



Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 12th July 2007

Subject: Complaints referred to the Standards Board for England in the period 1st October 2006 – 31st March 2007

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report advises the Committee on the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, under the Member's Code of Conduct.
2. There have been two complaints regarding Parish Councillors, and two involving Leeds City Councillors. One of these was referred for further investigation by the Standards Board for England and in the other case no further action was taken. The investigation is ongoing and so no details of the complaint have been included in this report.
3. Monitoring the number and type of allegations made to the Standards Board for England supports the Council's governance arrangements by informing future training provision and guidance for Councillors. It also assists the Standards Committee in preparing for the local filtering arrangements which come into force in April 2008 by allowing the Committee to estimate the number and types of complaints it may be expected to deal with.
4. Members of the Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 This report advises the Committee on the number of complaints referred to the Standards Board for England in relation to Members of Leeds City Council and local Parish or Town Councillors within the area, under the Member's Code of Conduct. It also details the outcome of those complaints, in the period 1st October 2006 to 31st March 2007.

2.0 Background Information

- 2.1 At its meeting on 27th April 2004, the Standards Committee asked for such information to be provided to Members every six months.
- 2.2 As in previous reports, this report also contains information from throughout the year and a comparison with the national statistics using information from the Standards Board for England.

3.0 Main Issues

Parish and Town Councillors

- 3.1 Leeds City Council has received notification of two complaints referred to the Standards Board for England regarding Parish or Town Councillors within the Leeds Metropolitan District for this period.

3.1.1 Complaint 1

It was alleged that two Parish Councillors (who were also Leeds City Councillors) had used Leeds City Council resources for political purposes by sending a letter on Council letter headed paper to the complainant's neighbours.

The letter addressed issues of anti-social behaviour in the playground in the area. In the letter one of the Councillors stated that she could be contacted via the Council's address or her political party website.

The Standards Board decided **not to refer this complaint for further investigation**. They considered that in writing the letter the Councillors were carrying out the business of the authority to which they had been elected, and therefore there was no failure to comply with the Code of Conduct.

3.1.2 Complaint 2

It was alleged that three Parish Councillors had treated a member of the public unfairly when considering his planning application.

The complainant reported to the Standards Board that there had been an ongoing dispute with the Parish Council regarding the management of the local allotments. The complainant was refused permission to erect a five foot by six foot shed on his allotment despite a shed of the same size on another allotment.

The complainant alleged that the Parish Councillors had misinterpreted or ignored planning law by stating that they will not consider any planning applications for greenhouses or sheds on the allotments for four years, and that this equated to unfair treatment of the allotment users. It was alleged that all three Councillors had voted to reject the complainant's application and had sanctioned the decision not to consider any planning applications for greenhouses or sheds on the allotments for four years.

The Standards Board decided **not to refer this complaint for further investigation** as there was no potential breach of the Code of Conduct. The Standards Board has no jurisdiction over decisions of Committees or Councils, or the accuracy and quality of any decisions taken by Members.

Leeds City Councillors

3.2 Leeds City Council has received notification of two complaints referred to the Standards Board for England against Leeds City Councillors for this period.

3.2.1 Complaint 1

It was alleged that a Councillor had provided wrong information to a member of the public and had poorly advised the complainant in relation to a planning matter. The complainant also found the Councillor's manner to be offensive and abusive.

The complaint concerns a planning application which was submitted to build 12 flats. The complainant contacted the Councillor to ask her advice as to whether there was anything the complainant could do to ensure that houses were built instead of flats. It was alleged that the Councillor advised the complainant that the decision had already been taken to build the flats, and recommended that the complainant use her three minutes speaking time at the plans panel meeting to instead raise objections such as parking and bin storage. It was also alleged that the Councillor told the complainant that she would raise an objection to the application at the meeting and would pre-arrange questions with the complainant and her partner.

However, at the plans panel meeting the Councillor did not raise any objections to the planning matter and did not ask any questions as arranged. After the meeting the complainant sent an email to all the members of the panel outlining her concerns about the planning application process and attended the Councillor's ward surgery. It was alleged that the Councillor made the following comments to the complainant at the ward surgery: "you are your own worst enemy, you have shot yourself in the foot, there is nothing I can do for you...you are wasting my time, I have nothing else to say to you". The complainant found the Councillor's manner abusive and offensive.

The Standards Board decided **not to refer this complaint for further investigation**. Members are not obliged to agree with their constituents and should instead keep an open mind about such matters. The Standards Board does not regulate the quality or accuracy of Councillors' work. Although the comments allegedly made by the Councillor at the ward surgery could be regarded as a potential failure to treat others with respect,

it was not considered serious enough to justify further investigation. The Standards Board reached no judgement regarding the facts of the matter.

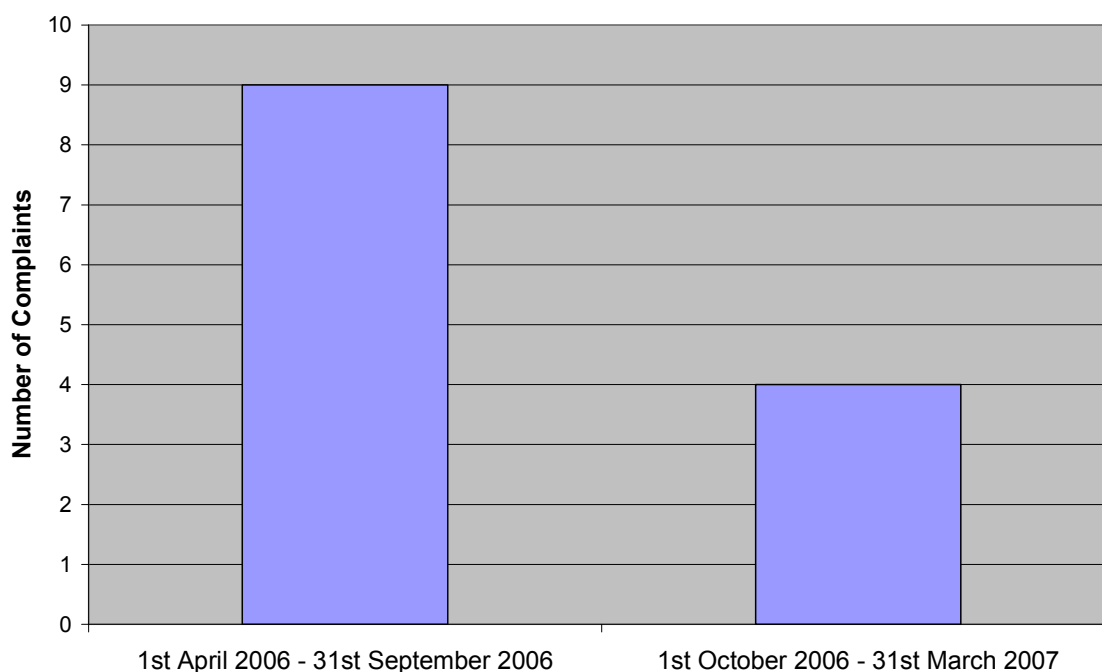
3.2.2 Complaint 2

This complaint has been referred by the Ethical Standards Officer to the Council's Monitoring Officer for further investigation. As it is an ongoing matter, no detailed information relating to the complaint will be included in this report.

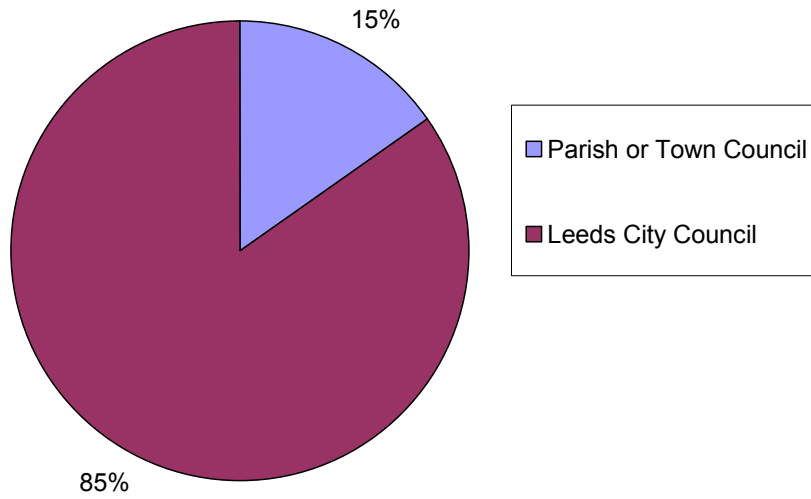
Statistics for the period 1st April 2006 - 31st March 2007

The complaints referred to the Standards Board for England in the last twelve months are reflected in the statistics below.

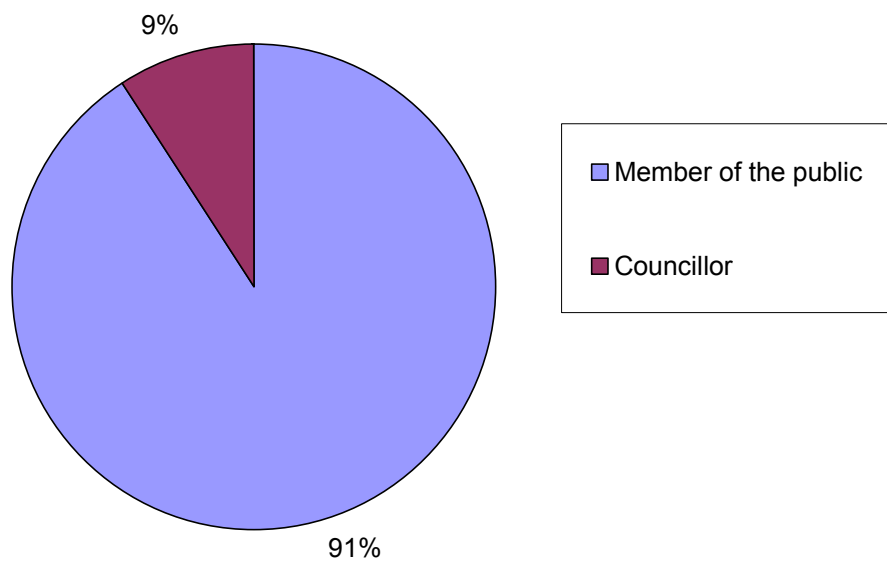
3.3 Number of complaints received:



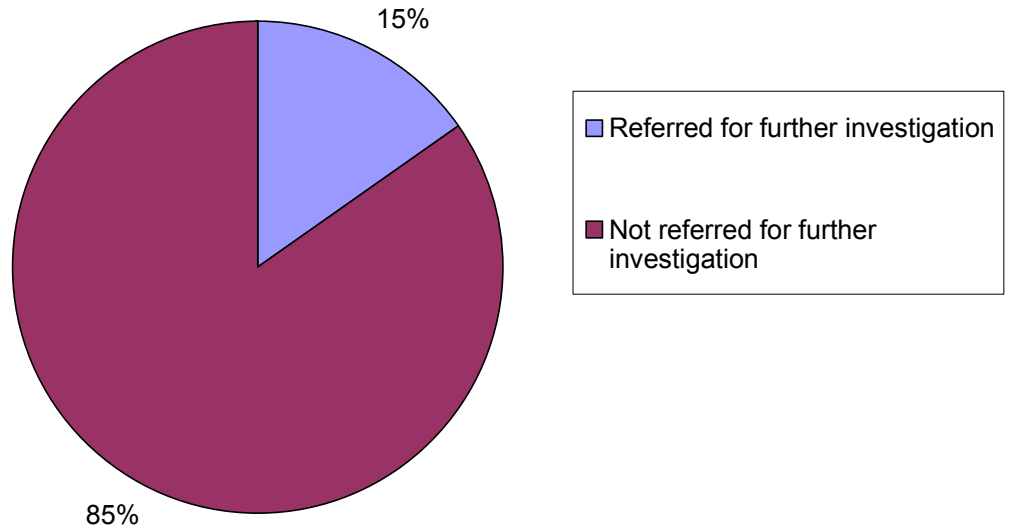
3.4 Authority of Member complained about:



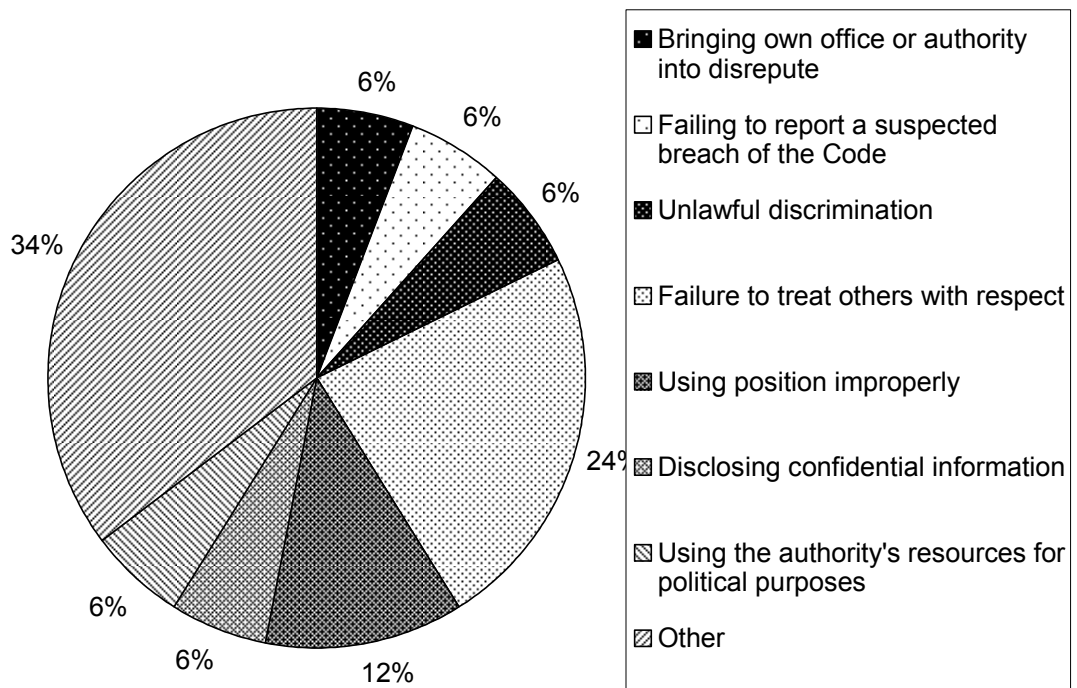
3.5 Source of complaints:



3.6 Complaints referred by the Standards Board for further investigation:

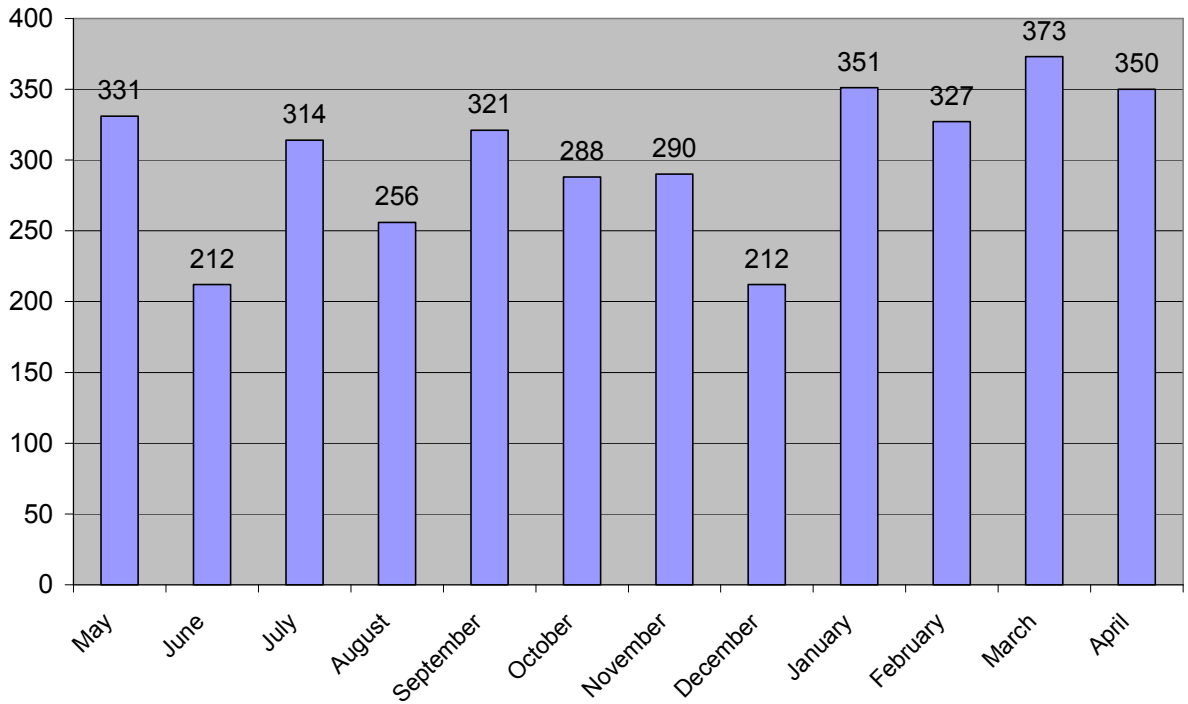


3.7 Nature of allegations made:

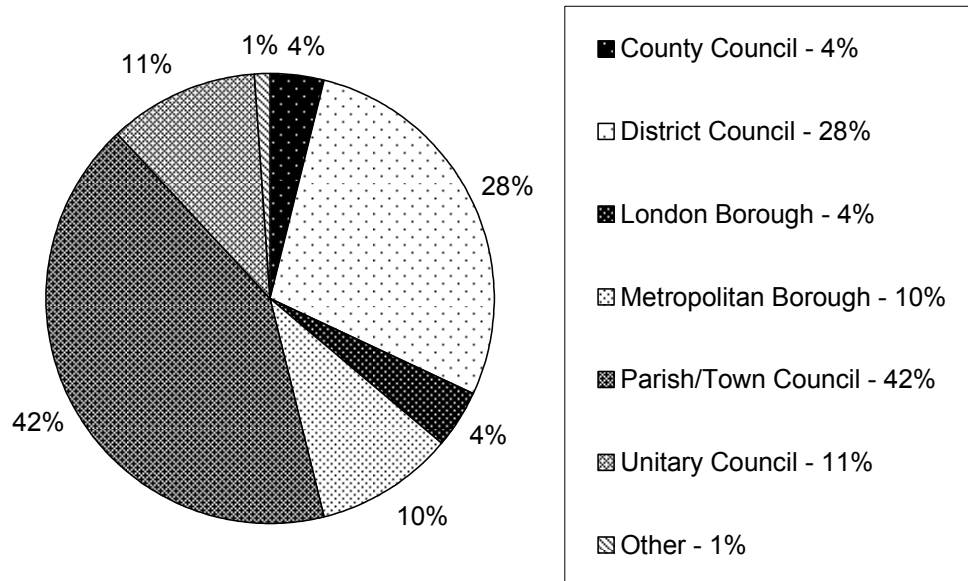


National statistics from the Standards Board for England for the last 12 months

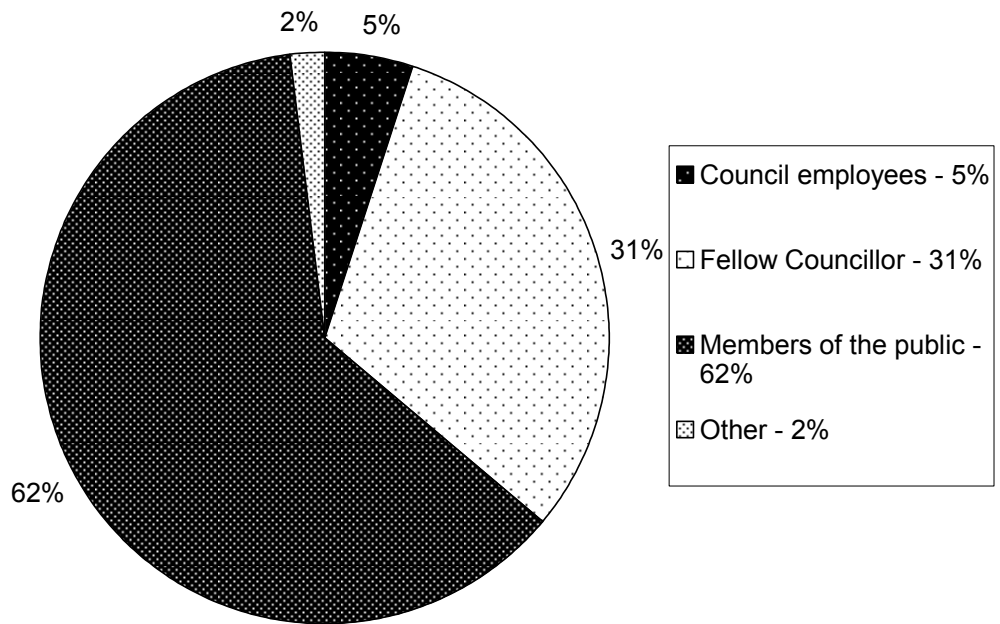
3.8 Number of allegations received:



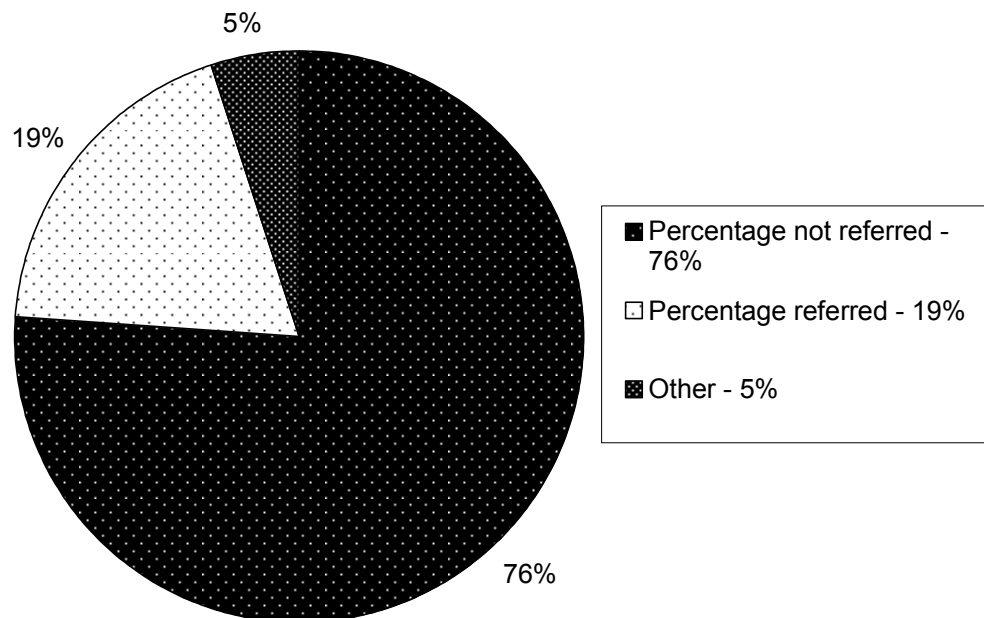
3.9 Type of authority complained about:



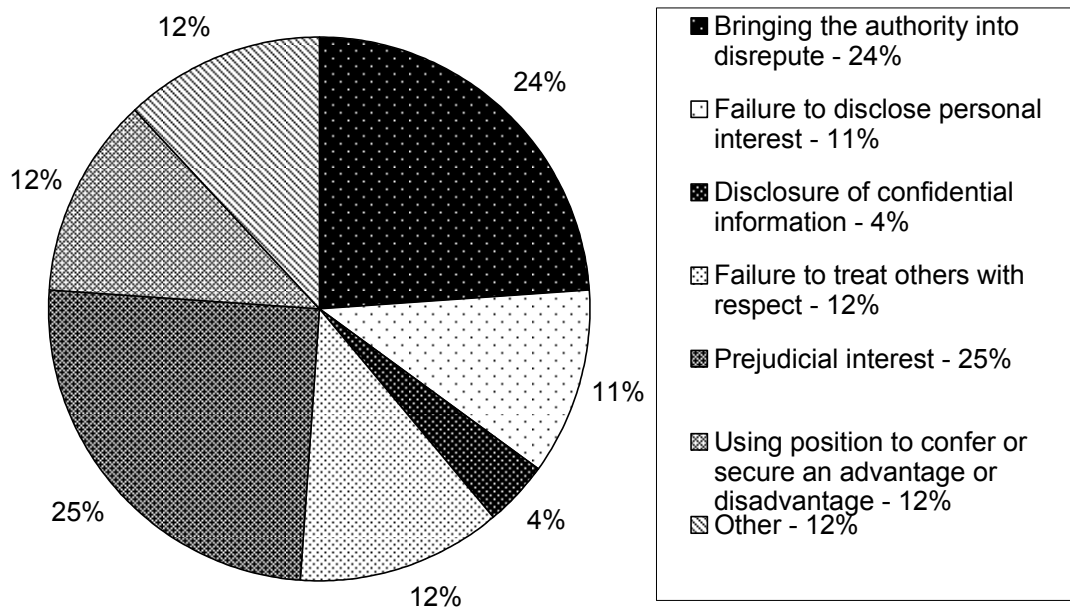
3.10 Source of allegations:



3.11 Percentage referred for further investigation:



3.12 Nature of allegations:



- 3.13 Members may wish to note that the statistics for Leeds City Council vary from the national statistics. For instance, whilst there has been an increase in complaints referred to the Standards Board over the last six months at a national level, Leeds City Council has shown a clear decrease.
- 3.14 Regarding the type of authority involved, Parish Councils only account for 15% of the complaints at a local level, compared to 42% of the complaints made at a national level.
- 3.15 The statistics reveal that Councillors are responsible for making a higher proportion of complaints referred to the Standards Board nationally (31%) in comparison to the proportion of complaints made by Councillors in Leeds (9%).
- 3.16 The statistics also show that a higher proportion of the complaints made about Leeds Members (85%) were not referred for further investigation by the Standards Board, than at a national level (76%). This may be because many of the complaints regarding Leeds Members concerned matters outside of the Standards Board's jurisdiction.
- 3.17 The highest proportion of complaints regarding Leeds Members concerned suspected breaches outside of the jurisdiction of the Code of Conduct and the Standards Board. These accounted for 34% of all complaints at a local level. This may reveal a lack of understanding within Leeds of the exact provisions of the Code of Conduct and what constitutes a breach. However it can be supposed that the training programme on the new Code of Conduct will address this issue.

- 3.18 The largest proportion of complaints at a national level involved failure to disclose a prejudicial interest (25%), followed by Members bringing their office or authority into disrepute (24%). Failure to treat others with respect was the second largest cause for complaint in Leeds, accounting for 24% of complaints. This corresponds with last year's statistics when failure to treat others with respect accounted for 23% of complaints. However Members may wish to note that there has been a sharp decrease in the number of complaints regarding Members bringing their office or authority into disrepute since last year (24% to 6%).

4.0 Implications For Council Policy And Governance

- 4.1 Monitoring the number and type of allegations made to the Standards Board for England support the Council's governance arrangements by informing future training provision and guidance for Councillors.
- 4.2 This report also assists the Standards Committee in preparing for the local filtering arrangements which come into force in April 2008, by allowing the Committee to estimate the number and types of complaints it may be expected to deal with.

5.0 Legal And Resource Implications

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

6.0 Conclusions

- 6.1 There do not appear to be any trends within the statistics which identify problem areas for improvement and further training. The types of complaints made seem to broadly correspond with the national statistics.
- 6.2 Compared to the national statistics, very few complaints regarding Leeds Members are referred by the Standards Board for further investigation. In this period, the majority of complaints were rejected by the Standards Board as not being serious enough to warrant further investigation or not being connected with the Code of Conduct.
- 6.3 In Leeds, a higher proportion of the public are responsible for complaints compared to national statistics. This shows that the public are using the processes in place and is evidence of good awareness of the ethical framework at the Council.

7.0 Recommendations

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