" type="checkbox"/> Through any other method | |

Describe the "Other" ways that this is achieved.

Our "Aspirational Culture" was launched last year at the "from good to great" leadership challenge event, bringing together the Council's leaders and helping them align their thoughts towards a common purpose by embedding key leadership messages. These messages included great governance, behaviours and values. This "Aspirational Culture" is now embedded across the Council, with standards and ethics forming an integral part of each element.

Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

Yes

What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Informal discussion/mediation | <input checked="" type="checkbox"/> Monitoring Officer mediation |
| <input type="checkbox"/> Chair of standards committee mediation | <input type="checkbox"/> Senior figure mediation (e.g. Chief Executive) |
| <input type="checkbox"/> Advice from Human Resources department | <input type="checkbox"/> Solicitor / legal adviser consulted |
| <input type="checkbox"/> Informal hearing | <input type="checkbox"/> No mechanisms other than normal complaints process |
| <input checked="" type="checkbox"/> Other | |

Describe the "Other" mechanisms used.

The procedure for Members and officers to follow when facing a breakdown in relations is outlined in the Protocol for Member / officer Relations. Members are told they can raise the issue with the officer if appropriate, otherwise they should raise the matter with the relevant Director. The Monitoring Officer would report any such behaviour by Members to the relevant Group Whip or Leader for them to take appropriate action. If an officer was found to have breached the Member / officer Protocol they may face disciplinary action.

PART 3: TRAINING AND SUPPORT

Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?

Yes

If yes, what needs were identified?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Introduction to the Code of Conduct | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> The role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour |
| <input type="checkbox"/> None | <input type="checkbox"/> Other |

What training/support was provided during the period 1 April 2009 to 31 March 2010?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Introduction to the Code of Conduct | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> Role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour |
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> Other |

Describe the "Other" training/support provided.

Training has been provided to certain Members on the governance and conduct issues surrounding Planning and Licensing decisions, and training has been provided for Standards Committee Members on how to assess complaints. There was also specific training provided on conducting hearings.

Who received training/support?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Standards committee chair | <input checked="" type="checkbox"/> Independent members |
| <input checked="" type="checkbox"/> Other standards committee members | <input type="checkbox"/> All authority members |
| <input checked="" type="checkbox"/> Specific authority members with particular needs (e.g. new members, planning committee members) | <input type="checkbox"/> Other |

What methods were employed to give training/support?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) | <input checked="" type="checkbox"/> External trainer/speaker |
| <input checked="" type="checkbox"/> One on one training | <input checked="" type="checkbox"/> Joint/regional training event |
| <input checked="" type="checkbox"/> Online learning | <input checked="" type="checkbox"/> Guidance notes/briefing materials |
| <input checked="" type="checkbox"/> Standards for England materials | <input type="checkbox"/> Ethical governance toolkit |
| <input checked="" type="checkbox"/> Other | |

Describe the "Other" methods used.

We have used written case studies which have been created specifically for the Planning and Licensing Training which focus on areas of the Code of Conduct and also predetermination and bias issues. We have also created case studies to be used in training for Standards Committee Members on the Local assessment of complaints.

In which areas of the Code of Conduct has training/support been provided?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Respect | <input checked="" type="checkbox"/> Personal/Prejudicial Interests |
| <input checked="" type="checkbox"/> Use of resources | <input checked="" type="checkbox"/> Bullying |
| <input checked="" type="checkbox"/> Disrepute | <input checked="" type="checkbox"/> Predisposition, Pre-determination and bias |
| <input checked="" type="checkbox"/> Equality | <input checked="" type="checkbox"/> Confidentiality |
| <input checked="" type="checkbox"/> Other | |

Describe the "Other" areas covered.

All elements of the Code of Conduct

What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Chairing skills | <input checked="" type="checkbox"/> Lobbying |
| <input checked="" type="checkbox"/> Predetermination, Predisposition and bias | <input type="checkbox"/> Blogging and/or the use of social media |
| <input type="checkbox"/> Electioneering | <input checked="" type="checkbox"/> Freedom of Information (FOI) |
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> Other |

Describe the "Other" training/support provided.

Dealing with the media, public speaking, finance, ICT, equality and diversity, scrutiny, planning and licensing, corporate parenting, and risk management.

In general, how well attended was the training provided?

75% or more of those invited

Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

Members are provided with the copy of the Code of Conduct within their induction pack and guidance on how to complete their register of interests. Members then have a face to face training session on the Code, usually split into two sessions, one on general obligations and another on interests. These sessions are generally attended by the Monitoring Officer. Members are also provided with guidance from Standards for England and our own e-learning module on the Code. Election candidates are provided with a copy of the induction programme (including dates) in April so they can prepare to attend.

In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Initial assessments | <input checked="" type="checkbox"/> Other action/mediation |
| <input checked="" type="checkbox"/> Reviews | <input checked="" type="checkbox"/> Investigations |
| <input checked="" type="checkbox"/> Hearings | <input checked="" type="checkbox"/> Sanctions |
| <input checked="" type="checkbox"/> Other | |

Describe what "Other" areas were covered.

Training has also been provided to the Standards Committee on how to consider final investigation reports.

PART 4: INVESTIGATIONS

Have any investigations been completed during the period 1 April 2009 - 31 March 2010? Yes

How many investigations have been completed during this period?

6

Have any of the investigations used external investigators? Yes

Of the investigations completed during the period, for how many have external investigators been used?

6

Overall, what was your principle reason for out-sourcing the investigation(s)?

To complete the investigation sooner

What type of external investigator(s) did you use?

Employee of another authority

Self-employed investigator

Private law firm

Other

For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s) for completed cases?

£19000.00

Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

We have created and adopted a Procedure for external Code of Conduct investigations which places strict requirements on the investigator keep the authority informed on the progress of the investigation. This includes regular updates with one point of contact within the authority, and the requirement to produce detailed investigation plans and reviews (including details of interviews to be conducted). The procedure makes the terms of the delegation clear and gives points of contact for queries during the investigation. The draft report is also forwarded to the Monitoring Officer before being sent to the parties for comments, so that any areas of disagreement can be dealt with. We also provide templates for reports and letters etc. so that the information presented to the Standards Committee is all of the same quality.

PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS

Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?

Yes

If yes, what topics did the training cover?

- | | |
|--|---|
| <input type="checkbox"/> Freedom of Information (FOI) | <input type="checkbox"/> Confidential information |
| <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Lobbying |
| <input type="checkbox"/> Dual-hatted members | <input checked="" type="checkbox"/> The Code of Conduct generally |
| <input checked="" type="checkbox"/> Personal and prejudicial interests | <input checked="" type="checkbox"/> Bullying |
| <input checked="" type="checkbox"/> Other | |

What "Other" topics did the training cover?

Training on the local assessment process and the role of the Standards Committee
Access to Planning Information
New Regional Working Arrangements
Customer Services - What We Do
The Power to Promote Well-being
The Future of Development Sustainable Communities
Rights of Way

What methods were employed to give training/support?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) | <input checked="" type="checkbox"/> External speakers |
| <input type="checkbox"/> One on one training | <input checked="" type="checkbox"/> Joint/regional event |
| <input checked="" type="checkbox"/> Guidance notes/briefing materials | <input checked="" type="checkbox"/> Standards for England's materials |
| <input type="checkbox"/> CALC speakers | <input checked="" type="checkbox"/> Part of wider parish liaison meeting |
| <input type="checkbox"/> Other | |

In general, how well attended was the training for parish councillors?

0-25%

Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?

Yes

What topics did the training for parish clerks cover?

- | | |
|--|---|
| <input type="checkbox"/> Freedom of Information (FOI) | <input type="checkbox"/> Working with confidential information |
| <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Lobbying |
| <input type="checkbox"/> Dual-hatted members | <input checked="" type="checkbox"/> The Code of Conduct generally |
| <input checked="" type="checkbox"/> Personal and prejudicial interests | <input checked="" type="checkbox"/> Bullying |
| <input checked="" type="checkbox"/> Other | |

What "Other" topics did parish clerks training cover?

Training on the local assessment process and the role of the Standards Committee
Access to Planning Information
New Regional Working Arrangements
Customer Services - What We Do
The Power to Promote Well-being
The Future of Development Sustainable Communities
Rights of Way

What methods were employed to give training/support to parish clerks?

- | | |
|---|--|
| <input type="checkbox"/> One on one training | <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) |
| <input checked="" type="checkbox"/> External speakers | <input checked="" type="checkbox"/> Guidance notes/briefing materials |
| <input checked="" type="checkbox"/> Standards for England's materials | <input checked="" type="checkbox"/> Joint authority/regional event |
| <input type="checkbox"/> Other | |

In general, how well attended was the training for parish clerks?

0-25%

Does your council have a COMPACT (a formal agreement with your county Association of Local Councils about supporting standards for parish and town councils in the area)?

Yes

Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?

We have interacted with them in relation to the appointment of Parish Members of Standards Committee (roughly once a year), and in relation to training available to Parish Councils. We do not deliver joint training, but we do make Parishes aware that they can access training from the YLCA.

Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?

Yes

Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?

Yes

If yes, please provide contact details (where there are multiple Parish Liaison Officers, just provide one contact):

Name

Mr Ian Cornick, Resources and Projects Manager, Democratic Services

Contact address

4th Floor West, Civic Hall, Calverley Street, Leeds, LS1 1UR

Contact phone

0113 2243206

Email address

ian.cornick@leeds.gov.uk

What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?

Our Parishes have not generally experienced problems with Standards issues. As a result of the Annual Audit we are providing specific advice to Parish and Town Councils in standards issues, such as the registration of interests and recording of declarations of interests in meetings. We are considering working with one of our Parishes to assist them with improving their corporate governance arrangements, including having clear lines of accountability and publicising information.

Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Lobbying | <input checked="" type="checkbox"/> Predetermination and bias |
| <input checked="" type="checkbox"/> Planning and interests | <input checked="" type="checkbox"/> Dual-hatted members |
| <input type="checkbox"/> Other | |



Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 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 Three case tribunal decisions and five appeals tribunal decisions have been published since the last report. Councillors can appeal to the High Court against a decision made by a case tribunal. One such appeal has also 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, and the full High Court judgement 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 a high court judgement, case tribunal decisions, and those which are appeals against local standards committee decisions, for ease of reference.

3.0 Main Issues

High Court Judgement

- 3.1 A Member of Gosport Borough Council appealed against a decision of a case tribunal which disqualified him for a period of two years. The Councillor, who had a great interest in live music festivals and had organised folk music festivals in various places in Hampshire, had determined to hold a festival in Gosport. The organisation of the festival was to be effected through a company of which the Councillor was the sole director and the funding of the company was achieved through ticket sales for the festival.
- 3.2 At two applications, respectively for a licence to approve a place to hold the festival and for a licence to sell intoxicating liquor, made before separate Committees of the borough council, the Councillor appreciated that as a Member of the Borough Council he would have to negotiate with it at arms' length and he declared his company interests. The Committees approved the applications.
- 3.3 Three weeks before the festival was due to take place a motion was heard before the full Borough Council as to the appropriateness of the fee charged for the place licence; the motion placed the occurrence of the festival in jeopardy.

The Councillor did not declare his interests and participated in the motion. He was subsequently interviewed by an ethical standards officer for alleged breaches of the Code of Conduct.

- 3.4 The Councillor maintained that he had not withdrawn from the motion as he wanted to represent festival ticketholders and local businesses who would suffer if the motion was passed. He further maintained that he did not stand to personally gain or lose through the festival. The Councillor also stated that any loss on paper to the company did not represent the true picture as it was commonplace that the losses and gains from organised festivals were set off from one year to the next. The ethical standards officer formed the view that the Councillor had breached the Code of Conduct and referred the matter to the First-Tier Tribunal.
- 3.5 The tribunal agreed that the Councillor had sought to misuse his position for his personal gain and that he had blatantly and deliberately breached the Code of Conduct such that it was appropriate to disqualify him from public office. The Councillor accepted that he had made a gross error of judgment and breached the Code but argued that the tribunal had failed to give adequate reasons for its findings; and that the tribunal's sanction was disproportionate.
- 3.6 The appeal was allowed for the following reasons. The Councillor had maintained that at the time of the motion he had honestly held the view that he did not have to withdraw. Accordingly, for the tribunal to find that he had not held such a view, as it had effectively done, it had to give reasons for such a decision. The tribunal had not done so.
- 3.7 Disqualification was the most severe penalty and should only be imposed where a public representative had deliberately abused his position for personal gain or had deliberately breached a Code of Conduct such that he was entirely unfit for public office. In the circumstances of the instant case the Councillor could not be said to be such an individual. Many of the mitigating features contained in guidance issued by the Borough Council as to its Code of Conduct were present, such as honestly held mistaken view, whilst none of the aggravating features, on the material before the tribunal, were present.
- 3.8 Accordingly, the appropriate sanction was suspension from the Borough Council only for a period of two months from the date of the instant hearing and not disqualification.
- 3.9 **This case highlights the need for the Hearings Sub-Committee to provide full reasons for its decisions. The Hearings Sub-Committee procedure requires the Chair to confirm the Sub-Committee's decision and reasons for it at the end of the hearing. The reasons should also be included in the hearing decision notice.**

Case Tribunal Decisions

Borough, City or District Councils

Isle of Wight Council

- 3.10 It was alleged that Councillor S had failed to comply with the Code of Conduct in his involvement with an application for planning permission which had been sought by another member of the Council.
- 3.11 Councillor B submitted a planning application, about which she contacted several Councillors, including Councillor S. Councillor S asked the Head of Planning to ensure that the application was dealt with correctly, and drew his attention to Councillor B's partner's terminal illness. He also asked the Head of Planning to visit the site. The application was considered by the Planning Committee, and Councillor S attended the meeting but did not declare an interest in the application and did not speak during discussion of it. However, he did at various times express disagreement with some statements that were being made by officers. The application was approved, subject to a 'cooling off' period, to allow further consideration to be given at a later meeting.
- 3.12 Councillor S then attended a meeting with Councillor B, with the Head of Planning and the Director in relation to her application. At this meeting, Councillor S said 'Are we really going to let this whole thing blow up for four metres one way or another?', or words to that effect.
- 3.13 The case tribunal found that the two Councillors were friends, and therefore that Councillor S had a prejudicial interest in the matter and should not have been present at the Planning Committee meeting. He was therefore in breach of paragraph 12(1)(a) of the Code of Conduct. However, the case tribunal did not find that he was seeking to influence the decision. Although his behaviour may have had that effect, the word 'seek' means that there must have been an intention on his part. The case tribunal was not satisfied that there was such an intention. Nor did the case tribunal find that Councillor S' improper attendance at the meeting was to confer an advantage upon Councillor B.
- 3.14 The case tribunal did find that Councillor S' initial conversation with the Head of Planning was intended to influence him, and was therefore a breach of paragraph 12(1)(c) of the Code of Conduct. Councillor S should have realised that his friendship with Councillor B meant that he should keep himself well away from any involvement in the matter.
- 3.15 The tribunal also found that Councillor S' remark about the four metre distance carried overtones which were liable to compromise the impartiality of the officer to whom the remark was made. Therefore, he was also found to have breached paragraph 3(2)(d) of the Code of Conduct.
- 3.16 The case tribunal was of the view that Councillor S' conduct should not be classified as bullying or failing to show respect. However, by failing to distance himself from the application, the case tribunal found that Councillor S had undoubtedly brought his office and authority into disrepute, contrary to paragraph 5 of the Code of Conduct.

- 3.17 The tribunal decided that Councillor S should be suspended from being a member of Isle of Wight Council for six months, after balancing the mitigating factors and the fact that the breaches were at the more serious end of the spectrum. The tribunal also recommended that further training should be provided for members of the Council on the Code of Conduct, concentrating on enabling Councillors to recognise when they have personal and prejudicial interests, and the interaction between Members and officers of the Council.
- 3.18 **In Leeds, the Code of Practice for the Determination of Planning Matters advises Members not to become involved in applications where they have a prejudicial interest, and not to put pressure on officers to put forward a particular recommendation.**

Wakefield Metropolitan District Council

- 3.19 It was alleged that a Councillor had breached the Code of Conduct because:
- His conduct in dealings regarding the possible sale of land owned in connection with redevelopment of the area was inappropriate and threatening;
 - He did not make a full disclosure of an interest; and
 - He made an inappropriate remark in relation to the planning process.
- 3.20 Mr and Mrs G owned a significant piece of land, and decided to sell it for development. They were approached by Lidl in March 2007, who wished to purchase the land for supermarket development. During Summer 2007, Netto made contact with the Councillor in respect of development opportunities in the local area. The Councillor approached Mr and Mrs G about this, and a meeting took place with Netto. Netto were advised that the land was not yet for sale.
- 3.21 The Councillor remained in touch with Mr and Mrs G between Summer 2007 and Spring 2009, the purpose of which related almost entirely to the development of their land. The tribunal found that the Councillor had phoned Mr G and said he was unhappy about the prospect of Lidl being the successful developer and was adamant that Netto should be the supermarket. Mr G told the Councillor that they would continue with their existing business, to which the Councillor responded 'We can compulsory purchase'.
- 3.22 In October 2008, Mr and Mrs G informed Lidl that they were ready to proceed towards the sale of the land. In November 2008, a planning application was submitted by Lidl. In late November, Lidl contacted the Council to express concern about comments the Councillor had made.
- 3.23 In January 2009 the Planning and Highway Committee met to consider Lidl's application. The Councillor declared a personal interest, and spoke at the meeting. He did not vote at the meeting as the matter was deferred.
- 3.24 Mrs G spoke with the Councillor after the meeting, as she was concerned about his failure to mention his involvement with Netto. Mr and Mrs G wrote to the Council in February raising concerns about the Councillor's association with Netto.

- 3.25 In February 2009, the Planning and Highway Committee considered Lidl's application again and it was deferred. The Councillor attended this meeting but since then played no further part in the Committee's business. He subsequently resigned from the Committee.
- 3.26 The tribunal considered that the Councillor had bullied Mr and Mrs G, contrary to paragraph 3(2)(b) of the Code of Conduct. They felt that the Councillor wanted his own way in respect of the Netto supermarket, and even though he did not necessarily intend to bully Mr and Mrs G, he exerted undue pressure on them as people in a weaker position.
- 3.27 The tribunal considered that the Councillor's actions and behaviour in bullying Mr and Mrs G, given his threats of compulsory purchase, his position on the Planning Committee and the implication that he could make this happen as Councillor would have brought both the Council and office of Councillor into disrepute.
- 3.28 The tribunal also considered that the number and seriousness of the breaches of the Council's Planning Code by the Councillor would in this case result in disrepute, given the conduct underlying the breaches. The tribunal was satisfied that the Councillor had a closed mind when he attended the Planning Committee meeting in January 2009. In these circumstances, the Councillor's actions in attending and speaking at consideration of the Lidl planning application while having predetermined the application was disreputable and contributed to his breach of paragraph 5 of the Code of Conduct.
- 3.29 The Councillor had attempted to use his position to confer an advantage on Netto and a disadvantage on Lidl. The tribunal considered that this was improper in that he had used his public position to promote commercial private interests in an unfair and unreasonable way and without taking account of proper planning considerations and processes.
- 3.30 In deciding what sanction to apply, the case tribunal took the following factors into account:
- This was potentially an appropriate case for disqualification as it involved several breaches of the Code, including that of improperly conferring a disadvantage on someone;
 - The Councillor's expressed cavalier attitude to the Code of Conduct and the Council's Planning Code of Conduct, and his failure to take up training opportunities;
 - Evidence from the Council's previous Monitoring Officer that the Councillor's behaviour may on occasion have breached the Code; and
 - Nothing that the Councillor did was for his personal gain and he believed that he was acting in the best interests of his constituents.
- 3.31 Having regard to the fact that the Councillor's term expires in May 2010, the tribunal decided to suspend the Councillor from being a member of Wakefield MDC for the remainder of his term of office. If the Councillor was re-elected, there would be need for significant training on the Code. The tribunal also recommended to Wakefield MDC that they consider introducing a policy whereby no person should be allowed to take up an allocated place on the Planning Committee unless they have undertaken appropriate training.

- 3.32 **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 compulsory training relating to interests, and predetermination and bias. The Code of Conduct training provided to Members will also explain that a breach of a Local Code could result in disrepute, and therefore a breach of the national Code of Conduct.**

Eden District Council

- 3.33 It was alleged that a Councillor had breached the Code of Conduct by disclosing to the press exempt information contained in reports to the Council, following resolutions by the Council to exclude the press and public from the meetings while the reports were considered.
- 3.34 The Monitoring Officer wrote to all Members enclosing a copy of a confidential report regarding a development site. The letter reminded Members of the need to respect the confidentiality of the contents of the report. The Councillor spoke with the Chief Executive and the Monitoring Officer to express concerns about the contents of the report and also that it was intended that it be considered in private rather than in public.
- 3.35 The Council met to consider the confidential report, and the Councillor moved an amendment to the motion that the press and public be excluded, proposing that consideration of the report be adjourned for 7 days to give Members more time to consider its content. His amendment fell, and it was resolved that the press and public be excluded.
- 3.36 The following week the Councillor again spoke to the Chief Executive informing him that he was considering writing to the local paper and asked what information from the report he could disclose. The Chief Executive said that he could not disclose any information that had been set out in the meeting.
- 3.37 Following this, a local newspaper ran a story with a number of quotes from the Councillor, which contained some of the confidential information.
- 3.38 The Council met again, and considered a further confidential report on the development. The Councillor did not attend the meeting, but subsequently received a copy of the minutes, including the exempt portion of the meeting.
- 3.39 The Councillor spoke to the Monitoring Officer regarding the contents of the latest report, and undertook not to disclose confidential information from the exempt minutes that he had received. A letter from the Councillor was subsequently published in a local paper, which disclosed confidential information from the minutes.

- 3.40 The case tribunal considered that the Councillor had breached paragraph 4(a) of the Code of Conduct (you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature) by twice disclosing information given to him in confidence by the Council about discussions with a potential developer by means of two letters he wrote to the local newspaper.
- 3.41 Although the Councillor belatedly apologised to the Monitoring Officer at the hearing, he said that he would repeat aspects of his conduct should the situation arise. The case tribunal considered that this showed him to be untrustworthy and therefore that he had brought his office into disrepute, contrary to paragraph 5 of the Code of Conduct. His actions were also found to have brought his authority into disrepute by undermining its credibility as a body to be able to maintain confidentiality.
- 3.42 The case tribunal took the following factors into account in deciding what sanction to apply:
- This was a particularly serious set of breaches of the Code;
 - The Councillor's actions were pre-meditated;
 - He ignored the accepted channels for addressing his concerns;
 - He repeated his breach of confidentiality despite a personal and specific undertaking not to do so;
 - His decision involved making disrespectful assumptions about his colleagues on the Council and Council officers as to their likely conduct and motivation, without any justification or proper understanding of or inquiry into the process which would be followed in formulating a new planning scheme;
 - He knew that his conduct on the first occasion had been brought into question when he breached his undertaking and repeated the breach of confidentiality; and
 - While he acted for what he considered to be the public good, he lacks insight and showed bad faith, considerable arrogance and very poor judgement with respect to his relations with Council officers and Members.
- 3.43 The tribunal seriously considered whether the Councillor was fit to serve as a Member, and therefore whether he should be disqualified. However, having considered all the circumstances, the submissions of the parties and the guidance on sanctions, that on this occasion suspension for a period of six months, an apology and a requirement for training were the appropriate sanction. If the apology is not submitted within 28 days or the training not completed within six months, the Councillor would be suspended for a further six months.
- 3.44 **In Leeds, the Access to Information Procedure Rules (which are contained within Part 4 of the Council's Constitution) inform Members that they are required to contact the relevant Director if they wish to disclose confidential information. The Director can refuse the request if they decide that in the event that the Council received a Freedom of Information request, the Council would not be obliged to disclose that information.**

Appeals against Standards Committee decisions

Durham County Council and West Rainton and Leamside Parish Council

- 3.45 Two Councillors appealed against the Standards Committee's finding that they had failed to treat others with respect, bullied the Parish Clerk, compromised the impartiality of those who work for, or on behalf of, their authority, and brought their office and authority into disrepute. They also appealed against the sanction imposed which was to suspend them from office and before resuming duties to be expected to undertake training in Equality and Diversity, and the Code.
- 3.46 The tribunal was satisfied that the Councillors did fail to treat the Parish Clerk with disrespect. Prior to the relevant meetings they agreed on their strategy which included criticisms of the form of agenda and the minutes as well as the Clerk herself in a number of instances. Whilst they were entitled to raise criticisms of the form of agenda and accuracy of the minutes, their behaviour went beyond legitimate challenge.
- 3.47 One of the Councillors expressed in public sessions on two occasions, that the Clerk needed training. Any concerns about the form of agenda and training issues should have been dealt with in private session. The appeals tribunal also considered that it was unreasonable for one of the Councillors to raise at a public meeting the issue of referring the Clerk to a disciplinary procedure. The Clerk had no right of reply in Parish Council meetings to such criticisms and public sessions were an inappropriate forum within which to raise such matters.
- 3.48 The tribunal was not satisfied that the Councillors had bullied the Clerk, as they were not offensive, malicious or intimidating towards her to the extent that their behaviour amounted to bullying for the purposes of the Code.
- 3.49 The tribunal found that the Councillors did bring their office and authority into disrepute as their behaviour would seriously lessen confidence in the office of Parish Councillor and in the Parish Council as an employer.
- 3.50 The tribunal considered that there was no evidence to support a finding that the Councillors had compromised the impartiality of those who work for, or on behalf of, their authority, and the Standards Committee chose not to sustain that part of its findings.
- 3.51 The tribunal found that the disrespect shown towards the Clerk was at the high end of the spectrum of severity and represented a serious breach of the Code. The Councillors showed no recognition that their damaging conduct was in any sense inappropriate and there was no apology for it. The tribunal therefore concluded that there is a significant risk of further breaches of the Code by the Councillors.
- 3.52 The appeals tribunal decided that the Councillors should be suspended for a period of 3 months. The finding of the Standards Committee was therefore partly upheld.
- 3.53 **In Leeds, Members who have concerns about the capabilities or conduct of an officer are advised through the Protocol on Member Officer Relations to**

avoid personal attacks on or abuse of the officer, ensure that any criticism is well founded and constructive, never make a criticism in public, and to take up the concern with the officer privately. If this is inappropriate, Members are advised to raise their concerns with the relevant director.

London Borough of Barking and Dagenham

- 3.54 A Councillor appealed against the Standards Committee's findings that he had brought his office and authority into disrepute by making false statements in an interview that a young girl had been murdered in Barking and Dagenham and that a further two people were killed in a knife attack on the streets of Barking and Dagenham. The interview was included within a video film and then posted on the internet. The Councillor also appealed against the sanctions imposed which were:
- To suspend the Councillor for a period of one month;
 - To require him to publish an apology on his personal blog;
 - If no apology is published in an agreed form, to extend the period of suspension until such apology has been posted; and
 - The apology should remain on the Councillor's personal blog for a period of at least four months.
- 3.55 The appeals tribunal identified that the key issue was whether the Councillor was acting in his official capacity at the time of the incident. The tribunal considered the individual elements of the relevant provisions of the Code, as follows:
2. *(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—*
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or*
- (b) act, claim to act or give the impression you are acting as a representative of your authority,*
- and references to your official capacity are construed accordingly.*
- 3.56 The tribunal considered that there was no evidence to support the position that the Councillor was conducting the 'business of the Council' whilst making the video.
- 3.57 The tribunal concluded that the Councillor was:
- making the video on behalf of the BNP with its primary purpose being party political;
 - not identified as a Councillor for the London Borough of Barking and Dagenham;
 - not taking forward an issue relevant primarily to the Council;
 - not taking forward an issue on behalf of an individual constituent; and
 - the video dealt with a range of issues and the Councillor did not concentrate upon issues within the Council.

- 3.58 Therefore, the tribunal decided that the making of the video was not proximate enough to the Councillor's role of councillor as to bring him into the ambit of 'acting in his capacity as a councillor'.
- 3.59 The tribunal then considered whether the Councillor was acting, claiming to act or giving the impression he was acting as a representative of the authority. There was no evidence that he was acting in that capacity at the time of the incident.
- 3.60 The Councillor did not mention his involvement with the Council either in the video or on his website link. There was therefore no evidence to suggest that he was claiming to act as a representative of the Council. The Councillor had introduced himself as a Greater London Authority (GLA) assembly member, and it followed that using this term would naturally be construed by a viewer as referring him to exercising his elected powers within the GLA. The Councillor was also critical of those involved with the Council, which further supports the view that he was, on this particular occasion, standing outside of the Council and expressing an independent view.
- 3.61 The tribunal concluded that the Code was not engaged and therefore that there was no breach of the Code of Conduct.
- 3.62 A separate complaint was made to the GLA in relation to this incident, which was investigated and referred to the GLA's Hearings Sub-Committee. The Hearings Sub-Committee found that the Councillor had breached the Code of Conduct and decided that he should be censured, required to submit an apology and undertake training on ethics and standards in public life. The Councillor did appeal this decision, but during the appeal he sought permission to withdraw his appeal, which was accepted by the tribunal on the understanding that:
- The Councillor accepted that he had acted in his capacity as a GLA Assembly member and had accordingly been in breach of the GLA Code of Conduct;
 - That the Councillor accepted his censure for this breach; and
 - In light of the admissions made by the Councillor, the explanations he had given for his actions, and the publication of an apology, the GLA requirement for the Councillor to undertake training on ethics and standards in public life was no longer to be pursued by the GLA.
- 3.63 **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.**

London Borough of Brent

- 3.64 A Councillor appealed against the sanction imposed by the Standards Committee following a finding that she had:
- Brought her office and authority into disrepute;
 - Used her position as a member improperly to secure for herself an advantage; and

- Failed to provide within 28 days notice of receiving a gift of a value of more than £25.
- 3.65 These findings relate to the Councillor's actions in soliciting sponsorship from two local businesses during her period in office as Mayor. She received two contributions of £500 and £400 from two local businesses and says she used the money to buy clothing and accessories for use during her term of office.
- 3.66 The tribunal considered that the Councillor had solicited gifts from more than one person and failed to account properly for them. The repeated lack of credibility on the part of the Councillor influenced the tribunal against accepting her submission that she appreciates the severity of the matter and that there will be no repetition. The decision of the Standards Committee to suspend the Councillor for 6 months was upheld.
- 3.67 **In Leeds, guidelines are provided to the Lord Mayor and Deputy Lord Mayor in relation to appropriate expenditure on clothing, gifts, etc. The Lord Mayor's office also keeps a record of any gifts/hospitality received by the Lord Mayor and Deputy Lord Mayor, which is provided to Governance Services on a regular basis in order that it can be added to the register of interests.**

Hampshire Police Authority

- 3.68 A Councillor appealed against the Standards Committee's finding that she had disclosed confidential information, contrary to paragraph 4(a) of the Code of Conduct. The sanction imposed was to require the Councillor to undertake suitable training in dealing with the media.
- 3.69 An investigation was undertaken into allegations that the complainant and a junior colleague had breached the Official Secrets Act. The formal position of the authority in considering those items was that the complainant's name should not be disclosed. Following consideration of the investigation at a Committee meeting, the Councillor took a call from a reporter at a local newspaper, within her role as Chair of the authority. The Councillor indirectly confirmed the identity of the complainant, not by mentioning a name but by confirming the use of the name by the reporter.
- 3.70 The tribunal considered that the Councillor had received the information relating to the investigation in confidence, and she ought reasonably to have been aware that it was of a confidential nature. She had therefore breached paragraph 4(a) of the Code, unless any of the exemptions applied.
- 3.71 The exceptions in paragraphs (i) to (iii) clearly did not apply. The tribunal considered whether paragraph (iv) applied, i.e. was the disclosure reasonable and in the public interest, and made in good faith and in compliance with the reasonable requirements of the authority. They took the view the disclosure was not reasonable or in the public interest given the impact of the release on the complainant and his family, the fact that he had retired, and the fact that the allegations against him were unsubstantiated. The tribunal also concluded that the disclosure, although inadvertent, was not in compliance with the reasonable requirements of the authority, given the existence of a media policy which the

Councillor was clearly aware of and felt bound by. The tribunal therefore concluded that the exception in paragraph (iv) did not apply.

3.72 In considering the appropriate sanction to apply, the appeals tribunal noted the following factors:

- The complainant was genuinely aggrieved about the release of the information and it caused distress to his family;
- There could have been serious consequences for his future career;
- The Councillor's confirmation of the facts made the publication of the newspaper article more likely;
- The Councillor should have refused to comment when pressed by the reporter;
- The disclosure took the form of indirect confirmation of the complainant's name;
- It was an inadvertent slip by the Councillor when put under pressure by the reporter;
- The Councillor had had no malice or intent;
- She should be commended for her honesty during the investigations; and
- She had not received training in dealing with the media.

3.73 The tribunal concluded that this was not a case where suspension was appropriate. Given that the Councillor had made it clear that she intended to have, and would like, media training, the tribunal decided not to change the sanction imposed by the Standards Committee.

3.74 In Leeds, media training is provided for Members as part of the personal development programme. 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.

Newark and Sherwood District Council and Blidworth Parish Council

3.75 A Councillor appealed against the Standards Committee's finding that he failed to follow paragraphs 3(1), 3(2)(b) and 5 of the Code of Conduct and against its determination that he be suspended for a period of six months and make a written apology to the Parish Clerk in respect of his actions and words.

3.76 The Councillor was sent a letter from the Parish Council which banned him from entering the parish office due to his harassment of the Clerk in July 2007. He was also sent a letter in July 2007 by the community association banning him from entering the community centre except for organised events.

3.77 On 26 June 2008, the Clerk was at the parish office (which is situated within the community centre) and in conversation with three Councillors. The Councillor arrived at the community centre and looked at the parish notice board. He then entered the building and challenged the Clerk about the notices on the board, stating that they were incorrect notices for that time. In front of the other Councillors, he told the Clerk that he was useless and should be sacked.

- 3.78 On 30 June 2008, the Clerk was at the parish office when the Councillor entered the community centre after having looked at the parish notice board. He again challenged the Clerk about the correctness of the board.
- 3.79 The tribunal found that the Councillor did fail to treat the Clerk with respect by his conduct on 26 June 2008. Although the Councillor was seeking to raise an issue of legitimate concern to him, he chose to do so in a way which was unreasonable and demeaning. The public expression of criticism of a council employee in a rude, offensive and intimidatory manner as a consequence of a loss of self-control strays well beyond the realm of what is legitimate within the scope of the Code.
- 3.80 The tribunal found that the Councillor did not fail to treat the Clerk with respect on 30 June 2008, as he did nothing other than raise a complaint about the content of the notice board.
- 3.81 The tribunal was not satisfied that the Councillor's behaviour attained the level necessary to support a finding of bullying in this case. The tribunal was satisfied from the evidence it had seen, particularly the description by the Clerk, that the behaviour is most appropriately categorised as one of harassment rather than bullying.
- 3.82 The tribunal concluded that, on an objective view and in the light of all the circumstances, in particular the motive for the Councillor's actions which was to right perceived wrongs, that the threshold for a finding of disrepute was not reached in this case.
- 3.83 The tribunal took the following aggravating and mitigating factors into account:
- The Councillor's underlying motive was to right wrongs. He saw that as his overriding duty as a Parish Councillor and believed his conduct to be justified;
 - The Councillor's word and conduct were seriously disrespectful towards the Clerk;
 - The Councillor's behaviour occurred in a public place and in front of other Parish Councillors;
 - The Councillor has failed to acknowledge any fault on his part or to appreciate how inappropriate his conduct was. There has been no hint of contrition or an apology;
 - The previous finding by an ESO indicates that the incidents were not a one-off incident but a pattern of disrespectful behaviour towards the Clerk;
 - Their view that there is almost an inevitability that the Councillor will commit further breaches of the Code in his dealings with the Clerk.
- 3.84 The tribunal considered that the appropriate sanction was for the Councillor to be suspended for a period of two months and for the Councillor to be required to make an apology to the Parish Clerk in the form specified. In the absence of the Councillor sending an apology in the specified form before the expiry of the suspension, he will be suspended for a further period of four months.
- 3.85 **In Leeds, Members are provided with guidance on how to communicate with officers through the Protocol on Member Officer Relations, contained in Part 5 of the Council's Constitution. The Protocol states that the basis**

of the Member Officer relationship should be mutual confidence and trust, and warns against more extreme forms and behaviour and emotion which are rarely conducive to establishing mutual respect. The Protocol also asks that any dealings and correspondence between Members and Officers observes standards of courtesy.

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>

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Originator: Laura Ford

Tel: 0113 39 51712

Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 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 seek comments from the Committee regarding the draft work programme for the next municipal year.

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 remaining items for the remainder of the municipal year 2009/10 have been added to the draft work programme for the new municipal year.

3.2 Members of the Committee should note the proposed dates for the five Committee meetings in 2010/11. These dates will be submitted to full Council for approval at the Annual Meeting on 27th May, therefore the approved dates will be confirmed by e-mail after the Annual Meeting.

3.3 Dates for next year's Assessment/Review Sub-Committee meetings will be confirmed by e-mail. The membership for the Sub-Committee meetings will be assigned according to Members' availability.

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 draft work programme for 2010/11 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 2010/11

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
Meeting date: 13th July 2010, 10am (tbc)		
Review of the Members' Register of Gifts and Hospitality	To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the results of a review of the Members' Register of Interests and Gifts and Hospitality for the year 2009/10.	Corporate Governance Officer Laura Ford
Local Assessment – Progress Report	To receive a report providing an update on all complaints received from 1 st January 2010 – 30 th June 2010.	Senior Corporate Governance Officer Amy Kelly
First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals	To receive a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.	Corporate Governance Officer Laura Ford
Members Induction Period 2010	To receive a report regarding new Members' declaration of acceptance of office, Register of Members' Interests, and training for Members during the induction period.	Corporate Governance Officer Laura Ford
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.	Chief Officer (Human Resources) Lorraine Hallam

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

Meeting date: 20th October 2010, 10am (tbc)

Standards for England Annual Review 2009/10	To consider a report outlining the contents of the Standards Board for England Annual Review 2009/10.	Corporate Governance Officer Laura Ford
Review of Local Assessment Procedures	To receive a report providing details of the outcomes of the review of the Local Assessment procedures.	Senior Corporate Governance Officer Amy Kelly
Procedure for External Code of Conduct Investigations	To receive a report presenting the annual review of the Procedure for External Code of Conduct Investigations.	Senior Corporate Governance Officer Amy Kelly
First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals	To receive a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.	Corporate Governance Officer Laura Ford

Meeting date: 15th December 2010, 2pm (tbc)

Standards for England Annual Assembly	To receive a report on the recent Standards for England Annual Assembly, and feedback from those Members of the Committee who attended.	Corporate Governance Officer Laura Ford
Standards Committee Communications Plan	To consider a report reviewing the Standards Committee Communications Plan including any proposals for amendment.	Corporate Governance Officer Laura Ford

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

Standards Committee Half Year Progress Report	To receive a report of the Assistant Chief Executive (Corporate Governance) on the work completed by the Standards Committee in the last six months to be reported to the Corporate Governance and Audit Committee in February 2011.	Corporate Governance Officer Laura Ford
First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals	To receive a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.	Corporate Governance Officer Laura Ford
Meeting date: 16th February 2011, 10am (tbc)		
Draft Standards Committee Annual Report 2010/11	To seek Members' input on content of the Standards Committee annual report 2010/11. The report provides proposals and suggestions for content, and a draft report.	Corporate Governance Officer Laura Ford
Annual Report on the Monitoring Officer Protocol	The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.	Senior Corporate Governance Officer Amy Kelly
Standards Committee Training Plan	To receive a report reviewing the Standards Committee training plan, and seeking the Committee's approval of any amendments to the plan.	Corporate Governance Officer Laura Ford
Local Assessment – Progress Report	To receive a report providing an update on all complaints received from 1 st July 2010 – 31 st December 2010.	Senior Corporate Governance Officer Amy Kelly

STANDARDS COMMITTEE - WORK PROGRAMME 2009/10

First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals	To receive a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.	Corporate Governance Officer Laura Ford
Meeting date: 20th April 2011, 2pm (tbc)		
Final Standards Committee Annual Report 2010/11	To seek Member's approval for the final draft of the Standards Committee Annual Report 2010/11.	Corporate Governance Officer Laura Ford
Standards Committee Procedure Rules	The Monitoring Officer will report to the Standards Committee annually on whether the arrangements set out in this procedure have been complied with, and will include any proposals for amendments in the light of any issues that have arisen during the year.	Principal Corporate Governance Officer Kate Sadler
First-Tier Tribunal (Local Government Standards in England): Decisions of Case Tribunals	To receive a report providing summaries of recent decisions made by the First-Tier Tribunal (Local Government Standards in England) in its role of determining allegations of misconduct.	Corporate Governance Officer Laura Ford

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
Code of Practice for the Determination of Licensing Matters	<p>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.</p> <p>(Annual report which is provided because the Standards Committee is responsible for approving the Code of Practice - to be provided following the conclusion of consideration of the Local Codes and Protocols by Member Management Committee)</p>	Section Head Licensing and Enforcement Gill Marshall
Code of Practice for the Determination of Planning Matters	<p>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'.</p> <p>(Annual report which is provided because the Standards Committee is responsible for approving the Code of Practice - to be provided following the conclusion of consideration of the Local Codes and Protocols by Member Management Committee)</p>	Chief Planning Officer Phil Crabtree