



Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 16th December 2008

Subject: Review of the Standards Committee Media Protocol

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to review the Standards Committee Media Protocol.
2. This review seeks to update the Standards Committee Media Protocol and to incorporate any necessary amendments brought about by the introduction of relevant legislation and The Standards Board for England guidance in relation to the Local Assessment Process.
3. This review has been undertaken in consultation with the Corporate Communications Unit.
4. Members of the Committee are asked to approve the amended Standards Committee Media Protocol attached at Appendix 1.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to review and update the Standards Committee Media Protocol, in the light of the introduction of the Local Assessment regime.

2.0 Background Information

- 2.1 The Standards Committee Media Protocol is contained within part 5 of the Constitution. It sets out the principles and procedure by which the Council will interact with the Media in relation to complaints made against members under the Code of Conduct. Paragraph 6 of the Protocol provides that it will be monitored on an ongoing basis.
- 2.2 The Standards Committee (England) Regulations 2008, together with a series of amendments to the Local Government Act 2000, brought in a new regime of local assessment and review of allegations of misconduct made against Members of Leeds City Council and Parish and Town Councillors in the Leeds Area. Under the new regime the Standards Committee is responsible for assessing written complaints against Members under the Code of Conduct, and determining whether they should proceed to investigation.
- 2.3 In recent meetings Members have been asked to approve a process for the receipt, referral and management of allegations of misconduct under the new Local Assessment regime. Members have also approved the necessary amendments to the Standards Committee Procedure Rules.
- 2.4 This report seeks to carry forward this process by reviewing the Standards Committee Media Protocol in order to ensure that it provides for equality of treatment for Members in a manner which is consistent with existing rules and protocols and compliant with relevant legislation and guidance.

3.0 Main Issues

- 3.1 The current version of the Standards Committee Media Protocol was drafted in relation to the previous regime for dealing with complaints. There is a need to update the Protocol to include the media impact of the Standards Committee dealing with the assessment and review of complaints on a local level.

Introduction

- 3.2 The introduction to the Protocol sets out details of the Standards Committee membership and terms of reference.
- 3.3 In order to ensure that these details do not become out of date as the membership and role of the Committee develop over time it is recommended that details are given by reference to Article 9 and Part 3 Section 2B of the Constitution respectively. These set out the membership and terms of reference of the Standards Committee, the Assessment Sub Committee and the Review Sub Committee.

Key Principles

- 3.4 The key principles for dealing with the media have not changed and this portion of the Protocol remains unchanged in the updated draft.

Complaints Against Members

- 3.5 The updated draft of the Protocol details the stages at which the regulations require that a notice is published in the media.
- 3.6 The Protocol sets out how general enquiries from the media should be dealt with. Members will note that there is a requirement that the Corporate Communications Unit respond to any media enquiries made in consultation with the Monitoring Officer and the Chair of the Committee.
- 3.7 If any Member of the Standards Committee receives any enquiry directly from the media in relation to the Committee's business the enquirer should be referred to the Corporate Communications Unit. Members are requested to note that they should advise the Corporate Communications Unit as soon as possible after receiving any such enquiry.
- 3.8 All contact with the media in relation to complaints against Members under the Code of Conduct will be made in accordance with the guidance issued by the Standards Board for England and in particular with that which is set out within the Press Toolkit.

Publication of Complaints Procedure

- 3.9 The Regulations require that the Standards Committee publish details of where complaints should be addressed to and the procedures it will follow when in receipt of a written allegation under the Code of Conduct.
- 3.10 The updated draft protocol includes details of how it is intended that the Standards Committee should fulfill these obligations. At the Standards Committee meeting of 1st July 2008, it was agreed that an annual notice would be published in a newspaper circulating in the local area and that further information would be published in About Leeds from time to time in order to raise the profile of the local assessment regime. In addition it was agreed that notices would be displayed in Citizens Advice Bureaus, Libraries and other Council buildings as well as a link being provided from the front page of the Council's web site. These steps are reflected in the updated draft of the Protocol.

Breaches of the Protocol

- 3.11 The manner in which breaches of the Protocol should be addressed has not changed and this portion of the Protocol remains unchanged in the updated draft.

Monitoring and Review

- 3.12 Given the nature of the Protocol and the relative infancy of the new regime it is proposed that the Protocol should continue to be monitored on an ongoing basis but without the requirement of an annual report to Committee. This portion of the Protocol therefore remains unchanged in the updated draft.

4.0 Implications For Council Policy And Governance

- 4.1 The Standards Committee Media Protocol ensures a consistent approach and equality of treatment for any Member who is the subject of a complaint or investigation. In addition it ensures consistency with existing protocols and compliance with relevant legislation and codes of practice.

5.0 Legal And Resource Implications

- 5.1 There are no legal implications to this report.
- 5.2 There are some resource implications which arise from the potential for local interest in complaints. It is considered however that these can be met from within existing resources.

6.0 Conclusions

- 6.1 The purpose of this report is to review the Standards Committee Media Protocol.
- 6.2 This review seeks to update the Standards Committee Media Protocol and to incorporate any necessary amendments brought about by the introduction of relevant legislation and The Standards Board for England guidance in relation to the Local Assessment Process.
- 6.3 This review has been undertaken in consultation with the Corporate Communications Unit.
- 6.4 Members of the Committee are asked to approve the amended Standards Committee Media Protocol attached at Appendix 1.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note the contents of this report and to approve the amendments to the Standards Committee Media Protocol attached as Appendix 1 to this report.

8.0 Background Papers

- 8.1 Standards Board for England Press Toolkit.