



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 16th October 2008

Subject: Complaints received by the Standards Board for England from 1st October 2007 – 9th May 2008

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to advise the Committee of 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 2007 to the commencement of the new local arrangements on 9th May 2008.
2. There do not appear to be any trends within the statistics which identify problem areas for improvement and further training.
3. 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.
4. Members of the Standards Committee are asked to note the contents of this report.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise the Committee of 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 2007 to the commencement of the new local arrangements on 9th May 2008.

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 Following the implementation of the new local arrangements these reports will be replaced by regular reports detailing the decisions made by the Assessment and Review Sub-Committees, and any lessons learned from these cases.

3.0 Main Issues

Parish and Town Councillors

- 3.1 Leeds City Council has received notification of three 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 a Parish Councillors had breached the Members' Code of Conduct by improperly using their position by attending a local resident's meeting with an Environmental Health Officer from Leeds City Council. It was further alleged that the Chairman of the Parish Council had breached the Members' Code of Conduct by failing to investigate the matter.

The Standards Board for England considered that there was no potential breach of the Code of Conduct disclosed in the complaint, and decided **not to refer to matter for investigation.**

3.1.2 Complaint 2

It was alleged that a Parish Councillor had breached the Members' Code of Conduct by failing to declare that she had received some free stone to carve statues from Woodkirk Stone Action Group. The complainant claimed that the Councillor attends the meetings when it suits her and has commented in a press article about the stone.

The Standards Board for England considered that the stone was provided to the community in order to erect a statue outside the Town Hall. Therefore there was no potential breach of the Members' Code of Conduct disclosed by the complaint, and the Standards Board decided **not to refer the matter for investigation.**

3.1.3 Complaint 3

It was alleged that a Parish Councillor (who is also a Leeds City Councillor) had breached the Members' Code of Conduct by making derogatory remarks about the complainant during Leeds City Council Executive Board meetings, and at Rein Road Association Meetings.

The complainant further alleged that the Councillor treated him differently to other residents, cut him off whilst speaking at the public meeting, and did not invite him to the meeting.

The Standards Board for England considered that as the Rein Road Association meetings were public meetings, which the Parish Councillor had attended as a local resident, the Parish Councillor was not acting in an official capacity whilst at those meetings. Therefore there was no potential breach of the Members' Code of Conduct disclosed in the complaint, and the Standards Board decided **not to refer the matter for investigation**.

Leeds City Councillors

- 3.2 Leeds City Council has received notification of 12 complaints referred to the Standards Board for England against Leeds City Councillors for this period.

Matters where the decision was not to investigate

3.2.1 Complaint 1

It was alleged that one Leeds City Councillor had failed to treat the complainant with respect by failing to deal with a refuse collection issue. The complainant alleges that he lost the use of his driveway for a few weeks and was forced to place his rubbish on the road. The complainant further alleges that when he contacted the Councillor about the issue he was told to "move it yourself" and "get another Councillor to help you".

The complainant alleges that when he contacted a second Leeds City Councillor about the issue, the Councillor was rude to him over the telephone and did not respond to messages. The complainant then contacted a third Councillor in order to get an apology for his treatment, but he alleges that this third Councillor also breached the Members' Code of Conduct by failing to instruct the second Councillor to apologise for his conduct.

Finally, the complainant alleges that all three Councillors colluded to ensure that the Council was obstructive to him when attempting to access information he was entitled to.

The Standards Board for England understands that Councillors have no obligation to respond to each and every request for advice and assistance, and that Members cannot reasonably be held responsible for the alleged conduct of others. The Standards Board also considered that there was no evidence that the complainant had been treated any less favourably by the Council, or that the Councillors were involved in any action taken against the complainant by the Council as a whole. Therefore the Standards Board decided **not to refer the matter for investigation**.

3.2.2 Complaint 2

It was alleged that a Councillor made an inaccurate statement during a Council meeting in which he accused the complainant of announcing the closure of a community centre and telling staff and service users that they would have to leave. The complainant alleges that the statement was disrespectful to the complainant and brought the Council into disrepute.

The Standards Board for England understands that they have no jurisdiction over the accuracy of statements made at meetings. They also considered that there was no evidence that the Councillor had deliberately attempted to mislead people. Although being critical of a member of the public who has no right to reply may be potentially disrespectful, the Standards Board concluded that the matter was not serious enough to warrant investigation. Therefore the Standards Board decided **not to refer the matter for investigation.**

3.2.3 Complaint 3

It was alleged that a Councillor (whilst acting as Chair of Lewisham Court Resident's Meeting) asked the complainant to leave. The complainant was a Parish Councillor who was attending the meeting on behalf of her husband who was another Leeds City Councillor.

The complainant alleges that the Councillor abused her position as Chair of the meeting in order to exclude her, treated her with disrespect, and brought the Council into disrepute.

The Standards Board for England understand that they have no jurisdiction over the rules of conduct for local authority meetings. They considered that although the alleged conduct had the potential to be disrespectful, it was not serious enough to warrant investigation. Therefore the Standards Board decided not to refer the matter for investigation.

3.2.4 Complaint 4

It was alleged that a Councillor breached the Members' Code of Conduct by asking the complainant not to attend his ward surgery again.

The Standards Board for England understand that Councillors are under no obligation to respond to each and every request for advice and assistance. They considered that as there was no potential breach of the Members' Code of Conduct disclosed in the complaint, **the matter should not be referred for investigation.**

3.2.5 Complaint 5

The complainant (an employee of an estate agency and surveyor) made a complaint relating to correspondence that the company had had with local councillors regarding traffic issues. The complainant alleged that the Councillor contacted her by telephone in response to her correspondence and was "extremely rude, abrupt and unsympathetic" about the problem. The complainant further alleged that his "rudeness and attitude throughout...was totally unexpected and disturbing".

The Standards Board for England took account of the fact that Members are required to treat others with respect and Members should, as far as possible, treat the public courteously and with consideration. The alleged conduct of the Councillor towards the complainant may have disclosed a potential failure to comply with this part of the Code of Conduct. However the Standards Board for England decided **not to refer the allegation for investigation**, as having taken account of the available information they did not believe that the alleged conduct was serious enough to justify an investigation.

3.2.6 Complaint 6

It was alleged that a Councillor failed to treat the complainant (another Leeds City Councillor) with respect at a Scrutiny Chair's and Executive Board meeting. The complainant alleges that the Councillor refused to answer her question and told her to "shut up and keep quiet". The complainant also alleges that the Councillor accused her of acting outrageously and stated "I don't have to be here, I don't need this, I could be elsewhere" before shouting either "fuck you" or "fuck this" at the complainant and leaving the meeting.

The Standards Board for England considered that this exchange was part of a heated debate between two Councillors, and although the alleged conduct was potentially inappropriate and unprofessional, such conduct is unlikely to be referred unless the complaint demonstrates clear and excessive abuse of a person. The Standards Board decided **not to refer the matter for investigation**.

3.2.7 Complaint 7

It was alleged that a Councillor had conducted a smear campaign against the complainant and the political party he represents.

The Standards Board for England considered that although the Councillor's comments were robust, it was unclear what capacity the Councillor was acting in when he made the comments, and it seemed likely that he had made the comments in his private life. They also considered that the comments had been reported third hand by a source who was already displeased with the Council. Finally, they considered that the complainant was standing for election as a political candidate and such behaviour was part of political life. The Standards Board therefore decided **not to refer the matter for investigation**.

3.2.8 Complaint 8

It was alleged that three ward Councillors produced a flyer for a free bus service on New Year's Day. The complainant alleges that as the company also provide Leeds City Council with vehicles, the three Councillors may have a prejudicial interest when the Council is awarding contracts for transport.

The Standards Board for England considered that the complainant had provided no information to support their claim that the Councillors had a

prejudicial interest relating to the bus company. The Standards Board concluded that there was no potential breach of the Code of Conduct disclosed by the complaint, and therefore decided **not to refer the matter for investigation.**

3.2.9 Complaint 9

The complainant alleged that he asked a Councillor to meet with him to discuss concerns about Council officers who he believed were discriminating against his group. The complainant alleges that the Councillor did not address his concerns and therefore was also discriminating against them.

The Standards Board for England understand that Councillors are under no obligation to respond to each and every request for advice and assistance. As there was no potential breach of the Code of Conduct disclosed by the complaint, the Standards Board decided **not to refer the matter for investigation.**

3.2.10 Complaint 10

It was alleged that a Councillor sent a misleading letter to a local newspaper responding to the complainant's letter about the local leisure centre.

It was further alleged that the comments made in the letter were untrue and of a personal nature regarding the complainant.

The Standards Board for England considered that Members are entitled to publicly express their views, and as there was no potential breach of the Code of Conduct disclosed by the complaint, they decided **not to refer the matter for investigation.**

3.2.11 Complaint 11

It was alleged that a Councillor had questioned the complainant on why it had taken so long for some information to be provided to the Overview and Scrutiny Committee. The complainant answered that the information had been provided some months ago, but the Councillor disputed this, stating "that is not the case". Following the Committee meeting, the complainant sent a letter to the Councillor enclosing a copy of the information and a covering letter dated several months previously including the information, and invited the Councillor to withdraw his comments. The complainant alleges that the Councillor failed to do so in his response. The complainant alleges that the Councillor's behaviour was disrespectful, and that it undermined his position in front of other senior officers who were present at the meeting.

The Standards Board for England took account of the fact that Councillors need to take care when criticising individual officers at Council meetings, especially where those officers do not have an automatic right to respond to such criticism. It was noted that the Councillor may have refused a polite request to withdraw his comments when the evidence was provided to him, which could be potentially disrespectful behaviour. However, the

complainant did have the opportunity to respond to the Councillor's comments at the meeting and no overtly derogatory language was used. The Standards Board decided **not to refer the allegation for investigation** as they did not believe that the alleged conduct was serious enough to justify an investigation.

Matters where the decision was to refer the complaint for investigation

3.2.12 Complaint 12

This complaint has been referred by the Ethical Standards Officer to the Council's Monitoring Officer for further investigation.

The complaint was made to the Standards Board for England on 19th December 2007. It was alleged that the Councillor had acted unreasonably and therefore breached the Members' Code of Conduct. The complaint was referred for local investigation by the Standards Board for England.

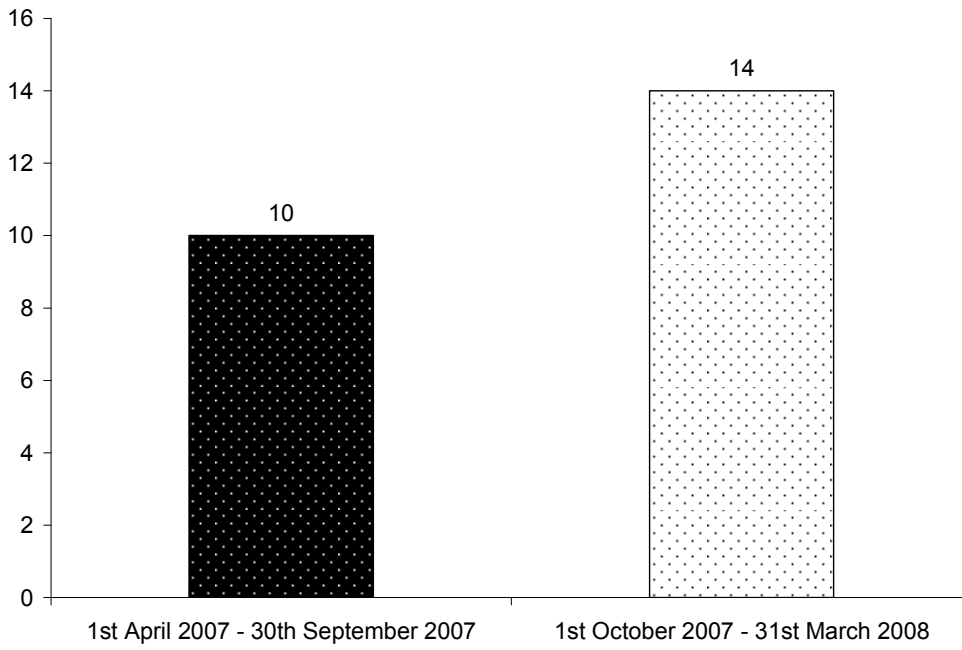
As it is an ongoing matter, no further details relating to the complaint will be included in this report.

- 3.3 The three cases which were reported as being under investigation in the previous report to the Standards Committee on 5th December 2007, have now all been resolved. Two of these cases were considered by the Standards Committee on 7th November 2007 (minute 43) and 14th July 2008 (minute 20). The other case was investigated by an Ethical Standards Officer and the case summary was published on the Standards Board for England website on 14th January 2008. This was also reported to the Standards Committee on 13th February 2008.

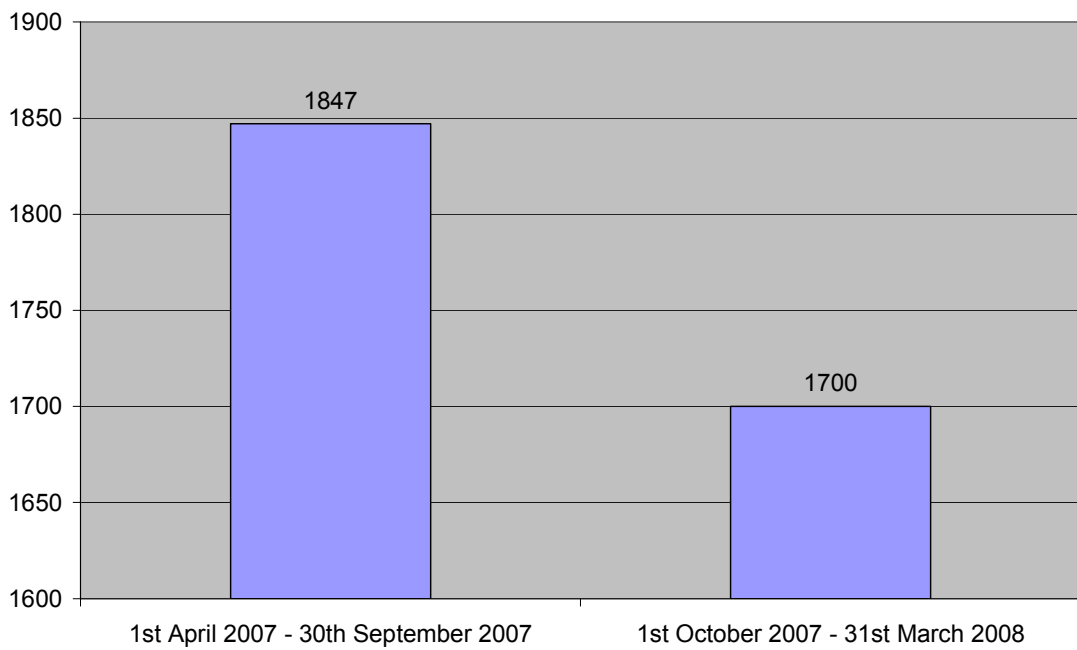
Statistics for the period 1st April 2007 – 31st March 2008

- 3.3 The complaints referred to the Standards Board for England during the period above are reflected in the statistics below.

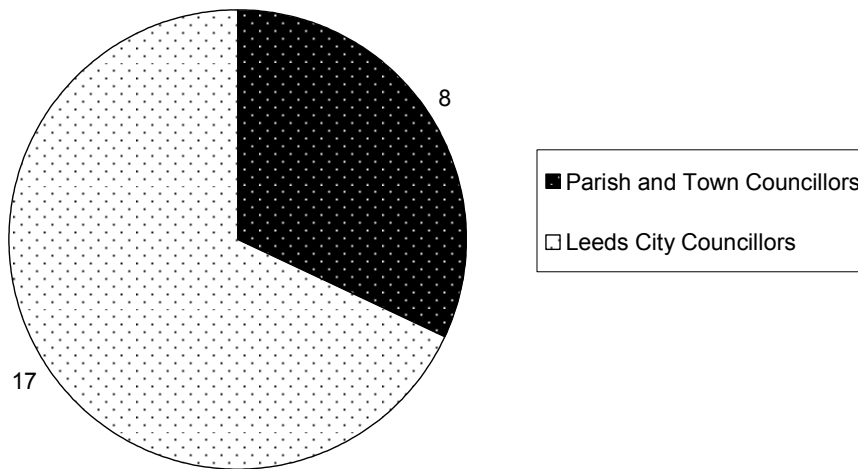
3.4 Number of allegations:



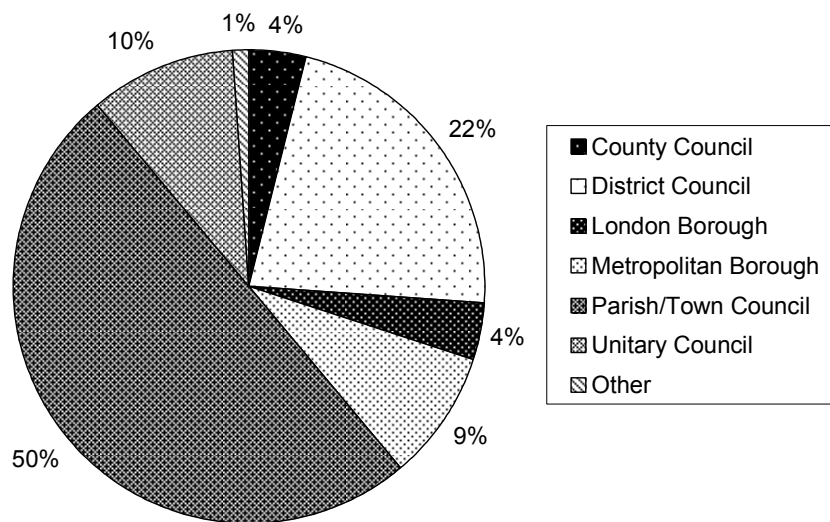
National statistics from the Standards Board for England



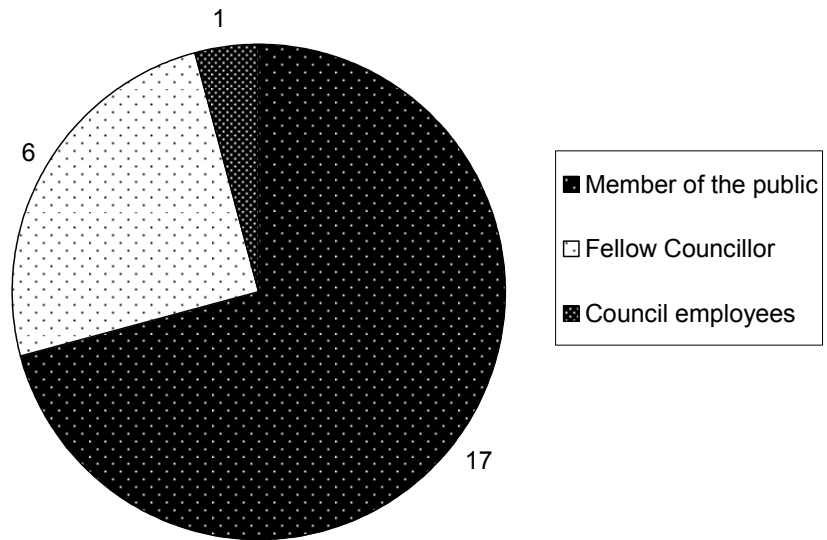
3.5 Authority of Member complained about:



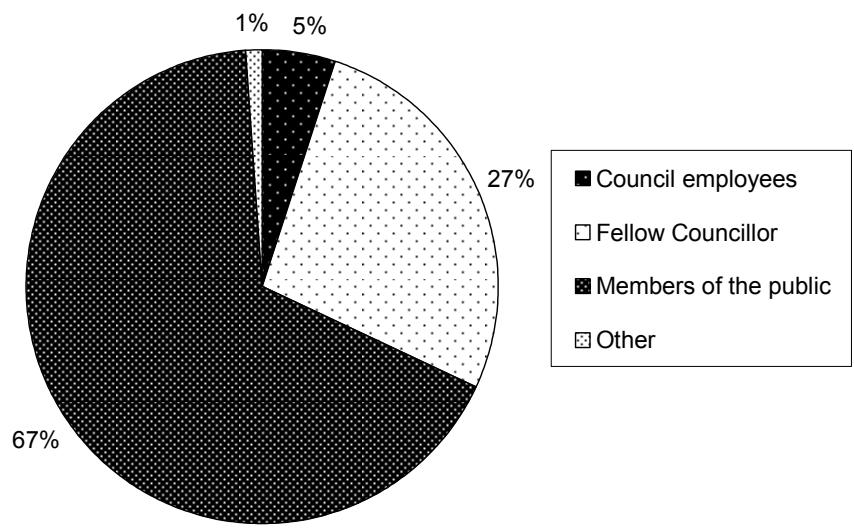
National statistics from the Standards Board for England



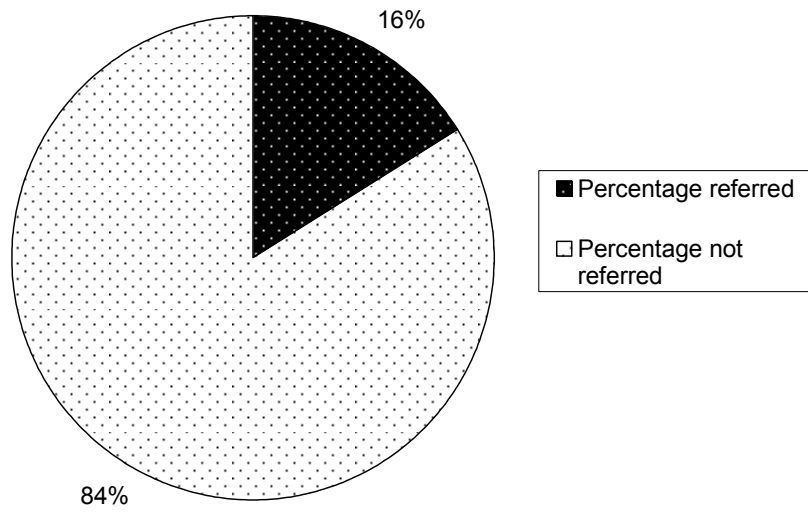
3.6 Source of complaints:



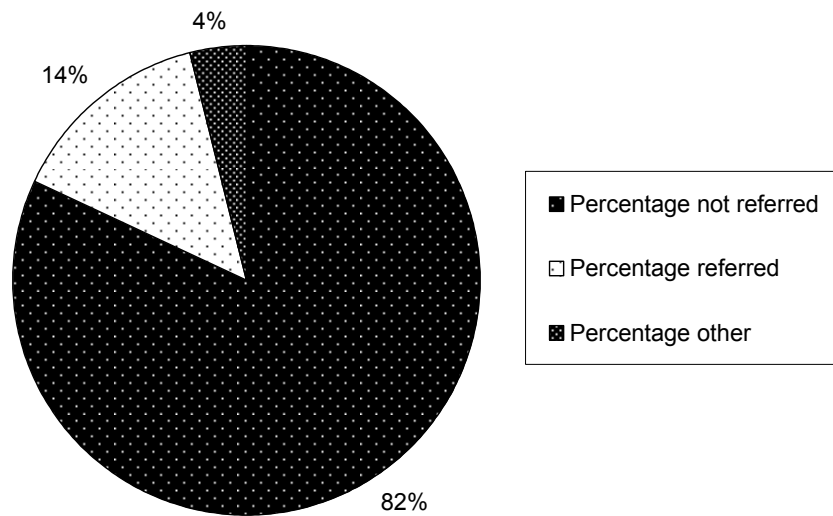
National statistics from the Standards Board for England



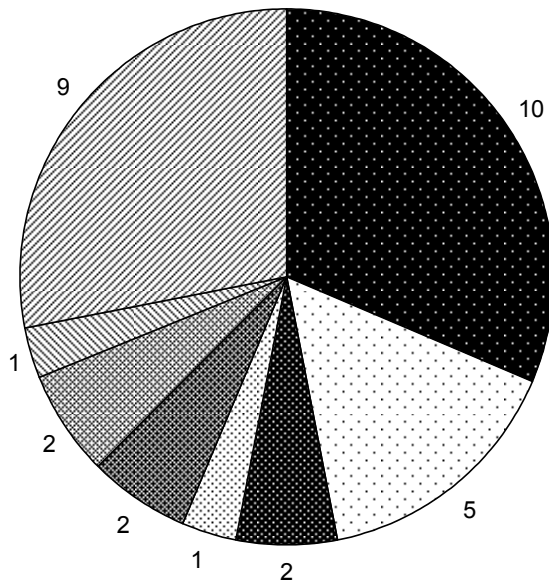
3.7 Complaints referred by the Standards Board for further investigation:



National statistics from the Standards Board for England

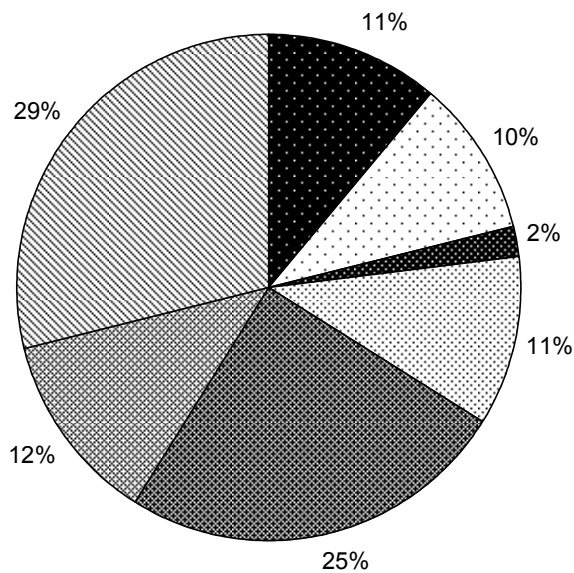


3.8 Nature of allegations made:



- Failure to treat others with respect
- Using their position improperly to confer or secure an advantage or disadvantage
- Bringing their office or authority into disrepute
- Failure to register a financial interest
- Participating in a matter in which they have a prejudicial interest
- Failure to register receipt of gifts or hospitality within 28 days
- Doing something which may cause their authority to breach any equality laws
- Matters outside of the Code of Conduct

National statistics from the Standards Board for England



- Bringing authority into disrepute
- Failure to disclose a personal interest
- Disclosure of confidential information
- Failure to treat others with respect
- Prejudicial interest
- Using position improperly to confer or secure an advantage or disadvantage
- Other

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 carrying out the local filtering process which came into force in July 2008, by allowing the Committee to understand the reasons why the Standards Board decided not to refer some cases for investigation.

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.
- 6.2 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 (67%). 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.

Background Documents

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Complaints referred to the Standards Board for England in the period 1st April 2007 – 30th September 2007", 5th December 2007.

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Case Summary – SBE 18979.07", 13th February 2008.

Standards Board for England: Monthly Statistical Digest, available at:
<http://www.standardsboard.gov.uk/CaseInformation/MonthlyStatisticalDigest/>