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## STANDARDS COMMITTEE

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Meeting to be held in Civic Hall, Leeds on  
Wednesday, 16th February, 2011  
at 10.00 am

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### MEMBERSHIP

#### Independent Members

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

#### Councillors

C Campbell  
JL Carter  
E Nash  
RD Feldman  
R Gettings  
J Harper  
B Selby

#### Parish Members

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

# A G E N D A

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

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct</p>	
5			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To approve the minutes of the Standards Committee meeting held on 13<sup>th</sup> July 2010.</p>	1 - 8
6			<p><b>MINUTES OF THE ASSESSMENT SUB-COMMITTEE</b></p> <p>To note the minutes of the Assessment Sub-Committee meeting held on 13<sup>th</sup> December 2010.</p>	9 - 10
7			<p><b>MINUTES OF THE CONSIDERATION SUB-COMMITTEE</b></p> <p>To note the minutes of the Consideration Sub-Committee meetings held on 29<sup>th</sup> June and 13<sup>th</sup> December 2010.</p>	11 - 14
8			<p><b>MINUTES OF THE CORPORATE GOVERNANCE AND AUDIT COMMITTEE</b></p> <p>To note the minutes of the Corporate Governance and Audit Committee meetings held on 30<sup>th</sup> June, 29<sup>th</sup> July, 29<sup>th</sup> September, 15<sup>th</sup> November, 14<sup>th</sup> December 2010 and 24<sup>th</sup> January 2011.</p>	15 - 44

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p><b>OFFICER/EMPLOYEE CODE OF CONDUCT</b></p> <p>To receive a report of the Chief Officer (Human Resources) providing an update to the Standards Committee on work which has taken place, and is taking place, around the Code of Conduct which applies to staff.</p>	45 - 70
10			<p><b>ETHICAL AUDIT ACTION PLAN: HR ISSUES UPDATE</b></p> <p>To receive a report of the Chief Officer (Human Resources) providing a final update to the Committee on the actions assigned to the Chief Officer (Human Resources) as a result of the Ethical Audits in 2006 and 2007.</p>	71 - 80
11			<p><b>IMPLICATIONS OF THE LOCALISM BILL FOR THE ETHICAL FRAMEWORK IN LEEDS</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) briefing Members of the Standards Committee on the aspects of the Localism Bill which relate to the Council's ethical governance arrangements, specifically the Members' Code of Conduct, Standards Committee, and local assessment arrangements.</p>	81 - 92
12			<p><b>STANDARDS COMMITTEE - INTERIM ANNUAL REPORT</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) providing members of the Standards Committee with performance information regarding the Standards Committee's activities during the 2010/11 municipal year.</p>	93 - 104

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13			<p><b>ANNUAL REPORT OF THE MONITORING OFFICER</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) presenting the Monitoring Officer's Annual Report which is required under paragraph 5 of the Monitoring Officer Protocol.</p>	105 - 114
14			<p><b>STANDARDS COMMITTEE WORK PROGRAMME</b></p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) outlining the contents of the draft work programme for the remainder of the 2010/11 municipal year.</p>	115 - 118

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# Agenda Item 5

## Standards Committee

Tuesday, 13th July, 2010

### PRESENT:

#### Independent Members

Gordon Tollefson (Chair)	(Independent Member)
Joanne Austin	(Independent Member)
Gordon Tollefson (Chair)	(Independent Member)
Councillor Paul Cook	Morley Town Council
Rosemary Greaves	(Independent Member)
Philip Turnpenny	(Independent Member)

#### Councillors

B Gettings	J L Carter	E Nash
J Harper	R D Feldman	

#### Parish Members

Councillor John C East Keswick Parish Council  
Priestley

### APOLOGIES:

Councillors C Campbell, Walker and B Selby

#### **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**

There were no resolutions to exclude the public.

#### **3 Late items**

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

#### **4 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.

## **5 Minutes of the Previous Meeting**

The minutes of the Standards Committee meeting held on 22<sup>nd</sup> April 2010 were approved as a correct record.

Further to Minute 85, the Committee was informed that the local assessment flowchart and FAQs would be considered by the Whips at its meeting that afternoon, and that the Chair of Standards Committee would be attending the meeting.

Further to Minute 92, the Committee was informed that the Standards Committee Procedure Rules had been updated in accordance with the Committee's resolutions, and that Sub-Committee meetings have been scheduled to take place every three weeks, rather than every month.

Further to Minute 93, the Committee was informed that General Purposes Committee had agreed to recommend to full Council that the specified elements of the Standards Committee training plan be made compulsory, and that full Council would consider this recommendation at its meeting on 14<sup>th</sup> July 2010.

Some concerns were raised by members of the Committee in relation to the Local Assessment regime, particularly with reference to the cost of investigations, trivial complaints, and the impact of the process on the Member involved. A report was requested on the support that could be provided to Councillors throughout the local assessment process. It was also suggested that the Committee should watch a DVD produced by Standards for England regarding local assessment of complaints.

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

The minutes of the Assessment Sub-Committee meetings held on 13<sup>th</sup> April and 11<sup>th</sup> June 2010 were received and noted.

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

The minutes of the Review Sub-Committee meetings held on 12<sup>th</sup> May and 11<sup>th</sup> June 2010 were received and noted.

## **8 Minutes of the Consideration Sub-Committee**

The minutes of the Consideration Sub-Committee meeting held on 11<sup>th</sup> June 2010 were received and noted.

## **9 Minutes of the Hearings Sub-Committee**

The minutes of the Hearings Sub-Committee meetings held on 11<sup>th</sup> and 17<sup>th</sup> May 2010 were received and noted.



## **10 Minutes of the Corporate Governance and Audit Committee**

The minutes of the Corporate Governance and Audit Committee meetings held on 14<sup>th</sup> April, 12<sup>th</sup> May and 23<sup>rd</sup> June 2010 were received and noted.

## **11 Politically Restricted Posts**

The Head of Health and Safety presented a report of the Chief Officer (Human Resources) setting out the background to work done in early 2010 to update the Council's list of politically restricted posts, and seeking approval of amendments to the Committee's Procedure for the Consideration of Politically Restricted Posts in light of legislative changes.

In response to the queries raised, the members of the Committee were informed that:

- There are currently around 250 posts on the list of politically restricted posts (including both specified posts and posts with sensitive duties);
- Posts with sensitive duties are defined as those which involve giving advice on a regular basis to the authority, any of its Committees or a member of the Executive, and/or speaking on behalf of the authority on a regular basis to journalists or broadcasters;
- The Standards Committee is responsible for considering applications for exemption from the list of restricted posts, and requests from any person to add a post to the list (if the relevant Director does not agree that the post should be added);
- Directors must have regard to the guidance provided by HR in deciding which posts should be added to the list;
- An up-to-date, central list of restricted posts is maintained by HR; and
- A list of the restricted posts would be circulated to members of the Committee for information.

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

- (a) Note the work undertaken to maintain the list of politically restricted posts;
- (b) Adopt the revised Standards Committee Procedure for the consideration of applications to exempt posts from or add posts to the list of politically restricted posts; and
- (c) Request that the current list of politically restricted posts is circulated to members of the Committee for information.

## **12 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 1<sup>st</sup> January to 30<sup>th</sup> June 2010.

The Chair provided an update to the Committee, further to Government's announcement that the Decentralisation and Localism Bill would contain a commitment to 'abolish the Standards Board regime'. CLG's draft structural reform plan was published on 8<sup>th</sup> July, which includes an action to 'abolish the

Standards Board'. The plan indicates that work will begin in November 2010 and will end in November 2011 with the passing of the Bill. However, as CLG have adopted a cautious view of the timescales, the Bill could be passed prior to November 2011.

No clarification had been received in relation to the First-Tier Tribunal, Code of Conduct or Standards Committees, however Robert Neill MP (Parliamentary Under Secretary of State) has said: 'We are committed to the highest levels of standards of behaviour by local authority members and will ensure any devolved regime achieves this'.

Several concerns were raised by members of the Committee in relation to local assessment, as follows:

- The authority has spent nearly £30,000 on investigations, however no Councillor has been found to be in breach of the Code;
- The Monitoring Officer cannot refuse to send a complaint to the Assessment Sub-Committee, even if it appears to be trivial;
- It is difficult to define what 'respect' means under the Code;
- The Council's insurance policy only covers a Councillor if they are found not to have breached the Code, and it would be unfair to require a Councillor to pay for their representation if they have only committed a 'technical' breach of the Code; and
- The cost for attending Sub-Committee meetings exceeded the cost of the investigation in one case, which is disproportionate.

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

(Councillor Harper left the meeting at 10.40am during the consideration of this item.)

### **13 Review of the Procedure for Standards Committee Hearings**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) presenting proposed amendments to section 4 of the Standards Committee Procedure Rules and the general procedure for conducting hearings, in light of the two recent cases heard by the Hearings Sub-Committee.

The Committee discussed the proposals, and particularly discussed the following issues:

- The reason why the Monitoring Officer reviews draft investigation reports. The Monitoring Officer confirmed that this is because the investigator is essentially acting on her behalf;
- That solicitors from the local area should be used wherever possible. The Assistant Chief Executive (Corporate Governance) informed the Committee that there are a limited number of practices with the necessary expertise in the Leeds area, and the possibility of sharing such resources with the other West Yorkshire authorities is being considered;

- The pre-hearing forms, and the reasons why comments are only required on the findings of fact. This is to ensure that the parties and members of the Sub-Committee are clear on which facts are in dispute prior to the hearing. The subject Member would have the opportunity to comment on disagreements with other parts of the investigation report before it is finalised, and to raise other matters at the hearing itself where relevant;
- The lack of meeting rooms at Civic Hall, and the difficulty this may cause in sourcing separate rooms for the parties and their witnesses;
- Whether witnesses should be allowed to remain in the hearing room before they have given their evidence, and the advice of the First-Tier Tribunal that witnesses should be asked to wait outside of the hearing; and
- The appropriate amount of time to allow for a lunch break during a hearing.

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

- (a) Note the issues raised by the hearing participants and the suggestions for amendment as listed in Appendix 1 to the report;
- (b) Support the proposals for amendment to the 'Procedure for External Code of Conduct Investigations' outlined in the report;
- (c) Support the proposed amendments to the pre-hearing forms;
- (d) Agree the proposed amendments to the general procedure for the hearing, including scheduling and accommodation for the hearing, the order of the agenda, and amendments to the Chair's guidance notes, with the following amendments:
  - (i) the Chair of the Hearings Sub-Committee should not verbally instruct the press not to publish anything about the hearing until the decision has been announced; and
  - (ii) the Chair's guidance note should be updated to remind the Chair that a lunch break of at least 45 minutes is required and to prompt him to suggest a comfort break every 2 hours or thereabouts;
- (e) Agree the proposed amendments to the Standards Committee Procedure Rules, to reflect the above resolutions.

(Councillor Carter left the meeting at 11.35am at the conclusion of this item.)

## **14 Options for Amendment to the Local Assessment Process**

The Senior Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) proposing amendments to the local assessment process in Leeds (including the way that complaints are handled prior to being presented to the Assessment Sub-Committee), further to a review of advice received from legal practitioners and local assessment practice in some other authorities.

In particular, members of the Committee discussed the proposed amendments to the complaints form to require the complainant to provide sufficient details of their allegation, corroborating evidence, details of

witnesses and copies of documentary evidence. The Committee was supportive of this proposal, however the need to be careful not to disadvantage complainants was also highlighted. It was confirmed that officers in Governance Services would assist complainants in completing the form and sourcing relevant evidence as required.

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

- (a) Support the proposals from the Monitoring Officer for amendment to the local assessment process, as set out in paragraph 7.1 of the report;
- (b) Approve the amended complaints form and guidance leaflet as attached at Appendix 1 to the report;
- (c) Approve amendments to their Assessment Criteria, as set out in paragraph 3.31 of the report;
- (d) Approve the revised terms of reference for the Assessment Sub-Committee, Review Sub-Committee, Consideration Sub-Committee and Hearings Sub-Committee, as attached at Appendices 3 – 6 of the report; and
- (e) Approve the proposed amendments to the Standards Committee Procedure Rules, as attached at Appendix 7 to the report, to clarify when meetings of the Assessment Sub-Committee are potentially open to the public or closed.

(Councillors Gettings and Cook left the meeting at 12 noon during the consideration of this item.)

## **15 Members' Induction Period 2010**

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance), informing the Committee of the following issues, following the local election which was held in May 2010:

- Members' declaration of acceptance of office and undertaking to comply with the Code of Conduct;
- Members' register of interests; and
- Training of Members.

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

(Councillor Nash left the meeting at 12.10pm during the consideration of this item.)

## **16 Review of the Members' Register of Gifts and Hospitality**

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance), providing statistical data in relation to declarations of gifts and hospitality made by Members during the 2009/10 municipal year.

It was confirmed that the limit of £25 is set by the national Members' Code of Conduct, and therefore an amendment to the relevant legislation would be required to change the limit.

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

- (a) note the information provided in the report; and
- (b) confirm that they are satisfied with the assurances provided.

## **17 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.

Further to a case involving a Councillor from another authority who had been suspended for forwarding 'joke' e-mails, some of which were based upon religion, the Committee agreed to recommend that the Members E-Mail Code of Practice be amended to include specific reference to messages that are discriminatory on the grounds of religion, age and disability.

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

- (a) note the latest decisions of the First-Tier Tribunal's case tribunals; and
- (b) recommend to the Chief ICT Officer that the Members E-Mail Code of Practice is amended to include specific reference to messages that are discriminatory on the grounds of religion, age, and disability.

## **18 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 agreed that a report on changes to the standards regime should be added to the 'unscheduled items' section, and be provided once further clarification on the Government's proposals has been received.

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

- (a) note the work programme; and
- (b) add a report on changes to the standards regime to the 'unscheduled items' section.

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## Standards Committee - Assessment Sub-Committee

Monday, 13th December, 2010

### PRESENT:

#### Independent Members

Joanne Austin (Chair)

#### Councillors

E Nash

B Gettings

### 4 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.

### 5 Case Reference 1011001

A 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 was in attendance to advise the Assessment Sub-Committee as required.

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.

The Assessment Sub-Committee was also informed that a previous complaint regarding the same subject Member had been referred for investigation, which was currently ongoing and was being overseen by the Monitoring Officer of Bradford Metropolitan District Council. As the allegations being investigated were related to the complaint before the Assessment Sub-Committee, it was agreed that it would be sensible to include the allegations from this case into the ongoing investigation.

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

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

## **6 Lessons to Learn**

The Assessment Sub-Committee did not consider that there were any lessons to learn as a result of this case.



## Standards Committee - Consideration Sub-Committee

Tuesday, 29th June, 2010

### PRESENT:

#### Independent Members

Joanne Austin (Chair)

#### Councillors

R D Feldman          B Gettings

#### Parish Members

Councillor    John    C  
Priestley

### **6      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.

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

In relation to agenda item 5 (Minute 10 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 to publish the information would override the subject Member's right to choose whether to prohibit the publication of a notice about the outcome of the case, if the Investigating Officer's finding of no failure was accepted.

**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 10 refers).

## **8 Late Items**

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

## **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 Final Investigation Report - Case Reference 0910001(2)**

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.

It was alleged that a Councillor had failed to treat others with respect, contrary to paragraph 3(1) of the Code of Conduct.

Members considered this case carefully, and on balance, agreed to accept the Investigating Officer's finding that there had been no failure to comply with the Code of Conduct.

As a result of this case, the Consideration Sub-Committee decided to recommend that a list of lessons learnt from the complaints received be circulated to all Members at the end of each municipal year, to assist them in complying with the Code of Conduct.

**RESOLVED** – Members of the Consideration Sub-Committee resolved to:

- accept the Investigating Officer's finding of no failure; and
- recommend that a list of lessons learnt from the complaints received be circulated to all Members at the end of each municipal year.

## Standards Committee - Consideration Sub-Committee

Monday, 13th December, 2010

### PRESENT:

#### Independent Members

Joanne Austin (Chair)

#### Councillors

E Nash

B Gettings

### 11 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.

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

In relation to agenda item 5 (Minute 15 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 to publish the information would override the subject Member's right to choose whether to prohibit the publication of a notice about the outcome of the case, if the Investigating Officer's finding of no failure was accepted.

**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 15 refers).

### 13 Late Items

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

#### **14 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.

#### **15 Final Investigation Report - Case Reference 0910012**

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.

It was alleged that a Councillor had acted in a way that may cause the authority to breach an equality enactment, contrary to paragraph 3(2)(a) 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 considered that there was no clear evidence to suggest that the Councillor had made the alleged comments, and 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.

# Agenda Item 8

## Corporate Governance and Audit Committee

Wednesday, 30th June, 2010

**PRESENT:** Councillor G Driver in the Chair  
Councillors N Taggart, G Kirkland, A Lowe,  
S Smith, P Harrand, J Lewis, T Hanley and  
T Leadley

**Co-optee** G Tollefson

Apologies Councillors P Grahame, C Campbell,  
J Elliott and W Hyde

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

There were no appeals against refusal of inspection of documents.

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

There were no resolutions to exclude the public.

### **16 Late Items**

In accordance with his powers under Section 100 B (4) (b) of the Local Government Act 1972, the Chair admitted to the agenda the minutes of the previous meeting which was held on 23<sup>rd</sup> June 2010.

The late item was admitted to ensure that the minutes of the last meeting were approved by the Committee and be published as approved minutes.

### **17 Declaration of Interests**

Councillor Driver declared a personal interest in Agenda item 7 (Minute 17) as a Member of Aire Valley Homes ALMO and as a Member of West Yorkshire Pension Fund.

Councillor Lowe declared a personal interest in Agenda item 7 (Minute 17) as a Member of West North West Homes ALMO and as a Member of West Yorkshire Pension Fund.

Councillor Lewis declared a personal interest in Agenda item 7 (Minute 17) as a Member of the West Yorkshire Integrated Transport Authority and as a Member of West Yorkshire Pension Fund.

minutes approved as a correct record at the meeting  
be held on Thursday, 29th July, 2010

Councillor Hanley declared a personal interest in Agenda item 7 (Minute 17) as a Member of the West Yorkshire Pension Fund.

## **18 Apologies for absence**

Apologies were received from Councillors; C Campbell, W Hyde and P Grahame.

## **19 Minutes of the Previous Meeting 23 June 2010**

**RESOLVED** - that, with the addition of Councillor Hanley as an attendee (which had not been correctly recorded) the minutes of the Corporate Governance and Audit Committee meeting held on 23<sup>rd</sup> June 2010 be approved as a correct record.

## **20 The Statement of Accounts 2009/10**

The Principal Financial Manager (Resources) presented a report of the Director of Resources which introduced the 2009/10 Statement of Accounts for Leeds City Council for approval.

Members discussed the Statement of Accounts in detail and, in view of the absence of a KPMG representative, robustly challenged the Principal Financial Manager (Resources) on the following areas of the Statement of Accounts:

- the increase in debt and the reasons behind this;
- the situation with regards to pensions and how deficits will be managed in the future;
- the calculations behind the actuarial assumptions;
- the relevance of the cash flow statement and its meaning within the accounts of the Council;
- the workings of treasury management; and
- the Balance Sheet, specifically:
  - the creditors figure and how quickly the Council pays its creditors; and
  - what the General Fund Reserve Fund is used for and why it is needed.

**RESOLVED** – The Committee resolved to:

- approve the 2009/10 Statement of Accounts; and
- agree that the Chair acknowledge approval on behalf of the Committee by signing the appropriate section within the Statement of Responsibilities on page 1 of the accounts.

## **21 Decision Making Arrangements in Licensing**

Assistant Chief Executive (Corporate Governance) presented a report which set out the arrangements in respect of decision-making in entertainment, alcohol and gaming licensing: and Taxi and Private Hire Licensing.

Members raised concerns on the licensing of scrap metal dealers and the need for monitoring of these businesses in light of the levels of theft relating to metal. Members also sought assurance that where external solicitors are used in cases of settlement that the Council's solicitors have the final say on the level of settlement made.

**RESOLVED** – The Committee resolved to:

- note the report; and
- request that the Assistant Chief Executive (Corporate Governance) provide Members with information regarding the monitoring of scrap metal dealers.

## **22 Annual Governance Statement**

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) which provided an introduction and commentary to the Council's interim Annual Governance Statement for 2010.

Members discussed the need to maximise the benefits of the control environment the Council has in place and that progress made against this should be recorded.

Members also highlighted the need for more detail to be included in the Annual Performance Assessment of Adult Social Care

**RESOLVED** – The Committee resolved to:

- approve the interim Annual Governance Statement in order that it can be included within the annual accounts; and
- note the Annual Governance Statement will be updated to include more detail in respect of the Annual Performance Assessment of Adult Social Care and the Annual Letter from the Local Government Ombudsman.
- that the final version be presented to the Committee for final approval at the meeting to be held on 29<sup>th</sup> September 2010.

## **23 Annual Monitoring of Key and Major Decisions**

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) which provided an annual review as requested at its meeting in February 2010 in respect of monitoring of Key and Major decisions notified to Democratic Services during the financial year 2009/10.

minutes approved as a correct record at the meeting  
be held on Thursday, 29th July, 2010

Members commented on the good progress made with regards to the administration of Key and Major decisions notified to Democratic Services.

**RESOLVED** – The Committee resolved to:

- note the percentage of eligible decisions available for Call-In during the period 1 April 2009 and 31 March 2010 as detailed in appendix 1 of this report;
- note the percentage of Key Decisions that did not appear in the Forward Plan of Key Decisions during the period 1 April 2009 and 31 March 2010 as detailed in appendix 1 of this report;
- note the details of the Key Decision taken under Special Urgency provisions;
- note the further work to be undertaken in respect of financial commitments over £100,000; and
- note the assurances provided by the Head of Governance Services in this report.

## **24 Standards Committee Annual Report 2009/10**

The Chair of The Standards Committee presented a report of the Assistant Chief Executive (Corporate Governance) which informed the Committee of the work undertaken by the Standards Committee during 2009/10. In presenting the report the Chair paid tribute to the officers who have supported the committee during the year

In addition the Chair of the Standards Committee made reference to the Coalition Government's announcements with regard to "abolishing the Standards Board for England regime " and that further announcements were awaited with regard to the Members Code of Conduct and standards matters more generally.

The Committee acknowledged that some form of independent oversight of standards is likely to continue, albeit determined at a local level, in order to give confidence to the public, particularly following events in Westminster, about standards in public life.

**RESOLVED** – The Committee resolved to note the Standards Committee Annual Report 2009/10.

## **25 Assurance Framework**

The Chief Officer (Audit and Risk) presented his report which explained the basis of the Internal Control Assurance Framework, the benefits of having such a framework and the effect this may have on influencing the work programme of the Corporate Governance and Audit Committee.

Members discussed the importance that the future work of the Committee is focussed on areas where it can be most effective.

minutes approved as a correct record at the meeting  
be held on Thursday, 29th July, 2010



Members raised concerns about the 2009/10 budget overspends and the recent problems in Children's Services which occurred despite the good control environment at the Council.

**RESOLVED** - The Committee resolved to request officers to bring forward a revised work programme for the Committee based on the views expressed by Members in considering the assurance framework.

(Councillor Taggart entered the meeting at 10.16 during the discussion of this item and Councillor Smith entered the meeting at 10.30 during the discussion of this item)

## **26 Work Programme**

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

Members commented that the work programme will be amended and reviewed when further information has been received from Officers as discussed in item 14 (Minute 25).

**RESOLVED** – Members resolved to note the contents of the draft work programme for the remainder of the year.

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## Corporate Governance and Audit Committee

Thursday, 29th July, 2010

**PRESENT:** Councillor G Driver in the Chair  
Councillors P Grahame, G Kirkland,  
Tollefson, S Smith, J Elliott, P Harrand,  
W Hyde, J Lewis, T Hanley and M Hamilton  
(as substitute for C Campbell)

**Co-optee** G Tollefson

Apologies Councillors C Campbell and A Lowe

### 27 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

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

There were no resolutions to exclude the public.

### 29 Late Items

There were no late items.

### 30 Declaration of Interests

Councillor Driver declared a personal interest in Agenda item 8 (Minute 34) and item 12 (Minute 38) as a Member of the Aire Valley Homes ALMO.

Mr Tollefson declared a personal interest in Agenda item 11 (Minute 37) as a Magistrate.

### 31 Apologies for Absence

Apologies for absence were received from Councillor Campbell and Councillor Lowe.

### 32 Minutes of the Previous Meeting - 30 June 2010

**RESOLVED** - that the minutes of the Corporate Governance and Audit Committee meeting held on 30<sup>th</sup> June 2010 be approved as a correct record.

Minutes approved as a correct record at the meeting held on Wednesday, 29th September, 2010

### **33 Local Government Ombudsman Annual Letter - 2009/10 Report**

The Chief Customer Services Officer presented his report. The report introduced the Local Government Ombudsman's Annual Letter for the year ending 31 March 2010 about complaints made against the Council, and considered what further service or performance improvements may be required.

The Assistant Ombudsman (Neil Hobbs) attended to answer questions from the Committee.

Members commented that the report was very positive and specifically noted the excellent performance demonstrated by the Education Leeds and Governance Services, in relation to the turn around times for school appeals.

Members had a detailed discussion with both the Local Government Ombudsman representative and the Chief Customer Services Officer. The Chief Customer Services Officer provided an overview about the types of issues the public were complaining about and analysis done on complaints received by the Ombudsman. Linked to this Members asked for further information about the financial costs of complaints and the arrangements for ensuring that lessons are learned for the future.

**RESOLVED** – The Committee resolved to:

- receive a further report detailing how the complaints process is moving forward and information about complaints made to the Council, including the costs of dealing with complaints and arrangements for lessons learned; and
- note the contents of the report and acknowledge the ongoing improvements in performance and good feedback from the Local Government Ombudsman.

### **34 Annual Internal Audit Report 2009/10**

The Head of Internal Audit presented a report of the Deputy Chief Executive and the Director of Resources, bringing to the Committee's attention the issues raised by Internal Audit in 2009/10. The report also presented the proposed Internal Audit Plan which had previously been challenged and agreed by the Deputy Chief Executive and the Director of Resources.

The Committee discussed the need for improvement in the control environment for the ALMOs, specifically in terms of the thorough checking of invoices submitted by contractors and payments made to them. However, it was noted that new procedures had been put in place through the Assurance Framework to improve the situation.

The Committee also raised concerns that spending is undertaken by many officers across the authority and not just a few senior officers. It therefore

noted the need for everyone involved to take decisions on spending using the same criteria and with the same care that is given to budget setting.

Members considered the cost of Internal Audit and how its work load needed to be divided between different priority areas.

In general terms the Committee recognised the role Internal Audit had played in identifying problematic service areas before External Audit. The Chair thanked the Head of Internal Audit for bringing a valuable report to the Committee.

**RESOLVED** – The Committee resolved to:

- receive the Annual Internal Audit Report 2009/10 and note the assurances given;
- approve the Internal Audit Operational Plan for 2010/11; and
- request details on the cost of Internal Audit to the Council and further information on the value added to the Council by the section through its value for money work.

**35 Update on the process for ensuring improvement in Children's Services in Leeds**

The Deputy Director of Children's Services presented a report of the Interim Director of Children's Services which responded to the request made by the Committee at its meeting on 17<sup>th</sup> March 2010. The report provided Members with an update on the work that has been done during 2010 to monitor and support service improvement in Children's Services in Leeds.

The Committee discussed the importance of working with Children's Services to reduce the potential for unforeseen problems, and commended the approach taken by Internal Audit which has taken into consideration the enormous pressure Children's Services is under.

The Committee agreed that further reports will be required from Children's Services to address compliance with the control framework in place.

**RESOLVED** – The Committee resolved to:

- note the process in place to support, challenge and monitor the improvement required in Children's Services;
- ask the interim Director of Children's Services to circulate the letter from the Government to the Chair of the Improvement Board relating to progress, and the report which is due to go to the Executive Board on August 25<sup>th</sup> 2010 to all Members of the Committee; and
- to receive further reports as required during the current municipal year addressing compliance with the control environment now established for Children's Services.

### **36 Principles Governing the Management of S106 Planning Agreements & S278 Highways Agreements**

The Team Leader (Strategy and Policy, City Development) presented a report of the Chief Planning Officer. The report provided the Committee with an overview of the current system for managing S106 Agreements and S278 Agreements in Leeds.

The Committee discussed the amount of money which is being held on account of S106 agreements and the reasons for delays arising between the announcement of a scheme and the physical delivery of the benefits agreed, and how this might be addressed. Members requested that Ward Members be kept fully informed about the expected time-scales for work to be carried out. Further discussion took place on the possibility of the Ward Members being more involved in the early negotiation of s.106 Agreements in order to secure both locally based and Council-wide priorities.

**RESOLVED** – The Committee resolved to note the arrangements that are in place to manage the S106 and S278 programmes and that they are subject to systematic review and monitoring.

### **37 RIPA Policy**

The Principal Legal Officer (Information and Technology Law) presented a report of the Director of Environment and Neighbourhoods. The report outlined the Council's proposed policy on covert surveillance, and explained why and how covert surveillance is used and by whom.

The Committee discussed the importance of having a policy in place to guide the Council about the circumstances in which covert surveillance may be used. Also discussed was the assurance that covert surveillance will be used only when overt methods are not available or have proved ineffective. Members noted the role of the Assistant Chief Executive (Corporate Governance) under the draft policy.

**RESOLVED** - The Committee resolved to note the draft policy and the contents of the report.

### **38 Fraudulent Tenancies**

The Strategic Landlord presented his report. The report provided the Committee with an outline of different forms of tenancy fraud and the action taken to address these.

The Committee discussed the succession of tenancies from the person who holds the tenancy to family Members who have lived in the same council house over a long period of time and the laws which relate to this. The Committee considered that the law appeared to be unfair and lacking compassion to family members of council tenants who had spent their whole lives in the same property.

Minutes approved as a correct record at the meeting held on Wednesday, 29th September, 2010

The Committee also considered that perceptions about fraudulent tenancies still existed and that the perception needs to be continued to be addressed.

**RESOLVED** – The Committee resolved to:

- receive written confirmation from the Strategic Landlord on the rules surrounding succession to the tenancy of council houses, and the circumstances in which a family member could be required to move to a smaller property; and
- note the contents of the report.

### **39 Governance of Significant Partnerships**

The Corporate Governance Officer (Corporate Governance) presented a report of the Assistant Chief Executive (Corporate Governance). The report informed the Committee of the outcome of the annual review of the Register of Significant Partnerships and the annual review of the Council's involvement in its significant partnerships.

The Committee discussed how significant partnerships are defined and the process for partnerships being included on the register of significant partnerships.

**RESOLVED** – The Committee resolved to note the arrangements in place for significant partnerships.

### **40 Work Programme**

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

The Committee was informed that work is ongoing to develop an effective work programme for the year ahead. As part of this, suggestions for items to be considered were requested.

The future of the Standards Committee was also discussed and it was agreed that a report should come to the Committee following the proposed Government Bill in October.

**RESOLVED** – Members resolved to:

- note the contents of the draft work programme for the remainder of the year; and
- request a report updating the Committee on the proposed Local Government Standards Regime legislation.

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## Corporate Governance and Audit Committee

Wednesday, 29th September, 2010

**PRESENT:** Councillor G Driver in the Chair  
Councillors P Grahame, N Taggart,  
C Campbell, G Kirkland, A Lowe, S Smith,  
J Elliott, P Harrand, W Hyde and B Selby  
(as substitute for T Hanley)

**Co-optee** G Tollefson

Apologies Councillors J Lewis and T Hanley

### 41 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

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

There were no resolutions to exclude the public.

### 43 Late Items

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

### 44 Declaration of Interests

Councillor Driver declared a personal interest in Agenda item 8 (Minute 48) and Agenda item 10 (Minute 50) as a Member of Aire Valley Homes ALMO.

Councillor Lowe declared a personal interest in Agenda item 8 (Minute 48) and Agenda item 10 (Minute 50) as a Member of West North West Homes ALMO.

### 45 Apologies for Absence

Apologies were received from Councillor T Hanley and Councillor J Lewis.

### 46 Minutes of the Previous Meeting.

**RESOLVED** - The minutes of the Corporate Governance and Audit Committee meeting held on 29<sup>th</sup> July 2010 be approved as a correct record.

#### **47 Audited Statement of Accounts and the Value for Money Assessment 2009/10**

The Chief Officer (Financial Management) presented a report of the Director of Resources which followed on from the Committee's approval of the Council's 2009/10 accounts, subject to external audit review, at the meeting held on 23<sup>rd</sup> June 2010. This report required the approval of the Council's final audited Statement of Accounts and consideration of any material amendments by the external auditors.

Also in attendance for this item were auditors from KPMG as follows: Mr M McDonagh, Ms A Ormston and Mr S Bradford. Mr M McDonagh presented the KPMG report to the Committee detailing the reasons behind the unqualified opinion given by KPMG on the accounts.

Members sought further assurance from the representatives from KPMG on the information contained within the accounts, specifically:

- the valuations given to the Council's fixed assets and the methods used to value assets;
- the difference in the value of assets between 2009 and 2010; and
- the processes used by KPMG to form their opinions on the accounts of the Council, specifically;
  - the method by which KPMG have reached their opinion on the Annual Governance Statement.

**RESOLVED** – The Committee resolved to:

- note the amendments made to the Accounts;
- approve the final 2009/10 Statement of Accounts; ask the Chair to acknowledge the approval on behalf of the Committee by signing the appropriate section within the statement of responsibilities on page 1 of the Accounts; and
- give approval to the Chair to sign the management representation letter on behalf of the Committee.

(Councillor Campbell and Councillor Kirkland entered the meeting at 10.17am during the discussion of this item.)

#### **48 Final Annual Governance Statement 2010**

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) which provided an introduction and commentary to the Council's Final Annual Governance Statement.

Members discussed what action should be taken to review the areas for improvement, in particular the improvements identified by the Chief Procurement Officer in relation to compliance with Contract Procedure Rules.

Minutes approved as a correct at the meeting held on Monday, 15th November, 2010

**RESOLVED** – The Committee resolved to:

- approve the Final Annual Governance Statement;
- authorise the Chair of the Corporate Governance and Audit Committee to sign the statement on behalf of the Committee;
- recommend that the Leader of Council, Chief Executive and Assistant Chief Executive (Corporate Governance) sign the document; and
- seek further assurances with regard to the control arrangements in place to ensure compliance with Contract Procedure Rules across Directorates, particularly whether they are fit for purpose, how the arrangements are communicated and what the issues and risks are in terms of the arrangements being embedded; and
- seek a further report on the arrangements in place within Strategic Landlord/ALMO's to ensure that the improvements identified within the report are implemented.

**49 Disbanding the Audit Commission; issues for Corporate Governance and Audit Committee**

The Chief Officer (Audit and Risk) presented a report of the Deputy Chief Executive and Director of Resources. The report provided the Committee with an update on the emerging issues following the announcement on 13<sup>th</sup> August 2010 by the Secretary of State for Communities and Local Government, that the Audit Commission is to be disbanded.

Members particularly discussed how the void to be left by the Audit Commission would be filled specifically in terms of the consequences for Audit Commission staff, which companies would be in a position to undertake the external audit work done by the Audit Commission and how the new companies would be held accountable for the work they undertake.

Members also raised the issue of impartiality, if in the future auditors were to be appointed to undertake the work previously done by the Audit Commission.

**RESOLVED** - Members resolved to:

- note the initial implications of the decision to disband the Audit Commission and receive further details as appropriate from the Chief Officer (Audit and Risk);
- receive a further update on the impact of disbanding the Audit Commission has on the assurance framework is assessed and reported to the Committee; and
- receive the Future Issues information identified by the Audit Commission. This information to be circulated to all Members of the Committee.

(Councillor Taggart entered the meeting during the discussion of this item at 11.15am)

## 50 Council Assurance Framework for ALMOs/ BITMO

The Housing Policy and Monitoring Manager presented a report of the Head of Strategic Landlord the report advised the Corporate Governance and Audit Committee ALMO / BITMO framework.

Also in attendance was the Principal Audit Manager (Audit and Risk).

Members discussed the report and considered it to be a case study of good practice.

**RESOLVED** - Members resolved to receive an annual report from Strategic Landlord Group on the assurances given for ALMOs and BITMO in managing the housing service through the Assurance Framework.

## 51 Information Security Report

The Project Manager (Planning Policy and Improvement) presented a report updating the Committee on any security breaches that the Council has been subject to and the work done to reduce the impact and mitigate against such attempts.

Members sought further assurances with regard to the security arrangements for 'PDA' devices which have been issued to officers and Members.

Members also challenged the reasons behind the Council's use of specific brands of software.

**RESOLVED** - The Committee resolved to:

- note the contents of the report; and
- receive a report detailing the security arrangements in place for PDA devices issued by the Council.

## 52 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

The Committee resolved to note the draft work programme for the remainder of 2010/11.

## Corporate Governance and Audit Committee

Monday, 15th November, 2010

**PRESENT:** Councillor G Driver in the Chair  
Councillors P Grahame, C Campbell,  
G Kirkland, A Lowe, Tollefson, P Harrand,  
W Hyde, J Lewis, T Hanley and T Leadley  
(as substitute for J Elliot)

**Co-optee** G Tollefson

Apologies Councillors S Smith and J Elliott

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

There were no appeals against the refusal of inspection of documents.

However the Committee noted correspondence in relation to a request by Councillor Illingworth for an appeal against refusal of inspection of documents which request was found to have been invalid as the document requested did not form part of the background papers to the report on Item 10 of the agenda.

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

There were no resolutions to exclude the public.

### **55 Late Items**

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

### **56 Declaration of Interests**

Councillor Leadley declared a personal interest in Agenda item 10 (Minute 64 refers) as a Member with involvement in the case of Technoprint Plc and Snee V Leeds City Council.

### **57 Apologies for Absence**

Apologies were received from Councillor S Smith and Councillor J Elliot.

## **58 Minutes of the Previous Meeting**

The minutes of the Corporate Governance and Audit Committee meeting held on 29th September 2010 be approved as a correct record.

## **59 Government Spending Review**

The Director of Resources presented his report which provided information on the implications of the Government's spending review which was announced on 20<sup>th</sup> October 2010.

Members discussed the report and commented on the importance of the Council having good systems and controls in place to competently undertake its responsibilities in light of the cuts announced in the Government's spending review. Members raised questions with regards to the meaning of the figures mentioned in the report and the consultation that will take place with regards to the budget proposals.

Members considered the provision for the building of new social housing under the New Homes Bonus Scheme, and the grant funding that will be received by the Council for each new home built. It was confirmed that this money could be used as the Council best sees fit.

Members also voiced concerns about the future provision for Police and Fire Services in Leeds in light of the Government spending review.

**RESOLVED** – The Committee resolved to:

- note the contents of the report and its appendices; and
- to continue to review and monitor as appropriate the changes that take place following the Government's Spending review.

At this point in the meeting the Chair informed the Committee that item 10 on the agenda, Judicial review - Lessons Learned, would be considered as the last item on the agenda in order for a detailed discussion to take place on the item.

(Councillor J. Lewis entered the meeting during the discussion of this item at 10.15am)

## **60 Duplicate Creditor Payments**

The Head of Internal Audit presented a report of the Director of Resources which provided assurance on the robustness of internal controls in operation to prevent duplicate payments in accordance with the terms of reference of the Committee.

Members discussed the costs of recovering duplicate payments. Concerns were raised that although nearly all the money paid out in duplicate payments

to date had been recovered, duplicate payments had been processed and authorised in the first instance.

The Committee acknowledged the work undertaken by Internal Audit in recovering duplicate payments and asked that Members of the Committee be provided with details of the Directorates in which duplicate payments had been made and the amounts. The Head of Internal Audit confirmed that he would circulate this information.

**RESOLVED** - The Committee resolved to note the contents of the report.

## **61 Review of Governance Framework for Significant Partnerships**

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) which presented the Committee with the outcome of the review of the Governance Framework for Significant Partnerships in light of the abolition of the Comprehensive Area Assessment and current resource constraints. The report also informed the Committee of the subsequent amendments which have been made to the framework and the monitoring process.

Members discussed the report and sought further assurances concerning the way in which partnerships will be monitored. Members were particularly supportive of the governance arrangements of partnerships on the Council's register of Partnerships being subject to on-going 'spot checks' by Directors and by Internal Audit.

**RESOLVED** – The Committee resolved to;

- note the outcome of the review of the Governance Framework for Significant Partnerships, and the amendments made;
- receive the list of 34 significant partnerships currently registered; and
- receive reports by exception where spot checks of partnerships highlight concerns with governance arrangements.

## **62 The Corporate Governance Statement Action Plan**

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) which updated the Committee on the progress that has been made in implementing the Corporate Governance Statement Action Plan.

The Committee reviewed the Action Plan and agreed that efforts to complete the Improvement Activities detailed in the Action Plan should continue which in certain areas could help the Council achieve value for money.

**RESOLVED** - The Committee resolved to:

- note the progress made to date on the Corporate Governance Statement Action Plan; and

- receive a further update on progress in April 2011.

### 63 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

The Committee resolved to note the draft work programme for the remainder of the 2010/11 municipal year.

### 64 Judicial Review Lessons Learned

The Assistant Chief Executive (Corporate Governance) presented her report informing the Committee of the outcome of the case Technoprint Plc and Snee V Leeds City Council, a judicial review of a planning decision. Officers reported on the decision of the Court and its implications for the Council's governance arrangements, and identified improvements which have or should be made, to current practices. As background information to this the Committee was given a chronological summary of the case by Councillor Leadley who had been involved in the case from the initial complaint against the Council.

Members discussed the report in detail commenting on the need for the Council to ensure that lessons are learned from the case, specifically in terms of decision making arrangements and the planning application process, with the aim to ensure the Council avoids litigation on technical matters in the future. Members expressed a desire for the Council to be as open and transparent as possible in its decision making and that decisions made should be open to challenge.

Members further discussed the process for informing Members of significant litigation relating to the authority. Members highlighted a need for a proportionate procedure to be introduced for relevant Members to be informed in advance, of any cases, which potentially could be damaging to the Council. As part of this discussion Members also commented on the financial cost of litigation to the Council.

**RESOLVED** - The Committee resolved to:

- note the outcome of the case Technoprint Plc and Snee V Leeds City Council, in relation to the governance issues arising;
- note that the Joint Plans Panel have considered the planning issues arising from the case, and that the Panel have initiated a review of the delegation to the Chief Planning Officer;
- note the steps proposed or already taken by the Assistant Chief Executive (Corporate Governance) to improve the governance arrangements relating to;
  - the approval of the delegation scheme relating to Council functions;



- the provision of documents to Committees outside the 5 clear day notice period; and
- request a report on proposals for arrangements for informing relevant Members of significant legal cases involving the authority.

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## Corporate Governance and Audit Committee

Tuesday, 14th December, 2010

**PRESENT:** Councillor G Driver in the Chair  
Councillors C Campbell, G Kirkland,  
A Lowe, Tollefson, J Elliott, P Harrand,  
J Lewis, T Hanley and C Fox (as substitute  
for W.Hyde)

**Co-optee** G. Tollefson

Apologies Councillors N Taggart, W Hyde, P  
Grahame and S Smith

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

There were no appeals against the refusal of inspection of documents.

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

There were no resolutions to exclude the public.

### **67 Late Items**

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

### **68 Declaration of Interests**

There were no declarations of interest made.

### **69 Apologies For Absence**

Apologies were received from Councillor W. Hyde and Councillor N. Taggart.

### **70 Minutes of The Previous Meeting**

The minutes of the Corporate Governance and Audit Committee meeting held on 15<sup>th</sup> November 2010 were approved as a correct record.

## 71 Matters Arising

### Duplicate Creditor Payments (Minute No. 60)

In response to a request made by the Committee at the previous meeting The Head of Internal Audit circulated information which provided details of the Directorates in which duplicate payments had been made and the amounts.

## 72 Leeds City Region

The Head of Regeneration Policy and Planning and Jobs and Skills presented a report of the Director of Environment and Neighbourhoods. The report provided an overview of how the Council inputs and affects the employment and Skills and Housing and Regeneration agendas, within the context of the Leeds City Region.

The Committee discussed the report in detail, highlighting that their concerns for the Leeds City Region centred around the transparency of and democratic access to the organisation.

Members also commented at the apparent lack of private sector involvement in the Leeds City Region Housing and Regeneration Board and that ideally the public sector and the private sector should be involved in both the Housing and Regeneration Board and the Employment and Skills Board.

**RESOLVED** – The Committee resolved to:

- (a) note the report and the progress made; and
- (b) request a report on the governance arrangements for the new Local Enterprise Partnership specifically exploring governance issues contained within the partnership governance toolkit.

## 73 Information relating to significant legal cases

The Chief Officer (Legal, Licensing and Registration) presented a report of the Assistant Chief Executive (Corporate Governance) which proposed arrangements for informing relevant Members of significant legal cases involving the authority.

Members discussed the proposals highlighted in the report in detail and raised the importance of Financial Management being made aware of cases which could have a significant impact on the Council's budget provisions.

In light of the Technoprint Plc and Snee V Leeds City Council, Members stressed the importance of increasing the amount of officer contact with the relevant Executive Board Member with regards to significant legal cases. This should include high value cases, but also, low value multiple cases, with the aim to make Members more aware of the litigation faced by the Council.

Members also discussed amending the proposed arrangements featured within the report, which they considered should emphasise the reporting of cases to the relevant Executive Board Member which are of major public concern.

Finally Members agreed that there should be a system introduced at the Council whereby Members can be informed of claims made against the Council be they legal claims or any other claim which might affect the budget or reputation.

**RESOLVED** - The Committee resolved to:

- (a) request that the proposed arrangements for informing Members of significant legal cases be amended as discussed;
- (b) request a report detailing the types and values of cases which are currently ongoing against the Council; and
- (c) request a report detailing the general arrangements for oversight of claims against the Council (including legal claims, insurance claims,) including how each Directorate considers and minimises the risk of repeat claims being made.

#### **74 Security Arrangements for PDA Devices**

The Project Manager (Planning, Policy and Improvement) presented a report of the Assistant Chief Executive (Policy, Planning and Improvement) detailing the security arrangements the Council has in place for PDA devices issued by the Council.

Members discussed the report and gained assurance that sensitive information relating to Members case work was safe on PDAs and would be impossible to access if the PDA was lost or stolen.

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

#### **75 Report on Governance of the Complaints Process - 2010**

The Corporate Customer Relations Manager presented a report of the Chief Customer Services Officer. The report provided further information to the Committee as to the resourcing of the complaints function on a corporate and Council wide basis.

Members discussed the figures contained within the report with the Corporate Customer Relations Manager and congratulated her on presenting an informative report which was of particular value to the committee's considerations.

**RESOLVED** - The Committee resolved to note the report and acknowledge the ongoing improvements in performance and good feedback on the same from the Local Government Ombudsman.

Minutes approved as a correct record at the meeting  
to be held on Monday, 24th January, 2011

## **76 Protecting the Public Purse - 2010**

The Chief Officer (Audit and Risk) presented a report of the Director of Resources which formed a self assessment of the authority's position against the recommended best practice in the Audit Commission's 'Protecting the Public Purse 2010' report and proposed actions to address areas where further work could be done to address the risk of fraud and corruption.

The Committee discussed the report and re-iterated the need to continue to focus on reducing fraud committed against the Council by collaborating with other local authorities and contributing to the National Fraud Initiative.

**RESOLVED** – The Committee resolved to note the assurance provided by Internal Audit regarding our arrangements to meet the best practice detailed in Protecting the Public Purse 2010 and support the continued efforts to develop the anti – fraud culture at the authority.

## **77 Work Programme**

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

Members discussed the importance of reviewing how risk management at the Council was being conducted in light of the budget cuts faced by the Council.

**RESOLVED** – The Committee resolved to:

- (a) note the draft work programme for the remainder of 2010/11;
- (b) note that there will be a risk management briefing before the commencement of business at the next meeting of the Committee on 24<sup>th</sup> January 2011; and
- (c) request regular reports to consider the implications for the control environment at the Council in light of budget cuts.

## Corporate Governance and Audit Committee

Monday, 24th January, 2011

**PRESENT:** Councillor G Driver in the Chair  
Councillors P Grahame, C Campbell,  
G Kirkland, A Lowe, Tollefson, S Smith,  
J Elliott, W Hyde and J Lewis

**Co-optee** G Tollefson

Apologies Councillors N Taggart, P Harrand and  
T Hanley

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

There were no appeals against the refusal of inspection of documents.

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

There were no resolutions to exclude the public.

### **80 Late Items**

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

### **81 Declaration of Interests**

There were no declarations of interest made.

### **82 Apologies For Absence**

Apologies were received from Councillor P Harrand, Councillor T Hanley and Councillor N Taggart.

### **83 Minutes of the Previous Meeting**

The minutes of the Corporate Governance and Audit Committee meeting held on 14<sup>th</sup> December 2010 were approved as a correct record, subject to the addition of the apologies received from Councillors S Smith and P Grahame.

## 84 RIPA Policy and Quarterly Reports

The Head of Property Finance and Technology from Corporate Governance presented a report of the Director of Environment and Neighbourhoods. The report advised Members about the outcome of the latest Office of Surveillance Commissioners Inspection report, in relation to the use of directed surveillance, and also the outcome of an inspection by the Interception of Communications Commissioner's Office in relation to the acquisition of communications data. The report also proposed consequential changes to the Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy.

The Committee noted the report and considered the types of cases that are acted on by the Council. The Committee also discussed that the review of the RIPA policy will take place annually.

The Committee sought assurance that the supplier which considered whether applications for data complied with the requirements of RIPA on behalf of the Council and that was also criticised by the Interception of Communications Commissioner's Office, had been removed.

**RESOLVED** - The Committee resolved to:

- (a) note the proposed amendments to the RIPA Policy which will be presented to the Executive Board for approval; and
- (b) note the outcomes of the Office of Surveillance Commissioners Inspection report and the Interception of Communications Commissioner's Office inspection report, and in relation to the latter to note that an appropriate action plan has been agreed.

## 85 Proposed Changes to the Leeds Initiative Partnership and the City Planning

The Head Leeds Initiative and International Partnerships presented a report of the Assistant Chief Executive (Planning, Policy and Improvement). The report set out the changes to partnership structures and planning arrangements operating at a strategic level in Leeds.

The Committee discussed the report and highlighted the importance of working with the right partners so to achieve Council objectives. The Committee also raised concerns about the governance arrangements of partnerships and how good governance would be achieved.

**RESOLVED** – The Committee resolved to:

- (a) note the governance implications of the revised structures of the Leeds Initiative and the planning framework for the City; and
- (b) request a further report detailing the governance arrangements for the revised partnership structures and strategic planning arrangements.



## **86 Annual Audit Inspection Letter**

The Principal Finance Manager (Financial Management) presented a report of the Director of Resources. The report summarised the key external audit findings for the 2009/10 financial year. Two representatives from KPMG presented further details on the findings, namely Alison Ormston (Senior Audit Manager at KPMG) and Steve Clark (Director of KPMG).

The Committee discussed the Annual Audit Letter with the representatives of KPMG. Particular concern was raised over the value for money received for the services provided by KPMG in light of the economic challenges facing the Council.

**RESOLVED** - The Committee resolved to:

- (a) note the key external audit issues arising from the 2009/10 audit process; and
- (b) to discuss KPMG's charging fees at a future meeting.

## **87 Work Programme**

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

The Committee reviewed its forthcoming work programme.

**RESOLVED** – The Committee resolved to:

- a) note the draft work programme; and
- b) request that the Local Enterprise Partnerships item, currently unscheduled, be scheduled for a meeting before May 2011.

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**Report of the Chief Officer (Human Resources)**

**Standards Committee**

**Date: 16 February 2011**

**Subject: Officer Code of Conduct / Employee Code of Conduct**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. This report updates the Standards Committee on the HR work programme associated with the Code of Conduct which applies to employees.
2. The Chief Officer (HR) sets out the plans which are in place to ensure that the Standards Committee is consulted appropriately in regard to a future full review of the Code of Conduct which applies to employees.

## **1.0 Purpose Of This Report**

- 1.1 This report provides an update to the Standards Committee on work which has taken place, and is taking place, around the Code of Conduct which applies to staff.
- 1.2 In particular, attention is given to the status of the Code in the local terms and conditions or employment, the status of the Code in the council's constitution, and specific work relating to the registers of interests and gifts and hospitality.

## **2.0 Background Information**

- 2.1 On 15 October 2009 the Chief Officer (HR) provided a report to the Standards Committee setting out her intention to conduct a light touch review of the Officer Code of Conduct.
- 2.2 In that report, the Chief Officer (HR) set out the reasons for not conducting a full review at this time.

## **3.0 Main Issues**

### **3.1 Terms and conditions of employment**

- 3.1.1 Agreement has now been reached with the trade unions for a series of "light-touch" amendments in line with the principles set out in the report of 15 October 2009.
- 3.1.2 One of the principles of the review was to remove, where possible, terminology which was no longer current. The replacement policy is to be known as the Employee Code of Conduct.
- 3.1.3 The Chief Officer (HR), in accordance with the Director of Resources' sub-delegation scheme, will exercise her delegated authority to incorporate the agreed amendments into the local terms and conditions of all council staff. This decision is on hold, pending actions noted at point 3.2.1.
- 3.1.4 The Chief Officer (HR) will advise the Committee when a full review of the Employee Code of Conduct takes place, and will ensure that there is opportunity to receive guidance from the Committee.
- 3.1.5 The government has introduced a Localism Bill. Section 14 of Chapter 5 of the Bill will repeal the authority to create a national officer code of conduct (which is currently derived from section 82(1) of Part III of the Local Government Act 2000).
- 3.1.6 A copy of the new Employee Code of Conduct is attached as appendix one.

### **3.2 Code of Conduct relating to staff in the constitution**

- 3.2.1 The Chief Officer (HR) has asked the Director of Resources to amend his sub-delegation scheme to explicitly grant authority to the Chief Officer (HR) to make amendments – required by changes to the terms and conditions of employment - to the version of the Code of Conduct in the Constitution.

- 3.2.2 To minimise confusion, the new Employee Code of Conduct will be brought into effect in the local terms and conditions and the Constitution at the same time.
- 3.2.3 By seeking this authority, the Chief Officer (HR) seeks to ensure clarity, as, over the years, the Officer Code of Conduct in the Constitution had diverged from that in the local terms and conditions (as referenced in the 15 October 2009 report).
- 3.2.4 Colleagues in Corporate Governance have identified the subsequent amendments that will be required to the Constitution to replace references to the Officer Code of Conduct with references to the Employee Code of Conduct.
- 3.3 Procedural changes to the process for the register of gifts and hospitality
- 3.3.1 An intranet item and reminders to managers were issued to preempt any gifts which might have been received over the festive period.
- 3.3.2 Directors have been reminded that any delegation of their authority to approve gifts and hospitality should be reflected in their sub-delegation schemes.
- 3.3.3 All gifts and hospitality registers are signed off (either as agreed or declined) by the relevant directors (or their nominees as set out in their sub-delegation schemes) and then sent to the business support team, who log them onto an electronic register.
- 3.3.4 Directors will be provided with regular reports on the gifts and hospitality forms for their areas in order that they can review these for trends (and for any misapplication of their sub-delegations).
- 3.3.5 Starting from March 2011 an annual report will also be made to the HR Leadership Team who will identify any levels of returns or trends which appear to merit further discussion with services; such queries will be progressed by HR.
- 3.4 Process for the register of interests
- 3.4.1 As the Committee is aware, the council adopted a two-tier approach to the register of interests. Although the provisions in the Officer Code of Conduct in the constitution, and the new Employee Code of Conduct in the local terms and conditions apply to all employees, the council will only deploy resources in proactively pursuing returns from employees who are employed in posts which are deemed by their director to place them in a higher risk of encountering conflicts of interest.
- 3.4.2 The guidance to directors on determining which posts are likely to be of higher risk has been reviewed and reissued and, with the assistance of HR officers, the lists that had been used for 2009/10 have been reviewed.
- 3.4.3 Emails will go out to all employees in “high risk” posts in Q4 2010/11. The forms have been slightly amended, so although hard-copy returns will not be prohibited, electronic responses from individual’s council email accounts can be recorded.
- 3.4.4 Historically there have been large numbers of employees who have not responded to requests to complete a declaration of interests and, anecdotally, it has been suggested that this is because they have nothing to declare.

Functionality in Outlook will simplify the process for employees to make a “nothing to declare” response.

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

4.1 The ongoing work will make the Code of Conduct and the associated registers clearer and more accessible to employees. There are no policy changes.

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

5.1 None.

#### **6.0 Conclusions**

6.1 Work has been ongoing to make the Code of Conduct more accessible to the people it applies to, and to ensure there is certainty about the content of the Code.

6.2 Steps have been taken to improve the administration of the registers to reduce the administrative burden and to make it easier for employees to register interests, gifts and hospitality.

6.3 The review of the “high risk” posts lists in relation to the register of interests ensures that best use is made of scarce Council resources.

#### **7.0 Recommendations**

7.1 The Standards Committee is asked to note the information contained in this report.

#### **8.0 Background Papers**

- Report to the Standards Committee 15 October 2009, Officer Code of Conduct

## Code of Conduct - Appendix 26

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## **Code of Conduct**

### **1. Introduction**

#### **1.1. Scope of code**

This Code of Conduct is aimed at ensuring that employees are aware of the standards of behaviour expected of them by Leeds City Council (LCC). This Code of Conduct is Part 5 (b) of the Council's constitution. It applies to all employees of Leeds City Council.

#### **1.2. General principle**

The public is entitled to expect the highest standards of conduct from all employees who work for Leeds City Council.

#### **1.3. Responsibility for awareness**

Individuals are responsible for ensuring that they are aware of the Code and that they comply with its requirements. Line managers are responsible for ensuring that employees have been made aware of the provisions of this Code of Conduct. Managers are responsible for ensuring that non-employee workers are made aware of elements of the code by which they are expected to abide.

#### **1.4. Consequences of breaching the code**

Failure to observe the standards set out in this code may be regarded as serious and any breach may render an employee liable to disciplinary action, which may include dismissal. The disciplinary procedure is part of the Local Conditions of Employment.

#### **1.5. Duty of loyalty**

- i) All employees have a Common Law duty of loyalty to their employers and any failure to fulfil this duty will be treated as a breach of this code of conduct. This means that whilst the Code will not specifically cover every eventuality, employees should be aware that conduct which most people would consider as unreasonable or disloyal will be treated as a breach of the Code.
- ii) Such actions that would normally be obviously disloyal to most people will be considered as breaches of the Code; e.g. an employee who is shown to have publicly made derogatory or slanderous remarks about other employees or Members, would be in breach of the Code even though such activities are not specifically listed. Employees should note that comments made through electronic means, such as social networking sites, forums or comments pages, or postings to blogging sites may be considered to be "public" in this context.
- iii) Employees may very well have legitimate roles to carry out: as Trade Union representatives; community action group representatives; tenant committee members etc. These roles may involve such staff in taking part in public meetings, making statements to the press etc. acting on behalf of their particular group. Employees should make clear the capacity in which they are speaking or making statements etc. In this capacity, the employee should exercise great care in presenting the facts of the case in order to avoid personal opinions which may be

damaging to the Council or derogatory or slanderous remarks about other employees or Members.

iv) Paragraph 15 of this Code specifically refers to contact with the press and media.

#### **1.6. Impropriety/Breach of code**

- i) It is the duty of each employee to report to the Internal Audit Division - see Financial Regulation FR 6.4 - In accordance with Financial Regulation 6.4, whenever any matter arises which involves, or is thought to involve irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, including unofficial funds, it shall be immediately brought to the attention of the respective Director.
- ii) The relevant Director will notify the Director of Resources by contacting the Internal Audit Division.
- iii) Any member of staff wishing to report a concern to Internal Audit may choose to use the Whistleblowing hotline on 0113 247464; via the Whistleblowing page on the intranet (currently at Interest Areas»Former Departments»Corporate Services»Audit and risk»Internal Audit»Whistle Blowing Policy»Whistleblowing online referral form) or contact Internal Audit on Ext 74170.

## **2. Statutory provisions**

- i) Under Section 117 of the Local Government Act 1972 an employee must give notice to the Council of any pecuniary interest he/she has in any contract whether it has been or is proposed to be entered into by the Council. Such a declaration should be made to his/her Director who must also inform The Chief Executive. Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/ construed as arising - see paragraph 9.1.
- ii) Section 117 also specifies that "an officer shall not, under colour of his office or employment accept any fee or reward whatsoever other than his/her proper remuneration".
- iii) An employee who contravenes the provisions of Section 117 shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale, which is currently £2,500.
- iv) Section 2 of the Prevention of Corruption Act 1916 provides that where it is proved that anyone holding or seeking a contract with a public body has made a payment to an employee of that body, the payment shall be deemed to be corrupt unless the contrary is proved.

### **3. Conduct/behaviour**

#### **3.1. Gifts and hospitality from external bodies and people connected with external bodies**

- i) Public confidence, and that of the Council, would be shaken if the least suspicion were to arise, however ill-founded, that an employee could in any way be influenced by improper motives. It is not enough to avoid actual impropriety and employees should at all times also avoid any occasion for suspicion of the appearance of improper conduct.
- ii) Accordingly, employees must not accept gifts, entertainment, hospitality or any benefits of any kind from external bodies or people connected with those external bodies with whom the Council may, whether directly or indirectly, be in actual or potential contractual or business relationships. The term “external bodies” includes individuals, such as clients. This applies to:
  - offers of benefits which are for the employee(s) themselves **and/or** for the benefit of those connected with the employee(s), whether the offer is made in connection with official duties or not.
  - offers of accommodation, travel, food, drink, entertainment, hospitality, money, presents and all similar benefits, including offers which may be made in wills.
  - goods or services offered by an external body on preferential terms for private purposes if these terms were given either directly or indirectly because of the contractual or other official relationship (either potential or actual) between the external body and the Council.

All such offers must be refused, unless authorised as set out below.

- iii) The only possible exceptions are set out below, but it is emphasised that they should be accepted only where to refuse them would inhibit the normal business activities of the Council. Each employee is personally responsible for any decision to accept such offers and for any possible criticism that may follow. If in doubt he/she should refuse, or insist on paying for himself/herself, or refer to the Director.

#### **3.2. Gifts of a nature which might allow acceptance**

##### **3.2.1. Gifts may only be accepted in the following circumstances:**

- i) Those gifts which are of a modest kind, such as a calendar, diary, blotter or other inexpensive item of office equipment, and which can be regarded as in the nature of advertising matter, can be accepted. Such gifts must bear the name or insignia of the firm concerned. These gifts do not need be declared even if they normally would be covered by the provisions at 3.1.
- ii) All other gifts must be politely but firmly refused. If received through the post they must be returned immediately to the donor with a suitably worded covering letter.

##### **3.2.2. Meals or refreshments may only be accepted in the following circumstances:**

- i) Only such meals or refreshments as are a necessary part of the business in hand and which are immediately and directly connected with and wholly incidental to Council business can be accepted. Even then, they must be of a modest kind and wherever possible the employee should pay for himself/herself.
- ii) Such meals or refreshments as are connected with a public or semi-public occasion, such as an opening ceremony associated with new premises in which the Council have an interest such as owners or partners in the scheme and where the employee attends in an official capacity as representative of the Council and obtains prior authorisation from the appropriate employee\*.

### **3.2.3. Offers of accommodation or travel which may be accepted**

- i) Only where practically unavoidable, of a modest kind and necessarily and wholly incidental to the business in hand, such as a lift for a short distance to a site where the employee concerned has no other means of transport.
- ii) Visits to inspect land, buildings, machinery, goods or services where the Council bear the expense and the appropriate employee\* has given prior approval.

### **3.2.4. Conferences and seminars, etc.**

- i) If an employee accepts an offer to attend a seminar (conference or similar function) and the Council pays the normal fees for that seminar, then the offer/interest need not be recorded.
- ii) If an employee wishes to accept an offer to attend a seminar (conference or similar function) for which there is no fee then this must be recorded.
- iii) If an employee declines an offer to attend a seminar (conference or similar function) for which there is no fee, then the offer need not be recorded, unless (1) the offer is "significant", or (2) it involves another event, function or overnight stay.
- iv) All offers of a "significant" nature must be recorded - a degree of judgement is required in determining significance.
- v) In deciding the significance of an offer, the potential recipient should take into consideration various factors including; the financial value of the offer; the imminence of any relevant contractual matters / arrangements; any legal action / public enquiries; any Council decisions (pending or otherwise). This list is not exhaustive

### **3.3. Definition of appropriate employee for section 3.1 and 3.2**

\*Please note, for the purposes of section 3.1, the "appropriate employee" will normally be the Director in the case of an employee other than a Director. Directors are expected to exercise their own judgement in such matters but may be answerable to Members or The Chief Executive in this regard.

### **3.4. Disclosure of gifts and hospitality**

- i) All offers of gifts and or hospitality, with the exception of the minor items outlined in 3.1 above, must be recorded in the register of gifts and hospitality using a copy of the form shown at Appendix 1.
- ii) Gifts and offers of hospitality should be declared (a) if they are of a type which should be declared, and/or (b) they are from a source which should be declared.

## **4. Disclosure of information**

### **4.1. Open Government**

- i) This Council believes that open government is best. The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information.
- ii) Employees must be aware of which information they are authorised to release and to whom. If an employee has any doubts as to whether or not an item of information should be released then they should politely refuse to offer the information and refer the matter to their line manager or other person who has a line management responsibility for them.
- iii) Employees should also be aware of the provisions of:
  - the Data Protection Act 1998; and
  - the Freedom of Information Act 2000

### **4.2. Information from councillors**

Any particular information received by an employee from a councillor which is personal to that councillor and is not held by the Council on documents available for public scrutiny, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

### **4.3. Insider dealing**

- i) Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way, e.g. Where an employee of the Council who in the course of their employment becomes aware of information (which is not in the public arena i.e. is confidential), which could impact upon the performance of a business or other corporate identity, such information must not be passed on to any third party who does not have a legitimate right of access to that information.
- ii) Where an employee is in doubt as to the issue of a right of access to such information then they should refer the matter to a senior employee of their department or to the Internal Audit Division on ext. 74170 or write to Internal Audit, Leeds City Council, 3rd Floor West, Civic Hall, Leeds, LS1 1JF. All information will be treated in confidence by the employee(s) concerned.
- iii) The information must not be disclosed unless the Internal Audit Division has agreed that it is 'safe to do so'. - For further information see Appendix 3

## **5. Political neutrality**

### **5.1. Individual councillors**

Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected. Employees should act at all times in accordance with the rules relating to their relationships with members set out in guidance and/or protocols in the Council's Constitution.

### **5.2. Political groups**

- i) Employees should not usually be called upon by any political group of the Council to provide political advice either in regard to the work of the group or of the Council. It is, however, an accepted function of employees to address councillors individually and in groups, and this may include political group meetings.
- ii) The Chief Executive and Directors may attend political group meetings. All other employees must receive clearance from the Director of their department.
- iii) Where employees are required to attend political groups, they must do so in ways which do not compromise their political neutrality. Employees should confine their address to matters of fact, and in no way advise on political decisions or political policy.

### **5.3. Duty to follow the lawfully expressed policy of the Council**

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

### **5.4. Political assistants**

Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 5.1 to 5.3. The Council's policy concerning Politically Restricted posts as defined by the Act is set out as Appendix 43 to the Local Conditions of Service.

## **6. Relationships**

- i) Employees should remember that the provisions of this Code, and, in particular this section of the Code, apply regardless of the method of communication or the means by which a relationship may have arisen or developed. The provisions apply equally to face-to-face contact, telephone conversations, electronic communications (including social networking and blogging facilities) etc. (This list is not exhaustive.)
- ii) In all cases, employees should declare any interests / relationships as soon as is practicable.

### **6.1. Councillors**

- i) Employees are responsible to the Council through its senior managers. The role of employees is to carry out the Council's work. Some employees' roles include giving advice to councillors. Mutual respect between employees and councillors is essential

to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and to other councillors; such familiarity should therefore be avoided.

- ii) Employees should act at all times in accordance with the rules relating to their relationships with members set out in guidance and/or protocols in the Council's Constitution.

## **6.2. The local community and service users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community and as defined by the policies of the Council.

## **6.3. Contractors**

- i) Employees should make known to their Director, all relationships of a business or private nature with external contractors or potential contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. This information should be given to The Chief Executive or his/her nominated representative, using a copy of the form 'Registers of Employees Interests' as shown at Appendix 2.
- ii) Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Director . This information should be given to The Chief Executive or his/her nominated representative, using a copy of the form Register of Employees' Interests as shown at Appendix 2.

## **7. Appointment and other employment matters**

- i) Employees involved in appointments should ensure that these are made on the basis of merit. All selection decisions must be transparent and based on the fair and objective assessment of applicants against clear requirements of the post. Where disability barriers are identified for a disabled applicant, the panel must consider reasonable adjustments.
- ii) In order to avoid any possible accusation of bias, employees should not be involved in an appointment where any close relative is an applicant. Employees sitting on the panel for recruitment exercises must declare to the other panellist(s) if they have any other out-of-work relationship(s) with applicants; and should consider whether it would be appropriate to withdraw from involvement in the appointment to avoid any appearance or accusation of bias.
- iii) Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is close relative. A close relative is defined as a spouse, parent, sibling, son, daughter, common law partner, or civil partner.

## **8. Outside commitments**

- i) All employees have contractual obligations with the Council and should not take outside employment which conflicts with the Council's interests.
- ii) All employees graded above spinal column point 28 of the NJC scheme of conditions of service for Local Government Employees (or who are paid an an equivalent, or higher, rate of pay) are required to obtain consent of the Council, by applying to their Director, to take outside employment.
- iii) No outside work of any sort, whether paid or unpaid, should be undertaken in the office and the use of facilities (telephone, computers, photocopier, etc.) is forbidden for such purposes.

## **9. Copyright**

- i) Employees should be aware that all literary, dramatic, musical or artistic work (including (as an example) but not limited to documents, computer programs, photographs, drawings, recordings or graphic work) which is produced by the employee in the course of their employment with the Council is the copyright of the Council in accordance with S11 (2) of the Copyright Design and Patents Act 1988. Accordingly, employees must not do anything which in any way would constitute an infringement of the Council's copyright in any literary, dramatic musical or artistic work.
- ii) Employees must use all reasonable endeavours to ensure that they do not do anything which would constitute an infringement of the copyright of any third party whilst in the course of their employment with the Council.
- iii) The Council holds copyright in the Council crest(s) and other elements of corporate identity. Employees should take care not to infringe this copyright by using these for any unauthorised activity.

## **10. Personal interests**

- i) From time to time Directors may direct that employees must complete and return a declaration of personal interests, even if individuals involved do not believe they have any interests to declare. Directors, or their nominated representatives, are responsible for assessing any returns from such exercises which are not "nil" returns.
- ii) A register of interest is available in the room of the Members Services Officer for those Members involved. The responsibility for bringing this resolution to the notice of departmental employees rests with Directors.
- iii) Where employees have declared an interest in regard to paragraphs 9.5, the information should be given to their Director or his/her nominated representative, using a copy of the form Register of Employees Interests as shown at Appendix 2.

### **10.1. Non-financial interests**

- i) Employees must declare to their Director any non-financial interests that they consider conflict with the Council's interests, for example, if they are involved in an



official capacity with an outside organisation which has dealings with the Council, e.g. grant requests.

- ii) Such a declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived / construed as arising.
- iii) A good test is for the employee to ask himself/herself whether others would think that the interest is of a kind to make this possible. If the employee thinks this is so or is in doubt then the information should be given to Director or his/her nominated representative, using a copy of the form Register of Employees Interests.

### **10.2. Financial Interests**

Employees must declare to their Director any **financial interests** which could conflict with the Council's interests, e.g. work for which a fee is received. This information should be given to their Director or his/her nominated representative, using a copy of the form Register of Employees Interests.

### **10.3. Secret Societies**

Employees should declare to the Council, via their Director, membership of any secret societies. The definition of "secret society" is as follows:

"Any lodge, chapter, society, trust or regular gathering or meeting which:

- is not open to members of the public who are not members
- includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance
- includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct."

### **10.4. Freemasonry**

The Council has resolved that this Council believes that in the interest of free and open government that any member of the Freemasons be obliged to declare their interest, and to this end,

- (i) Instructs the Chief Executive to make arrangements so that all Council Members who are Freemasons declare the membership in a register of interest.
- (ii) Instructs the Chief Executive to establish an employees' register of interest in which all who are Freemasons declare their membership.

## **11. Equality issues**

- i) The Council is an equal opportunities employer and all employees are under an obligation to ensure that policies relating to equality issues, are complied with and that they do not unlawfully discriminate on the basis of race, disability, gender, sexual orientation, age, religion or belief, pregnancy, maternity and gender reassignment.
- ii) All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **12. Separation of roles during tendering**

- i) Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All such employees must ensure that their actions are in accordance with the Standing Orders with respect to contracts. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- ii) Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- iii) Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- iv) When awarding contracts employees should ensure that no special favour is shown in awarding contracts to businesses run by current (or former) employees (or by their partners, close relatives or associates). Employees should also ensure no special favour is shown to current (or former) employees (or their partners, close relatives or associates) by employing them in a senior or managerial capacity.

## **13. Corruption fraud and theft**

- i) It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- ii) Where an employee has any suspicions that Council employees or any other individuals are involved in potentially fraudulent or corrupt activities, or theft, then they must in the first instance report these suspicions to either someone more senior in their line management, or to a relevant service manager.
- iii) If an employee feels unable to do this then they should contact the Internal Audit Division on ext. 74170 or write to Internal Audit, Leeds City Council 3rd Floor West, Civic Hall, Leeds LS1 1JF.
- iv) Alternatively you can contact Internal Audit on the Whistle blowing Hotline 0113 247464 or via the Whistleblowing page on the intranet (currently at Interest Areas»Former Departments»Corporate Services»Audit and risk»Internal Audit»Whistle Blowing Policy»Whistleblowing online referral form). All information will be treated in confidence by the employee(s) concerned.

## **14. Use of resources**

Employees must ensure that they use public resources (including – but not limited to – funds, data and equipment) entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

## **15. Sponsorship – giving and receiving**

- i) Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- ii) Where the Council wishes to sponsor an event or service, neither an employee nor any close relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Director of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **16. Contact with the press and media**

### **16.1. Authorisation**

Unless specifically nominated and authorised by the Director concerned, employees are not permitted to give reports or speak to the press and media on matters relating to employment with the Council, Council business or decisions of the Council. In the main, the Chief Executive, Directors and Chief Officers will be responsible for dealing with the press and media.

### **16.2. Consistency with Council policy and position**

- i) Employees with a responsibility for dealing with the press and media should guard themselves against declaring a view ‘whilst acting in their official capacity’ which is contrary to a position taken by the Council or which may be deemed to be critical of that position.
- ii) In all circumstances, employees are under a general duty of care to avoid a situation arising where they are shown to be acting in conflict with the best interests of the Council and should not criticise, damage or act in any way against the best interests of the Council (see provisos at paragraph 1.5.1). Should this occur, and the employee is found to have acted unreasonably then they may be subject to disciplinary action. Paragraph 1.5.1 refers.

### **16.3. Trade union representatives**

- i) In the event of an industrial dispute involving a Trade Union, an elected representative of that Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, the employee should exercise great care in presenting the

facts of the case in order to avoid personal opinions which may be unreasonably critical of the Council, other employees or Members.

- ii) Employees in this position should make clear the capacity in which they are speaking.
- iii) Employees concerned about their position should consult with full time Union Officials.

## **Appendix 1: Register of Gifts and Hospitality**

### **Guidance for completion of a Notification of Offer form**

#### **Introduction**

- i) These guidelines are intended to help employees complete the Register of Gifts and Hospitality: Notification of an Offer form and the Register of Gifts and Hospitality. Examples are attached of the Notification of an Offer form and a Register of Hospitality and Gifts.
- ii) As a general principle, if employees are in any doubt, they should complete a Notification of an Offer form. (Human Resources can assist you if you have any questions).

#### **Definition of gifts and hospitality**

- i) Gifts and hospitality, including meals or refreshments, accommodation or travel and conferences or seminars are defined in the Code of Conduct. Indeed, the Code of Conduct outlines specific instances in which an offer need not be registered. Employees should refer to this document to resolve any dispute about whether an offer needs registering. However, employees should note that a good test is to ask whether others would think that the acceptance of the offer could compromise the employee's position. If the answer is yes, or even possibly, the offer should be politely but firmly rejected.
- ii) This note relates specifically to those offers requiring approval, as outlined in the Code of Conduct.

#### **Completion of a Notification of an Offer form**

- i) Directors must ensure that Notification of an Offer forms are available at all appropriate establishments within their Directorate. Having decided that a Notification of an Offer form must be completed the following procedures should be followed:
  - The name of the employee receiving the offer should be entered. If the offer was made to more than one employee, the names of all employees involved should be entered.
  - The date the offer was made should be recorded in the Date Offer Made box.
  - Details of the offer should include as many details as possible. This includes precise details of the offer and, if relevant, details about the circumstances that lead to the offer being made and accepted or rejected. The way in which the offer was made should also be specified. For example, was the offer made in person, over the telephone, by letter or by any other means.
  - The box "offer made by" should be used to record the name of the individual or individuals making the offer, if known.

- If the individual(s) making the offer represents an organisation, the name of the organisation should also be recorded in the relevant box.
  - The relevant box should be ticked either to show that the offer was rejected or that the offer has been forwarded to the Director for approval. If the employee proposes to accept the offer, a justification must be included that must say why it was appropriate or necessary to accept the offer. This should take into account the factors outlined in the Code of Conduct. It is anticipated that acceptances will be rare. It should be noted that there is no provision for offer to be accepted without the express approval of the Director.
  - The name of the employee completing the form should then be entered in the "completed by" box. It is anticipated that in the majority of cases, the person receiving the offer will be the person completing the form. However, there may be instances where an offer is reported by a third party. This may be necessary on occasions where the person receiving the offer decides, for whatever reason, not to notify the Director of the offer.
- ii) The form should then be sent to the Director. If the offer has been rejected, the Director must arrange for the central register to be completed and need take no further action with Notification of an Offer form, which should then be filed.
- iii) However, if the proposal is that the offer should be accepted and the Director agrees that it is appropriate to accept the offer, the form should be signed and a copy forwarded to the employee submitting the request. The original Notification of an Offer form should be retained by the Director for filing. In addition, the details should be included on Register of Hospitality and Gifts.
- iv) If, on the other hand, the Director does not agree with the justification provided, the Director must take appropriate action. Appropriate action will depend on the individual circumstances of each case, as each case must be judged on its own merits, and therefore cannot be specified in advance. However, as a minimum the Director must return a copy of the form to the employee(s) concerned indicating why acceptance has not been approved. Again, the original should be retained for filing.
- v) If the offer is made to the Director, the same procedures apply. The only exception is that offers accepted by Directors do not need to be approved by anyone else. The Director must use their judgement to decide whether the offer should be accepted.

## Register of Hospitality and Gifts

### Notification of an Offer Form

<b>Section A</b> to be completed by the employee			
	Name	Job Title	Payroll Number
Details of person(s) to whom the offer was made:			
Individual making the offer:		Company / Body / Person making offer:	
Details of offer:			
Approximate value of offer:		Date offer made:	
Tick as appropriate:	<input type="checkbox"/> I have rejected the offer <input type="checkbox"/> I seek approval from the Director to accept the offer		
Please add any comments. If you seek approval to accept the offer you <b>must</b> give your justification for doing so:			
Name of person completing the form:			
Signature:		Date form completed:	

The person completing the form passes it to their Director (or the Director's nominated officer, if known)

<b>Section B</b> to be completed by the Director (or nominated officer)			
Tick as appropriate:	<input type="checkbox"/> I note the contents of this form, and that this offer has been declined <input type="checkbox"/> I approve the request to accept the offer <input type="checkbox"/> I do not approve the request to accept the offer		
Comments:			
Signature:		Date form completed:	

The Director notifies the applicant (s) of the decision made, and forwards this form to the Employee Matters Team at:

E-mail: [BSC HR Employee Matters](#)

Post: Employee Matters Team, Belgrave House, Belgrave Street, PO BOX 561, LS2 8WQ

## Register of Hospitality and Gifts

Director	
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No	Employee(s)	Offer/Circumstances/Date	Organisation	Accepted/ Rejected	Director's signature	Director's comments
1						
2						
3						
4						
5						
6						
7						



### **Completion of the Register of Gifts and Hospitality**

- i) The details of contents of all Notification of Officer forms must be entered into a physical register or electronic database, "the register". A template is included if a physical register is to be maintained.
- ii) The register shall record the date on which the entry was made in the register, the name(s) of the employee(s) to whom the offer was made, the offer/circumstance/date of the offer, the organisation which made the offer, whether the offer was accepted or rejected, and the director's comments (if any).
- iii) Periodically, but at least every six months, the Director must review the data from the Register of Hospitality and Gifts. The review should seek to identify any unacceptable trends or situations that require further investigation. The Director must decide on appropriate action. Unacceptable trends could, for example, relate to individual firms making "excessive" offers. In conducting the review,
- iv) Directors should be mindful of:
  - Section 117 of the Local Government Act 1972 requires that an employee shall not, under colour of their office or employment, accept any fee or reward whatsoever, other than their proper remuneration.
  - Section 2 of the Prevention of Corruption Act 1916 provides that where it is proved that anyone holding or seeking a contract with a public body has made a payment to an employee of that body, the payment shall be deemed to be corrupt unless the contrary is proved. That is, the onus is to prove that the payment is not corrupt, not that it is corrupt.

**Register of Employees' Interests**  
**Employee's Declaration Form**

Full Name:		Payroll Number:	
Job Title:		Directorate:	

As a general principle, employees should err on the side of caution and declare interests that they think could be covered by the following guidance, see notes for guidance in the Code of Conduct. Assistance can be sought from Human Resources in the first instance if clarification is required.

Interest	Details
1. Governor of educational establishment	
2. Involvement (including that of close relatives) with organisation receiving grant aid from the Council	
3. Involvement (including that of close relatives) in companies (state company, and position)	
4. Close relationship to an employee paid at a rate equal to or greater than spinal column point 29 on the NJC scale, or to a Member of the Council	
5. Membership of a secret society as defined in section 9.3 of the Code of Conduct	
6. Beneficial interest in land or property	
7. Intent to bid for land or property owned by the Council	
8. Others (please specify):	

Section 9 is applicable to employees employed in positions responsible for letting or supervising contracts or selecting suppliers or contractors, including those related to investments:

9. Holding of shares or other securities, excluding banks and building societies: state name of company/body (declaration of size of nature of holding is not necessary):	
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For guidance, see the Code of Conduct, Appendix 2, Guidance notes for employees completing a Register of Employee's Interests form.

If you have nothing to declare please tick the following declaration:

10. I have no interest to declare	<input type="checkbox"/>
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Signature:		Date form completed:	
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Please return this form to:  
Employee Matters Team, Belgrave House, Belgrave Street, PO BOX 561, LS2 8WQ

## Appendix 2: Register of Employees' Interests

### Guidance notes for employees completing a Register of Employee's Interests form

As a general principle employees should err on the side of caution and declare interests that they think could be covered by the following guidance. Assistance can be sought from Human Resources in the first instance if any clarification is required.

A close relative is defined as a spouse, parent, sibling, son, daughter, common law partner, or civil partner.

The following points relate to the numbered sections on the form "Register of Employee's Interests":

1. Membership of Governing Bodies, including all schools maintained by the authority, all further education establishments and all grant maintained schools.
2. Involvement could be either paid or unpaid.
3. Involvement in companies includes, for example, directorships and company secretary, or any other position where a person is actively involved in the running of a company's affairs, where the company has, or may have, a contractual relationship with the Council.
4. Relationship to an employee paid at a rate equal to or greater than spinal column point 29 on the NJC scale, or to a Member of the Council. Relationship is interpreted to be a close relative, as defined above.
5. Secret societies are defined by the Local Government Management Board, it is recommended that this definition is used to determine whether a declaration should be made. The LGMB use the following definition: 'any lodge, chapter, society, trust or regular gathering or meeting, which:
  - (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
  - (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
  - (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of generally recognised religion'.
6. Beneficial interest in land or property excludes the employee's own dwelling and only relates to land and property within the authority's boundary.
7. The intention to bid for the purchase of land or property owned by the Council should be made as soon as is practicable. Section 117 of the Local Government Act also requires that the interest be declared to the Director who shall also inform The Chief Executive.
8. Please specify interest and nature of interest.
9. The holding of shares or other securities, in a company or other body with whom the authority contracts or is considering contracting, must be declared if the holding exceeds £25,000 or more than 1/100th of the nominal value of the issued share capital, whichever is less. The size and nature of the holding need not be declared, simply the name of the company. This requirement does not extend to banks or building societies.

### **Appendix 3: Insider Dealing**

Insider Dealing was first made a criminal offence by the Companies Act 1980. The reason for this was to protect public confidence in the market and to prevent those with inside knowledge cheating others in their dealing with them. The old law was criticised for being complex, now, insider dealing is covered by Part V of the Criminal Justice Act 1993.

There are 3 types of insider dealing:

- Actual dealing
- Encouraging others to deal
- Disclosing inside information

There are 2 types of insider:

- Primary insider who has the information because of their status
- Tippee

For information to be classified as inside information all the following criteria must be satisfied:

- The information must relate to a particular security or issuer of securities and not to securities generally
- The information must be specific or precise
- The information must not have been made public
- If the information is to be made public, the information would significantly affect the share price

Defences against accusations of dealing or encouraging others to deal are:

- A profit was not expected
- The information has been widely disclosed enough
- The individual would have acted in the same way even if they did not have the information.

Defences against accusations of disclosing are:

- The discloser did not expect anyone to deal
- The discloser did not expect the deal to result in profit

The internal policing of inside information is currently not built into any fraud strategies. There are no existing strategies that lend themselves to incorporate arrangements for identifying inside information.



Originator:	Dave Almond / Chris Coates
Tel:	24 78181 39 51598

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**Report of the Chief Officer (Human Resources)**

**Standards Committee**

**Date: 16 February 2011**

**Subject: Ethical Audit Action Plan: Human Resources Issues Update**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. This report informs the Standards Committee of the current position in relation to the actions allocated to HR as a result of ethical audits in 2006 and 2007, by reference to previous papers presented to this Committee.
2. The report also informs the Committee of proposed future actions and invites the Committee to comment on these proposals.

## **1.0 Purpose Of This Report**

- 1.1 Provide a final update to the Committee on the actions assigned to the Chief Officer (Human Resources) as a result of the Ethical Audits in 2006 and 2007. This includes a comprehensive review of all original actions and subsequent actions.
- 1.2 Sets out the remaining actions that the Chief Officer (HR) undertakes to progress and seeks the views of the Committee on these proposals.

## **2.0 Background Information**

- 2.1 In 2006 and 2007 Ethical Audits took place, and an Ethical Audit Action Plan was drawn up, which included actions for the Chief Officer (HR). Periodically, the Chief Officer (HR) reports to the Standards Committee on the actions which have been taken to address the survey findings by reference to those assigned actions.
- 2.2 17 actions were identified for the Chief Officer (HR). These were, broadly, concerned with:
  - analysis of survey results
  - ethical governance training
  - induction
  - awareness of the Members' Code of Conduct
  - awareness of the Officer Code of Conduct (and issues around the registers of interests, and of gifts and hospitality)
  - leadership and management standards
- 2.3 The last updates were presented to the Committee on 8th July 2009 and 17th February 2010.

## **3.0 Main Issues**

- 3.1 A full schedule of the original actions is included as appendix one to this report. The appendix also shows whether the action has been completed (blue – also grayed out), means the action has been completed. Green indicates the action is on target for completion. Amber indicates on target for completion but with some areas of concern. Red indicates that the action is unlikely to be completed.
- 3.2 The appendix shows that thirteen of the actions have been completed, a further two are on track to be completed with the remaining two unlikely to be completed. The 2009 staff survey has provided clear evidence that many issues which arose from the ethical audit are no longer current.
- 3.3 Analysis of survey results
  - 3.3.1 All analysis work on the original ethical audits and subsequent 2009 staff survey have now been completed and reports made to the Committee.<sup>1</sup>

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<sup>1</sup> See report of 13 March 2008, report of 17 February 2010, briefing note of Head of HR circulated 15 April 2010

### 3.4 Ethical governance training

- 3.4.1 The two actions that have not been completed relate to an ethical governance training module. Whilst a successful module was devised and piloted with input from HR and Corporate Governance<sup>2</sup> neither Service were able to commit the resources necessary to continue to deliver face-to-face training for all managers across the Council. A decision was made to explore an e-training delivery platform but this again raised resource and funding issues.
- 3.4.2 Given the significant progress that has been made in other areas, and the current relatively high levels of awareness amongst officer grades of key ethical governance / people management procedures, the further work that would be required to develop and deliver a sufficiently comprehensive e-learning product is not proportionate.
- 3.4.3 The changes to the induction procedure and the introduction of the Leadership & Management Standards emphasise key elements of ethical governance to new starters and both new and existing managers, resulting in increased awareness through other means.

### 3.5 Induction

- 3.5.1 Since 2007-8, the Council's induction process has been completely reviewed and a new, One Council Induction has been put in place. Induction documents are available on the Council's intranet at **Interest Areas»Human resources»Learning and Development»Induction**.
- 3.5.2 The induction checklist lists awareness of the Members' Code of Conduct as an essential item for consideration in the employee's first month.
- 3.5.3 Induction documents are also provided covering frequently asked questions on declaration of interests, and declaration of gifts and hospitality; an introduction to ethical governance – including questions about officer/Member relations and Member involvement in service delivery; model answers to ethical governance questions.
- 3.5.4 There is also a managers' induction which stresses the leadership and management standards. (See below.)
- 3.5.5 Individual Services are encouraged to provide supplementary induction materials, for example the Legal, Licensing and Registration induction includes a specific separate section on dealing with Member correspondence.

### 3.6 Members' Code of Conduct

- 3.6.1 The principle concern from the ethical audit was that officers might be unsure how to raise or how to respond to a complaint about a Member.
- 3.6.2 The ethical audit 2007 reported that only 13% of respondents (SO1 and SO2 staff) were aware of how to report a potential breach of the Member Code of Conduct.<sup>3</sup> The 2009 staff survey – which relates to all staff, the majority of whom are below SO1 - showed that 58.3% of staff knew how to raise such a concern.

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<sup>2</sup> See report of 16 October 2008.

<sup>3</sup> See report of 13 March 2008.

3.6.3 The increase in awareness may be attributed to the communication around the transfer of responsibility for Member complaints to the local Standards Committee under the local assessment regime.

3.6.4 There is no further need to raise awareness of this process at this time. It is estimated that 58% of staff is a far larger proportion than the number of staff who have regular contact with Members.

### 3.7 Officer Code of Conduct

3.7.1 The 2007 Ethical Audit showed 56% of SO-graded staff were aware of the Officer Code of Conduct; the 2006 Ethical Audit showed that 80% of more senior officers knew about the Code.<sup>4</sup>

3.7.2 The 2009 staff survey reported that 52% of SO-graded staff were aware of the Officer Code of Conduct, but that between 71% and 90% of more senior staff were aware (depending in the precise grade band).<sup>5</sup>

3.7.3 Despite these apparently relatively low results, it is important to note that, in the 2009 staff survey, respondents were also asked about two specific (and key) elements of the officer code of conduct and that awareness of these requirements was far higher.

3.7.4 74% of SO-graded officers and between 89% and 100% of higher graded officers were aware of the register of interests; 91% of SO-graded officers and between 91% and 100% of higher graded officers were aware of the register of gifts and hospitality.<sup>6</sup>

3.7.5 Very high percentages of staff are aware of the specific responsibilities placed upon them by the Code about which they were specifically questioned. There is a higher awareness of the requirements of the Code than the Code itself, as matters which are pertinent to specific posts are presented and explained by managers in ways which emphasise practical requirements, rather than the root authority for the rules.

3.7.6 A separate report on the Officer Code of Conduct has been tabled for this meeting. In summary, the Chief Officer (HR) believes that ongoing action has been taken to further improve the Code and to raise the profile of both the Code itself, and of the registers of interests, and of gifts and hospitality. This work is not, however, completed yet.

### 3.8 Leadership and management standards

3.8.1 New leadership and management standards have been introduced since the 2006 and 2007 ethical audits.<sup>7</sup>

3.8.2 Those standards include a number of standards which specifically address concerns raised in the ethical audits, particularly items 4.8 (“responds positively to change”), 9.6 (“understands the democratic processes within Leeds City Council and recognises political accountability of Members”) and 9.7 (“has a positive approach to informing and consulting Members to support them in their role”).

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<sup>4</sup> See report of 13 March 2008, appendix 1, question 2.

<sup>5</sup> See report of 17 February 2010, appendix 2

<sup>6</sup> Ibid.

<sup>7</sup> See report of 5 December 2007 (sections 3.1 through 3.4 and appendix), and minutes of that meeting.



3.8.3 Results from 360° feedback confirms that these behaviours are embedded in all managers from JNC40% upwards.<sup>8</sup>

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

4.1 This report summarises a number of changes and initiatives which have increased the levels of ethical governance within the Council.

4.2 At this stage, the only outstanding issues to be progressed from the original ethical audit action plan are those around the officer code of conduct. It is proposed that the ethical audit action plan is considered closed.

4.3 However in reaching this conclusion the Chief Officer (HR) recognises that further targeted work should continue in high priority areas as opposed to trying to raise the profile of ethical governance across the whole Council.

4.4 This includes a number of services in City Development, Adult Social Care and Children's Services. This should include raising awareness and understanding of the register(s) of interest and gifts and hospitality, the delegated decisions process and the various codes of conduct.

4.5 The Standards Committee will be advised of any schedule for the review of people management ("HR") policies, and will be consulted, where appropriate, in regard to governance implications of specific policy reviews.

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

5.1 None, if the recommendations in this report are accepted.

#### **6.0 Conclusions**

6.1 The original ethical audit action plan has now substantively been completed.

6.2 The Chief Officer (HR) will continue to update the Standards Committee on the Officer Code of Conduct, and will seek input from the Committee in regard to relevant people management policies.

6.3 It is now proposed to take a more proportionate and targeted approach to improve understanding and awareness of ethical governance issues in high profile areas.

#### **7.0 Recommendations**

7.1 The Standards Committee notes the contents of this report.

7.2 The Standards Committee is asked to note the more targeted approach to potential risk areas set out in paragraphs 4.3 and 4.4 of this report and comment on these proposals.

#### **8.0 Background Papers**

- Report to Standards Committee 17 February 2010, Ethical Audit Action Plan: Human Resources Update
- Report to Standards Committee 13 July 2010, List of politically restricted posts

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<sup>8</sup> See report of 17 February 2010, appendix 1

- Report to Standards Committee 16 October 2008, Ethical Audit Action Plan Actions for the Chief Officer Human Resources
- Report to Standards Committee 13 March 2008, Ethical Audit 2007 – Headline Results
- Report to Standards Committee 5 December 2007, Ethical Audit Action Plan: Ethical Framework and Awareness Programme for Officers
- Report to Standards Committee 5 December 2007, Update: Informed, Transparent Decision making – Officer Declarations
- Minutes of various Standards Committee meetings

## Appendix 1: Full breakdown of original ethical audit HR action plan

Details of survey findings	Action required to address survey findings	Human Resources update	Status
<p><b>Officer Awareness of Members' Code of Conduct</b></p> <p>High proportion of officers don't know that the Council has a Code of Conduct for Members.</p> <p>Concerns about whether complaints may not get forwarded due to lack of awareness</p>	Carry out further analysis of survey results in order to identify any comparisons or contrasts between departments and/or grading groups	See report of 13 March and further staff survey results reported 17 February 2010 and subsequent briefing note of Head of HR referenced in the minutes of 22 April 2010.	● Blue
	Prepare a briefing on the Ethical Framework for presentation to Departmental Management Teams. Seek the view of DMTs as to how relevant parts of the message can be further cascaded to departmental officers.	Briefing prepared in conjunction with corporate governance and piloted. Initial work to transfer to e-learning platform has identified that the time and cash investment required for a full roll-out is not proportional to the issues raised.	● Red
	Include reference to the Members' Code within the induction process for all officers.	Included in the first-month induction checklist.	● Blue
	Identify those officers who have a need for in depth awareness of the Member Code. (For example, those who have responsibility for complaints.) Identify the nature of the information required by these officers and provide appropriate training and supporting documentation.	Specific departmental customer relations officers are in place across the council. The guidance on complaints issued to them is clear on how to deal with complaints about Members and specifically sign-posts the Member Code of Conduct, the Standards Committee Assessment Sub-Committee and the monitoring officer.	● Blue
	Consider the inclusion of an Ethical Governance Module within the Council Training Programme, to make compulsory for identified groups of officers. The module to include reference to the Member Code of Conduct. Ethical Governance will be an identifiable training need in the PDP process.	See item above.	
<p><b>Officer Awareness of Officer Code of Conduct</b></p> <p>Large proportion of officers are unaware of the officer code of conduct and whether they have to abide by it.</p> <p>Results show variation between grades and departments.</p>	Include relevant details of the Officer Code of Conduct in Ethical Governance Module of Council Training Programme and Ethical Framework Briefing.	<p>The staff survey 2009 shows fair to good knowledge of the Officer Code of Conduct and very high levels of knowledge about the specific registers (gifts/hospitality and interests).</p> <p>Reminders were sent about declaring gifts in Q3 2010/11. Further action is planned for Q4 2010/11 in regard to the register of interest and the employee code of conduct more generally.</p>	● Blue

<p><b>Awareness of content of Protocol on Member-Officer Relations including in relation to bullying</b></p> <p>Problems in relation to showing respect and harassment between Members and officers.</p> <p>Problems seem to be exaggerated in certain departments.</p>	<p>Training in relation to new Members' Code of Conduct to include new provisions in relation to bullying.</p> <p>Carry out more detailed analysis of statistics to show breakdown in relation to departmental and grading groups.</p>	<p>The 2009 staff survey showed a marked increase in awareness following the transfer of responsibility to the Standards Committee.</p> <p>Levels of awareness now appear to be far higher than any estimate of the number of staff who have day to day contact with Members. Further action is not warranted.</p>	<p>● Blue</p>
<p><b>Members involved in operational matters</b></p> <p>A high proportion of officers believe that Members involve themselves inappropriately with operational matters. Could show a misunderstanding of the Members' role or may be down to the work of the department.</p>	<p>Seek to identify what elements of statistics relates to perception and/or lack of information in respect of appropriate ward representation role for Members. Use this information to formulate further detailed action to include consideration of:</p> <ul style="list-style-type: none"> <li>• Myth busting</li> <li>• Roleplay representation of appropriate and inappropriate member involvement</li> </ul>	<p>The 2009 staff survey shows that 79% of all staff (across all grades) understand the role of elected members.</p> <p>Leadership and management standards enshrine the need to understand the roles of officers and Members and to work with Members.</p> <p>The leadership and management standards form part of the corporate managers' induction. Evidence from 360 degree feedback demonstrates that this standard has been embedded.</p>	<p>● Blue</p>
<p><b>Legislation – Human Rights, Freedom of Information, Data Protection, Equalities etc.</b></p> <p>Evidence suggests that Members and officers are unsure whether the Members' Code is integrated into relevant schemes, policies and procedures.</p> <p>Members and officers of not feel they have received sufficient training.</p>	<p>Corporate HR to be asked to consider the question of officer training and to cascade this appropriately through departmental Human Resources teams.</p>	<p>Human Rights legislation <i>per se</i> has little impact on everyday employment.</p> <p>Issues around Freedom of Information (FOI) and the Data Protection Act (DPA) are now clearly within the remit of the Performance and Improvement Team and the Information Knowledge Management team, respectively.</p> <p>The people management policies in regard to equalities are currently under review.</p>	<p>● Green</p>
<p><b>Communication between Members and officers</b></p> <p>Concerns from both Members and officers that communication is not always open and constructive</p>	<p>Include concerns about communications between Members and officers undertake in relation to Member/Officer protocol.</p>	<p>Communication with Members is a key part of the leadership and management standards. Evidence from 360 degree feedback demonstrates that this standard has been embedded.</p> <p>The leadership and management standards form part of the corporate managers' induction.</p>	<p>● Blue</p>

<p><b>Challenge Culture</b></p> <p>Survey results indicate that some Members and officer are not sure that decisions can be challenged without fear of reprisal, by Members, officers or the Council's partners.</p> <p>A significant proportion of Members and officers are unsure that the Council's complaints system is clear and accessible.</p>	Human Resources to link with organisational development work undertaken in conjunction with Barkers		-
	Contain within more detailed consideration of the role of strategic Directors and Chief Officers in relation to ethical governance.	Communication with Members is a key part of the leadership and management standards. Evidence from 360 degree feedback demonstrates that this standard has been embedded.	 Blue
	Human Resources to include issues within competencies and behaviors for managers. Also to include within induction and recruitment procedures. In addition the officer response to the survey is included in Director's appraisal bundles, with an intention that the issues raised will be cascaded further through the management chain.	The leadership and management standards form part of the corporate managers' induction. The induction documentation also includes a number of scenarios which include examples of (in) appropriate Member involvement in council function. Staff Survey results are fed back to directors as and when they are available.	
	Also work through managerial competencies and behaviors to ensure growth of challenge culture in relation to informal decision making.		
<p><b>Impact – understanding among Members and officers</b></p> <p>A significant proportion of officer and Members are unsure whether the Council's approach encourages appropriate behavior or is building confident in local democracy.</p>	Further investigative work with officers can take place through the staff survey.	94% of staff surveyed in 2009 report that they agree that the behavior of staff and Members affects the public perception of the Council. Although there are difficulties in phrasing an "ideal" question that reflects respondents awareness of the impact of the ethical governance, it seems likely that this culture shift has now taken place.	 Blue
<p><b>Member awareness of Officer Code of Conduct</b></p> <p>Almost the same proportion of members are unaware of the officer code of conduct</p>	HR to present a report to Standards Committee in relation to the registration of officer interests.	<p>A report has now been made to the Committee in regard to the officer code of conduct, including examination of both registers.</p> <p>The Assistant Chief Executive also issued report, Update: Informed, Transparent Decision Making – Officer Declarations on 5 December 2007 which explored some aspects of the register of interests.</p> <p>Work to raise awareness of the employee code of conduct amongst officers can be focused to also be relevant to Members.</p>	 Green

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Originator: Amy Kelly

Tel: 0113 39 50261

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

### Standards Committee

Date: 16<sup>th</sup> February 2011

Subject: Implications of the Localism Bill for the ethical framework in Leeds

#### 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 contents of the Localism Bill which was presented to Parliament on 13<sup>th</sup> December 2010, and to seek feedback from Members of the Committee on the questions posed in this report. The Localism Bill contains several clauses which affect Leeds City Council, but this report concentrates on those which affect the standards regime.
2. It is proposed that the following Members will be consulted on the options available: the Group Leaders, Corporate Governance and Audit Committee, Standards Committee, and Group Whips before asking the General Purposes Committee to make a recommendation to full Council for it to make a final decision. The final decision will need to be made in advance of February 2012.
3. In order that the possibility of regional arrangements can be explored all the West Yorkshire Councils have been sent the briefing note attached as Appendix 1, and have been asked to provide feedback on the questions listed on the first page. This will assist officers in establishing whether there is an appetite for regional arrangements, and whether it would be possible to reach agreement on what those arrangements might be.
4. Members of the Standards Committee are asked to:
  - Consider the implications of the Localism Bill as they relate to the Council's ethical governance arrangements; and
  - Consider and comment upon the questions listed in paragraph 3.12 of this report.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to brief Members of the Standards Committee on the aspects of the Localism Bill which relate to the Council's ethical governance arrangements, specifically;
- Members' Code of Conduct
  - Standards Committee
  - Local Assessment arrangements

## **2.0 Background Information**

- 2.1 The government set out its intention to abolish the 'Standards Board Regime' in the coalition agreement published in May 2010. It is the government's intention to effect the abolition through the Localism Bill which has its first reading in Parliament on 13<sup>th</sup> December 2010.

## **3.0 Main Issues**

- 3.1 The Localism Bill proposes to abolish the current standards regime established by the Local Government Act 2000. In summary, this will have the following consequences:
- The Members' Code of Conduct and the General Principles of Public Life will be revoked.
  - The requirement for the Council to have a standards committee will be abolished.
  - Standards for England (formerly known as the Standards Board for England) will be abolished, as will all its functions.
  - The First-tier Tribunal (Local Government Standards in England) (formerly known as the Adjudication Panel for England), which dealt with the most serious cases and heard appeals against Standards Committee decisions, will lose its jurisdiction over the conduct of Councillors.

### Duty to promote and maintain high standards of conduct

- 3.2 When enacted the Localism Bill will impose a new duty on Councils to promote and maintain high standards of conduct by Members and co-opted members of the authority. There are no further details available at the current time regarding how this duty is to be fulfilled or what it will entail.

### Voluntary codes of conduct

- 3.3 The Localism Bill also contains provisions to allow Councils to adopt a code of conduct to apply to Councillors and co-opted members whilst they are acting in that capacity. The Council could choose to:
- (a) Revise the existing code of conduct;
  - (b) Adopt a code of conduct to replace the existing code of conduct; or
  - (c) Withdraw its existing code of conduct without replacing it.
- 3.4 If a Council chose to continue to have a code of conduct in place then it must receive and consider complaints about potential misconduct. If, having received a complaint, a Council considered that investigation was appropriate, the Council must investigate the allegation in such a manner as it thinks fit.



- 3.5 If, as a result of the investigation or otherwise, a Council found that a Member or co-opted member had failed to comply with their adopted code of conduct, that Council must decide whether to take action and what action to take.

#### Local standards committees

- 3.6 The Localism Bill specifies that the above functions of considering, investigating and taking action in relation to complaints, are not to be executive functions and therefore must be carried out by full Council, a Council Committee, or an officer acting under delegated powers. It would also be possible to create a joint standards committee<sup>1</sup> for the West Yorkshire authorities.

#### Disclosure and registration of Members' interests

- 3.7 The Localism Bill proposes to make regulations which will require the Monitoring Officer to establish and maintain a register of Members' interests. These regulations will also explain when Members will have to declare their interests in meetings, when these interests will prevent them from taking part in decision making, and will make provisions for the Council to grant dispensations to Members in some circumstances.
- 3.8 The Localism Bill also makes it an offence to fail to comply with the obligations in the regulations. The penalty that the magistrates court may impose upon conviction is a fine of up to £5,000 and an order disqualifying the person from being a Member of a relevant authority for up to five years.

#### **Consultation on possible local standards arrangements**

- 3.9 The Localism Bill is still in its early stages of development and may be amended significantly before reaching its final form and receiving Royal Assent (anticipated in November or December 2011). However it is necessary for Members to consider the implications of the Bill now in order that, should Members' view be that Leeds City Council should adopt a local Code of Conduct, work can commence on drafting the code and the mechanisms that might be needed to support it in time for consultation and agreement by full Council.
- 3.10 The government has already announced transitional arrangements to be put in place between the Bill receiving Royal Assent and the 'Appointed Day' when the Act comes into force. Any local arrangements would therefore start after the 'Appointed Day'.
- 3.11 In the first instance the Assistant Chief Executive (Corporate Governance) is seeking views on the implications of the Bill from Group Leaders, Corporate Governance and Audit Committee, Standards Committee, and Group Whips. In addition the Chair of the Corporate Governance and Audit Committee and the Head of Governance Services will also be attending a conference on "The Localism Bill & Ethical Standards; – Challenges & Solutions" by an organisation called Ethical Standards & Complaints - Advice Training & Investigations (ESCati) to be held on 29<sup>th</sup> March 2011 in Birmingham.
- 3.12 The themes on which initial views are being sought are as follows:

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<sup>1</sup> This would not have the statutory functions or membership requirements of current standards committees as these legislative requirements are abolished by the Localism Bill.

1. Are we going to adopt a voluntary code of conduct?
  - a. If yes, should the Council:
    - revise the existing code of conduct<sup>2</sup>; or
    - adopt a completely new code of conduct to be drafted locally?
  - b. If the Council wishes to adopt a completely new code of conduct, what types of behaviour / situations should this cover?
  
2. If a code is to be introduced, should there be different processes for dealing with differing types of complaints, namely:
  - Member against Member;
  - officer against Member; and
  - member of the public against Member?
  - a. If yes, how should these processes differ?
  
3. Should the Council have a separate 'Standards Committee' (or another name) to carry out any of the above functions, or instead give the function to an existing committee exercising Council functions?
  - a. If an existing committee is preferred, which committee would be the most appropriate?
  - b. Alternatively, would the Council prefer to delegate some of these functions to an officer?
  
4. Would there be any value in retaining the facility to have a co-opted independent member(s)<sup>3</sup> on any committee dealing with complaints of member misconduct and if so, might those co-opted members have a role in chairing consideration of complaints against Members under any of the options shown in Question 2 above?
  
5. Is there an appetite for having a regional Standards Committee?

3.13 Standards Committee's views are sought on these question areas.

3.14 From the initial discussions and soundings which are taking place it is anticipated that a further detailed options paper will be drawn up for further discussion with Political Groups.

3.15 Members may also be interested that in order that the possibility of regional arrangements can be explored all the West Yorkshire Councils have been sent the attached note (Appendix 1), and have also been asked to provide feedback on the questions. This will be of assistance in establishing whether there is an appetite for regional arrangements, and whether reaching agreement on what those arrangements might be would be practical.

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<sup>2</sup> At the least the Council would need to remove the reference to the General Principles which will be revoked, and the requirements regarding the registration and declaration of interests as these will be covered in separate Regulations.

<sup>3</sup> The position of Independent Member as it currently stands will be abolished, but the Council could choose to co-opt someone onto the committee to fulfil a similar function.

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

4.1 As stated earlier, the proposals in the Localism Bill have consequences for the Council's governance arrangements, including the Code of Corporate Governance. Members will also need to consider what impact a local code would have on the local codes and protocols already in existence (in Part 5 of the Constitution), such as the Protocol for Member Officer Relations.

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

5.1 The legal implications of the Localism Bill (as they relate to the Council's ethical governance arrangements) are set out in the report.

5.2 No longer being required to have a standards committee, which must be chaired by an Independent Member and have Parish Members, will represent a saving to the Council in terms of Special Responsibility Allowances.

#### **6.0 Recommendations**

6.1 The Standards Committee is asked to:

- consider the implications of the Localism Bill as they relate to the Council's ethical governance arrangements; and
- consider and comment upon the questions listed in paragraph 3.12 of this report.

#### Background Documents

Localism Bill 2010/2011

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## Questions to be addressed

*Please see paragraphs 2.3 to 2.10 of the background information for more details about the proposals contained in the Localism Bill and the options available to the Council.*

1. Are we going to adopt a voluntary code of conduct?
  - a. If yes, should the Council:
    - revise the existing code of conduct<sup>1</sup>; or
    - adopt a completely new code of conduct to be drafted locally?
  - b. If the Council wishes to adopt a completely new code of conduct, what types of behaviour / situations should this cover?
2. If a code is to be introduced, should there be different processes for dealing with differing types of complaints, namely:
  - Member against Member;
  - officer against Member; and
  - member of the public against Member?
  - a. If yes, how should these processes differ?
3. Should the Council have a separate 'Standards Committee' (or another name) to carry out any of the above functions, or instead give the function to an existing committee exercising Council functions?
  - a. If an existing committee is preferred, which committee would be the most appropriate?
  - b. Alternatively, would the Council prefer to delegate some of these functions to an officer?
4. Would there be any value in retaining the facility to have a co-opted independent member(s)<sup>2</sup> on any committee dealing with complaints of member misconduct and if so, might those co-opted members have a role in chairing consideration of complaints against Members under any of the options shown in Question 2 above?
5. Is there an appetite for having a regional Standards Committee?

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<sup>1</sup> At the least the Council would need to remove the reference to the General Principles which will be revoked, and the requirements regarding the registration and declaration of interests as these will be covered in separate Regulations.

<sup>2</sup> The position of Independent Member as it currently stands will be abolished, but the Council could choose to co-opt someone onto the committee to fulfil a similar function.

## Background information

### **1.0 Consequences of the Bill for the existing ethical framework**

- 1.1 Schedule 4 of the Localism Bill repeals Part III of the Local Government Act 2000 in relation to local authorities in England. This means the abolition of Standards for England, standards committees, and the jurisdiction of the First-Tier Tribunal (Local Government Standards in England). The model code of conduct and the general principles of public life will be repealed, and the power for the Secretary of State to issue a model code of conduct and to specify general principles is removed altogether. There will be no requirement for Councils to have a standards committee in future and the position of Independent Member is also abolished.
- 1.2 All the provisions which relate to local assessment and review, and the powers of Monitoring Officers in relation investigations are also repealed.
- 1.3 Finally, there will be no requirement for each Member to formally agree to abide by the Code of Conduct through their acceptance of office, and any declaration previously made will cease to apply when the Code of Conduct is abolished. Currently, failure to complete such a declaration within two months of their election means that a Member loses their position on the Council.

### **2.0 Future standards regime - Proposals contained in the Bill**

- 2.1 For the purposes of Chapter 5 of the Bill (which contains all the provisions about standards), a Parish or Town Council is included in the definition of a 'relevant authority'. This means that instead of the Council being responsible for the Parish and Town Councils in its area, these Councils must make their own arrangements. This will include adopting their own voluntary code of conduct (if they choose to do so), and considering and investigating written allegations of misconduct (if applicable).

#### **Duty to promote and maintain high standards of conduct**

- 2.2 The Localism Bill imposes a new duty on local authorities to promote and maintain high standards of conduct by Members and co-opted members of the authority. There are no further details regarding how this duty is to be fulfilled or what it will entail.

#### **Voluntary codes of conduct**

- 2.3 The Localism Bill allows local authorities to adopt a code of conduct to apply to Councillors and co-opted members whilst they are acting in that capacity. The Council can choose to:
- (a) Revise the existing code of conduct;
  - (b) Adopt a code of conduct to replace the existing code of conduct; or
  - (c) Withdraw its existing code of conduct without replacing it.

- 2.4 The Council may publicise its adoption, revision or withdrawal of a code of conduct in whatever manner it considers appropriate.
- 2.5 If the Council does choose to continue to have a code of conduct in place, either by amending or replacing the existing one, then it must consider whether to investigate written allegations that a Member or co-opted member has failed or may have failed to comply with its code of conduct. If the Council decides that investigation is appropriate, it must investigate the allegation in such a manner as it thinks fit.
- 2.6 It is worth noting that during such an investigation Members would not be able to rely on the Local Authorities (Indemnities for Members and Officers) Order 2004 in order to provide insurance payments towards the cost of legal fees in their defence. This is because this Order specifies that Members can be indemnified against the costs of defending themselves if proceedings are brought against them in accordance with Part III of the Local Government Act 2000, but this will be repealed.
- 2.7 If, as a result of the investigation or otherwise, the Council finds that a Member or co-opted member has failed to comply with the code of conduct, it may have regard to the failure in deciding:
- (a) Whether to take action in relation to the Member or co-opted member; and
  - (b) What action to take.
- 2.8 There are no further details of what actions may be appropriate, although it is clear there will be no powers to suspend, partially suspend or disqualify a Member. The judgement of the Court of Appeal in *R v Broadland District Council ex p Lashley (2000)* confirmed the right of an authority to take administrative measures to ensure that it could continue to discharge its functions effectively, in that case by the Chief Executive barring a Councillor from the offices and from direct contact with individual officers. However, it is not a power to punish, and cannot be exercised in a manner which prevents a Councillor acting as a Councillor.
- 2.9 The Localism Bill specifies that the above functions of considering, investigating and taking action in relation to complaints, are not to be executive functions and therefore must be carried out by full Council, a Council Committee, or an officer acting under delegated powers.
- 2.10 The Local Government Act 1972 s101 allows two or more Councils to set up a joint committee to carry out their functions. It would therefore be possible to create a joint standards committee<sup>3</sup> for the West Yorkshire authorities. This would require the councils reaching agreement over the content of a voluntary code of conduct, the terms of reference, and the composition of the standards committee.

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<sup>3</sup> This would not have the statutory functions or membership requirements of current standards committees as these legislative requirements are abolished by the Localism Bill.

## **Disclosure and registration of Members' interests**

- 2.11 Section 17 of the Bill allows the Secretary of State to make regulations which will require the Monitoring Officer of a relevant authority (or other specified officer in relation to Parish or Town Councils) to establish and maintain a register of interests of the Members and co-opted members of the authority.
- 2.12 The regulations may:
- Specify the financial and other interests that are to be included in the register;
  - Require any Member or co-opted member who has an interest of a specified kind to disclose that interest before taking part in business of the authority relating to the interest;
  - Prevent or restrict the participation of a Member or co-opted member in any business of the authority to which their interest relates;
  - Make provisions for the Council to grant dispensations in specified circumstances;
  - Make provisions about the sanctions that a relevant authority may impose of a Member or co-opted member for failure to comply with regulations under this section<sup>4</sup>; and
  - Require a relevant authority to make copies of the register available to the public and to inform the public that copies are available.
- 2.13 The sanctions to be specified within the regulations will not include suspension, partial suspension or disqualification.

## **Offence of breaching the regulations under section 17**

- 2.14 The Localism Bill makes it an offence to fail, without reasonable excuse, to comply with obligations in the regulations referred to above. The penalty that the magistrates court may impose upon conviction is a fine of up to £5,000 and an order disqualifying the person from being a Member of a relevant authority for up to five years. A prosecution for the offence may be brought within 12 months of the Crown Prosecution Service having the evidence to warrant prosecution, but no proceedings may be brought more than three years after the offence or the last date on which an offence was committed.

## **3.0 Predetermination**

- 3.1 Chapter 4 of the Bill clarifies the existing position regarding predisposition, bias and predetermination. According to common law, predetermination occurs when someone has a closed mind, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision. Councillors who have participated in decision making whilst having a predetermined view have caused the decision to be judged unsafe and to be quashed.

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<sup>4</sup> This implies that the Council will also have jurisdiction over breaches of the Regulations, but it is unclear how this will work in practice as the Bill makes such breaches a criminal offence.



- 3.2 The Localism Bill clarifies that if a Councillor has given a view on an issue, this does not show that the Councillor has a closed mind on that issue, so that if a Councillor has campaigned on an issue or made public statements about their approach to an item of Council business, he or she will be able to participate in the discussion of that issue in the Council and to vote on it if it arises as an item of Council business requiring a decision. The effect of this provision is that campaigning, talking with constituents, expressing views on local matters and seeking to gain support for those views, should not lead to an accusation that the Member has a closed mind.
- 3.3 However, in practice, the Court of Appeal has already asserted that such activities will not preclude participation in decision-making, unless the Councillor is so committed that they are not even prepared to listen to the evidence (e.g. by making statements such as “over my dead body...”). Therefore this clarification would not change the Council’s current approach to these matters.
- 3.4 Although bias and predetermination are not part of the current Code of Conduct regime, Standards for England have advised that a Councillor who chooses to take part in a decision when they are biased may bring their office or authority into disrepute.

#### **4.0 Recall of Elected Representatives**

- 4.1 Under the Recall of Elected Representatives Bill it is proposed that Elected Mayors and Parish Councillors will also be subject to electoral recall<sup>5</sup>. This provides that if 10% or more of the registered voters in the constituency of an elected representative sign a relevant recall petition then a recall election must be held within 4 months.
- 4.2 In order for a recall petition to be relevant the appropriate Returning Officer must be satisfied that there is evidence<sup>6</sup> in the petition that the elected representative has:
- Acted in a way which is financially dishonest or disreputable;
  - Intentionally misled the body to which he or she was elected;
  - Broken any promises made by him or her in an election address;
  - Behaved in a way that is likely to bring his or her office into disrepute; or
  - Loss of confidence of his or her electorate.
- 4.3 If the recall election result is negative for the Member concerned, a by-election must be held within the following three months, although the recalled Member may stand as a candidate in this election.

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<sup>5</sup> This Bill as drafted also applies to MPs and MEPs, but not to Local Authority Councillors. It is unclear why this is the case, and possible that this may change. This Bill is due to have its second reading on 10<sup>th</sup> June 2011, so further details may be available after this date.

<sup>6</sup> It is unclear how the petitioners will be able to obtain such evidence (i.e. will the Council have any powers to investigate on their behalf?). It is also unclear how much evidence will be required in order to satisfy the Returning Officer.

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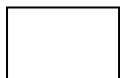
## Report of the Assistant Chief Executive (Corporate Governance)

### Standards Committee

Date: 16<sup>th</sup> February 2011

Subject: Standards Committee – Interim Annual Report

#### Electoral Wards Affected:



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

## 1.0 Purpose Of This Report

- 1.1 The purpose of this report is to provide Members of the Standards Committee with performance information regarding the Standards Committee's activities during the 2010/11 municipal year. This incorporates a progress report in relation to all complaints received under the Members' Code of Conduct since 1<sup>st</sup> June 2010 to 31<sup>st</sup> January 2011.
- 1.2 This report also includes other performance information which has been reported in the Annual Return provided to Standards for England in previous years. This interim annual report is being presented to the Standards Committee in a different format to previous years, and therefore Members of the Standards Committee are asked to agree that this information will form the basis of the Standards Committee's Annual Report for this municipal year, and that this information be presented to Corporate Governance and Audit Committee as part of the six monthly reporting arrangements.

## 2.0 Background Information

- 2.1 Between the 1<sup>st</sup> June 2010 and the 31<sup>st</sup> January 2011, the Assessment Sub-Committee has considered 2 allegations, one of which was referred for investigation. The Assessment Sub-Committee decided to take no further action in relation to the other complaint. Both complaints concerned Leeds City Councillors. There is one investigation currently ongoing which incorporates two allegations against the same Councillor (one of which was received in February 2010).
- 2.2 The Consideration Sub-Committee has considered three final reports since 1<sup>st</sup> June 2010, all of which resulted in a finding of no failure.

- 2.3 Standards for England have now ceased all monitoring arrangements in anticipation of their abolition (due to take place in early 2012). As part of these arrangements Councils were obliged to provide information about the complaints they received which made up the quarterly statistics. As these are no longer available this report does not contain any comparison between the Council's performance and national statistics regarding complaints.
- 2.4 Since 2008/09 Councils also had to complete an Annual Return for Standards for England. This enabled Standards for England to check that authorities were carrying out their statutory duties and identify examples of good practice. In previous years the Annual Return has been appended to the Standards Committee Annual Report. Since the Council is no longer required to provide this information to Standards for England, the information is provided to the Standards Committee in this report.

### 3.0 Main Issues

#### Complaints received during 2010/11

- 3.1 Leeds City Council has only received one complaint since the start of the municipal year. Case reference 1011001 was received on 8<sup>th</sup> December 2010 and was considered by the Assessment Sub-Committee on 13<sup>th</sup> December 2010. The average timescale for administering complaints from receipt to initial assessment is 3 working days for the municipal year. This complaint was made by a Council officer in relation to a Leeds City Councillor. The Assessment Sub-Committee decided to refer the whole complaint for local investigation, to be added into the existing investigation into case reference 0910010. This was because the complaint contained similar allegations against the same Councillor.
- 3.2 The other complaint considered by the Assessment Sub-Committee during this municipal year was received on 11<sup>th</sup> May 2010, and is therefore included in last municipal year's statistics (case reference 0910014). The Assessment Sub-Committee considered this complaint on 11<sup>th</sup> June 2010 and decided to take no further action. This decision was not reviewed by the complainant. The complaint was made by a member of the public in relation to a Leeds City Councillor.
- 3.3 The table attached at Appendix 1 shows further details in relation to each investigation which has been commissioned or completed during this municipal year, including the estimated date of completion. The duration of an investigation is measured from the date of the Assessment Sub-Committee's decision to the completion of the final report. Members will recall that Standards for England advise that investigations should be completed within six months where possible, and that this is also reflected in the "Procedure for external Code of Conduct investigations" adopted by the Council.
- 3.4 The table shows that the Council exceeded this timescale in relation to all the completed investigations. A short explanation for this in relation to each investigation is shown below:

**0809019** – The investigator experienced several difficulties with this case which included staffing and resource issues, the medical condition of the subject Member, and their inability to trace the whereabouts of the complainant once the investigation was underway. Due to the unacceptable delays during this investigation the Council was able to secure a refund for part of the investigation costs.

**0910001(2)** – This complaint was investigated by an internal legal officer and therefore there were no costs in carrying out this investigation, although the officer was unable to complete the investigation within the recommended timescales due to the demands of their day to day work.

**0910012** - This delay was due to the Monitoring Officer seeking an alternative resolution to the complaint on the recommendation of the Assessment Sub-Committee. The investigation was suspended for two months whilst resolution was sought. Unfortunately this intervention failed and the investigation was resumed. Without this interruption, the investigation would have been completed within the recommended timescales.

- 3.5 The table shows that the ongoing investigation (0910010 and 1011001) has currently taken 12 months, although the new allegations arising from case reference 1011001 were only added to the existing investigation on 16<sup>th</sup> December 2010. The reasons for the delay can be explored by the Standards Committee once the investigation has been completed.

#### Other performance information

- 3.6 The following questions have been taken from the Annual Return 2009/10, which the Council was required to complete by Standards for England. As stated above, Standards for England no longer monitor the performance of Councils in relation to standards issues, but this information will provide assurance to the Council that the Standards Committee is still meeting its statutory obligations.
- 3.7 When the provisions in the Localism Bill come into force the Council will have a duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council. Considering such performance information will help the Council to determine whether it is meeting this duty.

#### **How can the public access information about how to make a complaint about a Member's conduct?**

- 3.8 This information is available on the Council's website. The page explaining how to make a complaint can be found through the 'Get Involved' box on the front page, which provides a link to the 'Compliments and Complaints' area of the website. There is also a link to this page on the 'Standards Committee' area of the website. Both members of the public who submitted a complaint since the complaints form was amended have specified that they found the relevant information on the Council's website. No other attempts have been made during this municipal year to advertise the complaints process more widely.

#### **How can the public access information about the outcome of initial assessment decisions?**

- 3.9 Minutes of the Assessment and Review Sub-Committees are published on the Council's website, and are available through the Standards Committee agenda and the full Council agenda. The 'notices of outcome' from each case are also available for public inspection at Civic Hall, although no requests to inspect these notices have been made during this municipal year.

#### **How can the public access information about the outcome of investigations?**

- 3.10 The Consideration Sub-Committee publishes minutes of its meetings, which are available on the Council's website, and as part of the agendas for the Standards

Committee and full Council. Each final report also has an open covering report from the Monitoring Officer (containing the outcome of the investigation but not the names of the parties) which is published on the Council's website. If the Consideration Sub-Committee decided not to maintain the exemption on the report, it would be published and considered in public. A notice would also be published in the local newspaper (unless the matter was referred to a hearing or the subject Member requests otherwise).

- 3.11 There have been three Consideration Sub-Committee meetings during this municipal year (as outlined earlier in this report). In all cases the Sub-Committee decided to maintain the exemption and exclude members of the public from the meeting. In addition, none of the subject Members agreed to a notice being placed in a local newspaper.

**Does the Council have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the Member, complainant and witnesses.**

- 3.12 At the end of each complaint the subject Member and complainant (and witnesses, if appropriate) are asked for feedback on the process and their experience. These results are reported to the Standards Committee alongside any suggestions for improvement. The most recent of these reports was received at the meeting on 13<sup>th</sup> July 2010, and resulted in various changes to the complaints process, including allowing complainants to request informal resolution and to specify a form of resolution that would satisfy them.

- 3.13 At the same meeting the Standards Committee also received a report reviewing the Hearings Sub-Committee procedure following feedback from the two hearings held in May 2010.

**How does the Council promote standards and the work of the Standards Committee internally?**

- 3.14 The Standards Committee has its own page on the Council's website, and is featured in the internal newsletter 'Governance Matters'. The Chair of the Standards Committee promotes the work of the Committee by meeting the Leaders of the Political Groups and the Chief Executive on a quarterly basis, and by attending meetings of the Corporate Governance and Audit Committee as a non-voting co-opted Member.

- 3.15 The minutes of the Standards Committee are also received by the Corporate Governance Audit Committee, and the Group Whips receive quarterly updates on the work of the Sub-Committees in relation to complaints.

**How does the Council promote standards and the work of the Standards Committee externally to partners and the public?**

- 3.16 Members of the public can access information about the Standards Committee through various resources available on the Council's website, as outlined above. Members of the public can also attend Standards Committee meetings to observe, although this has not happened during this municipal year.
- 3.17 Prior to each Standards Committee meeting the Parish Clerks are sent an email with a link to the Standards Committee agenda, which also highlights any particular items which may be of interest to their Parish Council.

- 3.18 Members of the Standards Committee and officers supporting the Standards Committee took part in the West Yorkshire Regional Conference on 7<sup>th</sup> July 2010, which enabled Members to share best practice with their counterparts.

**How does the Standards Committee communicate ethical issues to senior Council figures?**

- 3.19 As outlined above the Chair of the Standards Committee has quarterly meetings with the Leaders of the political groups and the Chief Executive, and also regularly attends meetings of the Group Whips. The Leader of the Council has responsibility for standards issues as part of the 'Central and Corporate' Executive Board portfolio, and the Monitoring Officer is part of the Corporate Leadership Team.

**How do senior figures demonstrate strong ethical values?**

- 3.20 Ethical values are reflected in the Council's Aspirational Culture and in the new values introduced by the Chief Executive. These are Celebrating Diversity, Engaging Citizens Locally, Being Open and Honest, Working as a team for Leeds, and Spending Money Wisely. Council staff are currently being consulted on the revised values and ambition.

**Does the Council have a protocol for partnership working that outlines the standards of behaviour expected of those working in partnership?**

- 3.21 The Council has an Advisory Note on Partnership Governance which was introduced in November 2010 to replace the Governance Framework for Significant Partnerships. This advisory note covers the resolution of conflicts of interest, but does not require partnerships to adopt a code of conduct for its members.
- 3.22 The Council no longer monitors the governance arrangements of partnerships, although a register of significant partnerships which the Council has entered into is maintained and provided to Internal Audit on an annual basis. Internal Audit could then compare the arrangements within these partnerships to the standards set out in the advisory note.

**What mechanisms are used to deal with Member/officer and Member/Member disputes?**

- 3.23 Such disputes are dealt with informally where possible and are usually resolved by the Monitoring Officer. The formal procedure for Members and officers to follow is set out in the Protocol for Member/officer Relations. Members can raise the matter with the officer directly (if appropriate) or with the relevant Director. An officer who has breached the Protocol may face disciplinary action, and a Member who has breached the Code may be reported to their Group Whip or Leader. There have been a few complaints involving Members and officers which have been resolved informally during this municipal year, but no formal complaints under the Protocol.

**Has the Council assessed the training and development needs of Council Members in relation to their responsibilities on standards of conduct during this municipal year? What training needs were identified?**

- 3.24 The Council continues to assess the training needs of Members through completion of their Personal Development Plans (PDPs). So far this municipal year 30 PDPs have been undertaken. A number of learning needs have been identified, including ICT skills, media skills, chairing skills, corporate parenting and scrutiny skills. No specific training needs have been identified in relation to conduct issues, although

training on governance and conduct issues has been provided to Members of the Licensing Committee and Plans Panels as per the Constitutional requirements set out in Articles 8 and 8A and the Codes of Practice.

- 3.25 The Standards Committee has a training plan containing some compulsory elements, which was last amended on 22<sup>nd</sup> April 2010. The plan seeks to meet the training and development needs of Standards Committee Members, both when they are new to the Committee and throughout their time as Members of the Committee. The following elements of the training plan are therefore 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); and
  - To ensure that all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).
- 3.26 The current Members of the Standards Committee have completed all of the compulsory and highly recommended training, apart from one elected Member who has not attended any hearings training. However, it is not anticipated that this will cause any issues as only two elected Members would be required to sit on the Hearings Sub-Committee.
- 3.27 The Head of Scrutiny and Member Development can also provide assurance that the way in which Councillors are trained, supported and developed in Leeds has been judged to be one of the best examples in the country, as the Council was awarded the Charter Plus Award for its Member Development following an inspection on 24<sup>th</sup> June 2010. Leeds City Council is the first Council in the Yorkshire and Humber region to reach the highest grade. The award aims to promote best practice in Member training and development and is based on the Investors in People national quality standard. It provides a systematic framework for the development of elected Members, and goes further than the basic level Charter award which the Council gained in 2007. The award is backed by Local Government Yorkshire and Humber and the Improvement and Development Agency and requires councils to demonstrate evidence that the Council is fully committed to developing elected Members, that member development is strategic and Member led, that the Council has a Member learning and development plan, and that the Council promotes work-life balance and citizenship.

**What training has been carried out for Members and who received it? How well attended was it, and how are standards issues covered during the induction?**

- 3.28 This municipal year four 'Learning and Development' days were scheduled in advance. These days were clearly identified in the Council diary and spaced at regular intervals. A total of 30 Members attended events on the first learning day, and 19 Members attended on the second day. The majority of learning activity taking place on the learning days is the compulsory events for regulatory panel members referred to above.
- 3.29 Member Management Committee have a responsibility to consider matters in relation to the training and development of elected Members. To this end, Member Management Committee have formed a working group for Member Development.



The Member Development Working Group meets on a regular basis to formulate, progress and monitor Member Development activities. Over the last six months this has included work on the following projects:

- Progressing work on learning and development projects such as induction and personal development planning
- Undertaking exit interviews for Members stepping down or not re-elected
- Reviewing attendance and feedback from the 2010-11 events programme and the Member Learning Days
- Monitoring attendance and evaluating the compulsory Planning and Licensing Programme.

3.30 A report containing feedback from the Member Development Working Group on the above issues was presented to Member Management Committee on 12<sup>th</sup> January 2011. As a result of this report Member Management Committee resolved that a report summarising the findings from exit interviews be presented to the first Member Management Committee meeting of the municipal year, and that the Committee be involved in reviewing the question template and procedures; Group Whips be informed which of their Members have not attended the compulsory planning and licensing training, and dates of future sessions; and the proposed approach to political awareness training for officers be endorsed, including the production of a DVD as a supporting material.

3.31 All newly elected Members took part in training on the Code of Conduct during the induction period, which included a section on the registration and declaration of interests. The Standards Committee received a report on this matter on 13<sup>th</sup> July 2010.

**On which areas of the Code of Conduct has training been provided to Members?**

3.32 All aspects of the Code of Conduct were covered during the induction training for newly elected Councillors. Members of the regulatory panels received an update on interests, and how predetermination issues can lead to possible disrepute.

**What other training has been provided on areas of a Members' role or activities they may engage in?**

3.33 As part of the induction period Members received training on various aspects of their role including licensing, managing casework, a specific induction for new Corporate Governance and Audit Committee Members, how to handle difficult situations, and time management. The Member Development Working Group are planning a number of events and programmes for the remainder of the municipal year which include corporate parenting and safeguarding, emerging public health landscape and the role of the Council, building resilient communities and local enterprise partnerships.

**How many investigations have been carried out, who by and at what cost? Does the Council have a policy in place to ensure the quality of investigations?**

3.34 Information about the completed investigations is set out in paragraphs 3.1 to 3.5. The ongoing investigation is being carried out by an external solicitor, and the final costs are not yet known as separate charges are made depending on the outcome of the case and whether the investigator needs to attend a Consideration Sub-Committee meeting or a Hearings Sub-Committee. The costs of the completed investigations for this municipal year are shown in the table below:

Case Reference Number	Estimated cost of completed investigation	Additional cost for attending Consideration Sub-Committee	Additional cost for attending Hearings Sub-Committee	Estimated total cost of case
0809019	£1,446.80	All inclusive	n/a	£1,446.80
0910001(2)	Investigation completed internally.			
0910012	£3,650.00	n/a	n/a	£3,650.00
<b>Estimated total cost for Leeds City Council<sup>1</sup>:</b>				<b>£5,096.80</b>

- 3.35 The Council has adopted a 'Procedure for external Code of Conduct investigations' which outlines the standards expected of any external investigator commissioned by the Council. This procedure was reviewed by the Standards Committee on 13<sup>th</sup> July 2010 in the light of the feedback received from the participants in the two hearings held in May 2010.

**What training has been provided for Parish Councils? What subjects did this cover, what methods were used and who attended?**

- 3.36 Training has been provided as part of the Annual Parish and Town Council Spring Conference which took place on 26<sup>th</sup> May 2010 in the Civic Hall. Delegates had a choice of four seminars to attend, which covered allotments provision, community policing and safety, Highways Services, and refuse collection and waste management. In addition to the seminar programme they were a variety of displays set up in and around the area of the Banquet Hall which were staffed by both internal and external organisations. This included information about standards issues.

- 3.37 Approximately fifty representatives from the Parish and Town Council's across Leeds attended the event.

**Does the Council have a COMPACT with the Parishes in the area? What help is provided to Parishes experiencing problems?**

- 3.38 The Council has a Parish and Town Council Charter with the Parishes in Leeds. This was initially agreed in October 2006 and was most recently updated in November 2009.

- 3.39 Section two of the Charter sets out what practical support Leeds City Council will provide for the Parish and Town Councils in Leeds. This includes support from Democratic Services, Elections, Financial Management, Leeds Revenue Service, and Financial Development. Parishes also have access to a named officer in Democratic Services who performs a liaison function.

**4.0 Implications For Council Policy And Governance**

- 4.1 This report provides assurance to the Standards Committee that its Sub-Committees are complying with their statutory responsibilities as set out in the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

<sup>1</sup> Excluding VAT and travel expenses.

- 4.2 The report also sets out more general performance information which demonstrates that the Standards Committee is fulfilling its functions under the Local Government Act 2000, and those delegated by full Council.
- 4.3 Under the provisions of the Localism Bill there would no longer be a compulsory Members' Code of Conduct and no requirement for local authorities to have a Standards Committee. Instead each Council will have a duty to promote and maintain high standards of conduct by Members and co-opted Members. The Council will also have the option of adopting a Code of Conduct to apply to its Members when they are acting in their official capacity. Wider consultation is currently being undertaken within Leeds City Council to establish to what extent Members support, or not, the adoption of some form of Code of Conduct. A separate report on the implications of the Localism Bill and this consultation process is included in this agenda.

## **5.0 Legal And Resource Implications**

- 5.1 The resource implications for each investigation vary depending on the length and complexity. The costs will have been specified in a quote produced for the Head of Governance Services, and can be contained within the existing budget. A breakdown of the costs involved in each completed investigation can be seen in the table above.
- 5.2 As the Standards Committee has met only twice during this municipal year, and that there is further business detailed on the work programme for the remainder of the year, it is proposed that it would not be proportionate to produce a formal Annual Report detailing the Committee's activities. Instead it is proposed that the performance information in this report is presented to the Corporate Governance and Audit Committee in order to assist the Committee in reviewing the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management).

## **6.0 Recommendations**

- 6.1 Members of the Standards Committee are asked to:
- note the contents of this report;
  - agree that this information will form the basis of the Standards Committee's Annual Report for this municipal year; and
  - agree that this information be presented to the Corporate Governance and Audit Committee as part of the six monthly reporting arrangements.

### Background Documents

Local Government Act 2000

Standards Committee (England) Regulations 2008

Report of the Chief Democratic Services Officer to the Member Management Committee, "Member Development Update", 12<sup>th</sup> January 2011

Minutes of the Member Management Committee, 12<sup>th</sup> January 2011

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Members' Induction Period 2010", 13<sup>th</sup> July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Review of the Procedure for Standards Committee Hearings", 13<sup>th</sup> July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Local Assessment – Progress Report", 13<sup>th</sup> July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Options for amendment to the local assessment process", 13<sup>th</sup> July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Standards Committee Training Programme", 22<sup>nd</sup> April 2010

Standards for England Annual Return 2009/10

Parish and Town Council Charter, available at  
<http://www.leeds.gov.uk/Page.aspx?pageIdentifier=6ca52a47-cbca-4659-b76d-5353f4f43895>

## Complaints investigated during 2010/2011

Case Reference	Date received	Referral decision made	Date of referral decision	Date investigation commissioned	Date of completion (or estimated date)	Outcome of investigation	Duration of investigation
0809019	09/04/2009	Local investigation (part)	18/05/2009	04/06/2009	Final Report issued on 20/05/2010	No failure to comply with the Members' Code of Conduct – Decision of the Consideration Sub-Committee 11/06/2010	12 months
0910001(2)	22/07/2009	Local investigation (part) by Leeds City Council Officer	14/08/2009	14/09/2009 (investigation conducted internally)	Final Report issued on 16/06/2010	No failure to comply with the Members' Code of Conduct – Decision of the Consideration Sub-Committee 29/06/2010	10 months
0910010	05/01/2010	Local investigation	01/02/2010	12/02/2010	Draft report was expected on 07/10/10 – investigation has now been merged with 1011001	-	As yet unknown
0910012	11/02/2010	Local investigation	13/04/2010	28/04/2010	Final Report issued on 02/12/2010	No failure to comply with the Members' Code of Conduct – Decision of the Consideration Sub-Committee 13/12/2010	8 months
1011001	08/12/2010	Local investigation (to be investigated alongside 0910010)	13/12/2010	Additional allegations referred to the investigator on 16/12/2010	Unknown – awaiting agreement of revised investigation plan following the addition of further allegations	-	As yet unknown

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Originator: Amy Kelly

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

**Standards Committee**

**Date: 16<sup>th</sup> February 2011**

**Subject: Annual report of the Monitoring Officer**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. This report is the annual report of the Monitoring Officer required under Paragraph 5 of the Monitoring Officer Protocol. The Monitoring Officer is required to report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and include any proposals for amendments in the light of any issues that have arisen throughout the year.
2. There are no significant issues to report and no amendments are required to the Protocol at the current time.
3. Members of the Standards Committee are asked to consider the assurances and performance information provided in this report.

**1.0 Purpose Of This Report**

- 1.1 This report is the Monitoring Officers Annual Report which is required under paragraph 5 of the Monitoring Officer Protocol. This report covers the period since the previous annual report, which was considered by the Standards Committee on 17<sup>th</sup> February 2010. The Monitoring Officer is required to report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and include any proposals for amendments in the light of any issues that have arisen throughout the year.

**2.0 Background Information**

- 2.1 Members will recall that the role of the Monitoring Officer is a statutory role by virtue of Section 5 of the Local Government and Housing Act 1989. The principal duties of

the Monitoring Officer are set out in the Appendix to the Monitoring Officer Protocol, which for ease of reference is attached to this report as Appendix 1.

### **3.0 Main Issues**

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

#### **Resources**

- 3.2 The Monitoring Officer considers that she has sufficient resources to discharge her statutory functions, and to address any matters concerning her functions.
- 3.3 The Monitoring Officer is satisfied that so far for the financial year 2010/11 she had a sufficient budget at her disposal to enable her to seek Counsel's opinion on matters concerning her functions as and when necessary during the course of the current Municipal year.
- 3.4 The Monitoring Officer has appointed the Chief Officer (Legal, Licensing and Registration) as the Deputy Monitoring Officer and keeps him briefed on any relevant issues that he may have to deal with in her absence. The current post holder will be retiring at the end of March 2011 and therefore a new Deputy Monitoring Officer will be designated.

#### **Access to information / meetings**

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



## Relationships

- 3.9 The Monitoring Officer has ensured that the other statutory officers have been kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues.
- 3.10 The Monitoring Officer has met regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues. They all attend weekly meetings of the Corporate Leadership Team, and any additional meetings are arranged as and when necessary.
- 3.11 The Monitoring Officer is the Chair of an officer group involving representatives from audit, risk, finance, governance, performance management, information governance and human resources. The Corporate Governance Board is responsible for reviewing the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk). Until December 2010 this group met every month and allowed the Monitoring Officer to maintain effective working relationships with these officers and retain an overview of corporate governance issues.
- 3.12 On 9<sup>th</sup> December 2010, the Corporate Governance Board met to consider whether the terms of reference of the Board were still fit for purpose, relevant and to consider whether the Board was operating within its terms of reference. The Board discussed its role, specifically in light of the current economic conditions that the Council is operating under and concluded that the Board in its current form is no longer fit for purpose. It was considered that a smaller Board composed of the officer's with responsibility for managing the Corporate Governance and Audit Committee should continue to meet but on a much less frequent basis and request reports from key governance officers as required. The Board decided to amend their terms of reference to reflect its changing nature.
- 3.13 The Monitoring Officer has a close working relationship of respect and trust with the Lord Mayor, deputy Lord Mayor, group whips and the chairs of the Executive Board, Standards Committee, Regulatory committees, Scrutiny Boards and Area Committees. Where challenge has arisen, the Monitoring Officer has raised these issues with the Members concerned in order to resolve them.
- 3.14 The Monitoring Officer has developed and maintained an effective working liaison and relationship with Standards for England, the District Auditor and the Local Government Ombudsman.
- 3.15 The Monitoring Officer is required to make a report under Section 5 of the Local Government and Housing Act 1989 if it appears to her that any proposal, decision or omission by the Authority<sup>1</sup> has given rise to or is likely to give rise to a contravention by the Authority of any enactment or rule of law. The Monitoring Officer has not had reason to make any report under Section 5 of the Local Government and Housing Act 1989 or to consult in relation to making any of these formal reports.
- 3.16 The Monitoring Officer has informal mechanisms for dealing with issues which are brought to her attention which are not likely to give rise to a contravention of any enactment or rule of law. The Monitoring Officer keeps records of these matters and any appropriate action taken.

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

- 3.17 The Monitoring Officer has made arrangements to ensure effective communication between her office and clerks to parish councils. The Parish Council Liaison Officer sends correspondence as and when necessary, and provides information to meetings of the Parish Council Liaison Forum. In addition there is regular contact from the Standards Committee to Parish Councils. All Clerks receive an email providing a link to the agenda published on the Council's website, or a letter and a copy of the agenda, for each Standards Committee meeting. This includes meetings of the Consideration Sub-Committee and Hearings Sub-Committee, although exempt papers are not shared with the Parish Clerks.

### **Ombudsman Complaints**

- 3.18 It is the duty of the Monitoring Officer under the Local Government Act 1974 and the Local Government and Housing Act 1989 to prepare reports in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has been found to cause injustice. The Monitoring Officer carries out this duty by instructing the relevant director to produce a report for the Executive Board. For the second year in a row the Council has had no cases of maladministration, and therefore there have been no reports to the Executive Board on this subject.
- 3.19 The Monitoring Officer has a duty to prepare reports where considered necessary to bring to Members' attention issues of importance arising out of complaints made to the Local Government Ombudsman, whether or not those complaints were investigated or maladministration found. These reports are formally considered by the Corporate Governance and Audit Committee. The Monitoring Officer has not had occasion to provide Corporate Governance and Audit Committee with any such report during this municipal year.
- 3.20 A report to the Corporate Governance and Audit Committee on 29<sup>th</sup> July 2010 highlighted comments made by the Local Government Ombudsman in her annual letter. Members noted that the Ombudsman's Annual Letter was very positive and specifically noted the excellent performance demonstrated by the Education Leeds and Governance Services in relation to the turn around times for school appeals. The letter was on the whole complimentary about improvements the Council had made over the last year, including the response times to formal enquiries and the co-operative attitude of Council employees. In relation to local settlements, the letter also noted that the Council had a generally positive attitude when it was persuaded that something had gone wrong. There were no concerns, trends or themes identified by the Ombudsman in the annual letter.
- 3.21 The Corporate Governance and Audit Committee resolved to receive a further report detailing how the complaints process is moving forward and information about complaints made to the Council, including the costs of dealing with complaints and arrangements for lessons learned, and to note the contents of the report and acknowledge the ongoing improvements in performance and good feedback from the Local Government Ombudsman.

### **Standards matters**

- 3.22 The Monitoring Officer has provided advice to Members of the City Council and Members of Parish Councils. The Monitoring Officer has done so through correspondence, in meetings, and through the provision of guidance and briefing notes on specific issues.

- 3.23 The Monitoring Officer has arranged a programme of training for Members on ethical standards and Code of Conduct Issues. Compulsory training sessions relating to governance and conduct issues have taken place for Members of Plans and Licensing panels this year. These were incorporated into the Member Learning Days, which appear in the Council diary and enable Members to attend several training sessions in one day. The Monitoring Officer has also ensured that all Standards Committee Members have been offered training on the hearings process, through training carried out by a member of the First-Tier Tribunal (Local Government Standards in England). This took place in March 2010.
- 3.24 Three final investigations into complaints under the Members' Code of Conduct have been concluded this municipal year on behalf of the Monitoring Officer. All three investigations were completed by an external solicitor and involved allegations that a Councillor failed to comply with Leeds City Council's Code of Conduct. In all cases the investigating officer was satisfied that she had access to all necessary information and all officers who could assist in the discharge of her functions.
- 3.25 The Monitoring Officer is responsible for ensuring that Leeds City Councillors and voting Co-opted Members complete and maintain a register of interests and register any gifts or hospitality that they have received. The Monitoring Officer has delegated responsibility for these matters to Governance Services, but remains updated through regular reports on these matters. On 5<sup>th</sup> March 2010 the Monitoring Officer issued a briefing note to all Members on the registration of gifts and hospitality. The Monitoring Officer has delegated responsibility to the Parish Clerks for maintaining the Members' register of interests and the register of gifts and hospitality for their Parish Council.
- 3.26 The Monitoring Officer has reported to the Standards Committee on the number of complaints received regarding Leeds City Councillors and Parish and Town Councillors in Leeds and the outcome of those complaints twice a year, as well as reporting on Adjudication Panel case tribunal decisions at every meeting. The information regarding complaints against Leeds City Councillors is also shared with the Group Whips on a quarterly basis.
- 3.27 The Monitoring Officer is also responsible for supporting the Standards Committee. Through her support to the Committee the Monitoring Officer promotes and maintains high standards of conduct. The Monitoring Officer has ensured that the Committee are supported through attending meetings of the Committee, ensuring they are able to carry out their functions effectively by the provision of reports and information, and through ensuring that their training needs are met. Given the forthcoming abolition of Standards for England, the Annual Conference due to be held in October 2010 was cancelled. Members were still able to attend the West Yorkshire Regional Standards Conference which took place in Bradford on 7<sup>th</sup> July 2010. As previously stated, Members have received training on hearings by an external facilitator, and have been provided with guidance on the local assessment process, including locally developed tools to assist them with following the Standards for England guidance and considering all aspects of the Code of Conduct. The Committee have also been regularly briefed on the potential changes to the standards regime arising from the Localism Bill published in December 2010.

### **Constitution**

- 3.28 The Monitoring Officer has kept the Constitution under continuous review and where necessary reports are taken to General Purposes Committee, Standards Committee and full Council for approval in respect of proposed amendments to the Constitution. The Monitoring Officer has consulted with the Chief Finance Officer and the Head of

Paid Service when required. The amendments to the Constitution made during this municipal year are highlighted within the Constitution control sheets which are available on the Council's website alongside the Constitution itself. The control sheets are also sent to all holders of a paper copy of the Constitution and to all Directors by email.

- 3.29 The Monitoring Officer has also made arrangements for a working group of the Member Management Committee to meet to consider the content of the local Codes and Protocols in Part 5 of the Constitution, in order that she can be assured that they are fit for purpose. This working group has not met since 16<sup>th</sup> February 2010, and the process of arranging new meetings has been delayed in the light of the proposed changes to the standards regime detailed in the Localism Bill.

### **Members and Officer Responsibilities**

- 3.30 The Protocol requires Members and Officers to report any suspected breaches of statutory duty or Council policies or procedures and other vices or constitutional concern to the Monitoring Officer as soon as practicable. The Monitoring Officer is satisfied that where matters have been raised, these have been concluded satisfactorily.

### **Advice**

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

### **Amendments to the Monitoring Officer Protocol**

- 3.32 There are no amendments required to the Monitoring Officer Protocol at the current time. However, extensive amendments will be required to reflect the proposed changes to the standards regime detailed within the Localism Bill, and the abolition of Standards for England. These changes will need to be made once the Bill has received Royal Assent and comes into force (which is likely to be in February 2012).

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

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

## **5.0 Legal And Resource Implications**

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

## **6.0 Conclusions**

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

## **7.0 Recommendations**

- 7.1 Members of the Standards Committee are asked to consider the assurances and performance information provided in this report.

### **Background Documents**

- The Local Government Ombudsman's Annual Review, Leeds City Council, for the year ended 31<sup>st</sup> March 2010
- Constitution Control Sheets 1-13

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## SUMMARY OF MONITORING OFFICER FUNCTIONS

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

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





Originator: Laura Ford

Tel: 0113 39 51712

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

**Standards Committee**

**Date: 16<sup>th</sup> February 2011**

**Subject: Standards Committee Work Programme**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**1.0 Purpose Of This Report**

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

**2.0 Background Information**

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

**3.0 Main Issues**

3.1 The work programme for the municipal year 2010/11 is attached at Appendix 1. As there are no items scheduled for the meeting due to be held on 20<sup>th</sup> April 2011, it is proposed that this meeting is cancelled.

**4.0 Implications For Council Policy And Governance**

4.1 There are no implications for Council policy.

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

## **5.0 Legal And Resource Implications**

5.1 There are no legal and resource implications.

## **6.0 Conclusions**

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

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

## **7.0 Recommendations**

7.1 Members of the Committee are asked to:

- note the work programme and advise officers of any items they wish to add; and
- agree to cancel the Standards Committee meeting due to be held on 20<sup>th</sup> April 2011.

## STANDARDS COMMITTEE - WORK PROGRAMME 2010/11

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<b>Meeting date: 20<sup>th</sup> April 2011, 2pm</b>		
No scheduled items		

ITEM	DESCRIPTION	RESPONSIBLE OFFICER/NOTES
<b><u>Unscheduled Items</u></b>		
Outcome of the consultation on the aspects of the Localism Bill relating to the standards regime	To receive a report summarising the outcome of the consultation on the aspects of the Localism Bill relating to the standards regime.	Senior Corporate Governance Officer Amy Kelly

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