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## Report of the Director of Legal and Democratic Services

### Standards Committee

Date: 21<sup>st</sup> December 2006

Subject: Standards Committee half year progress report

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

1. The purpose of the report is to seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2006/7 Municipal Year.
2. It is proposed that this report constitute the second of the 6 monthly updates to be presented to the Corporate Governance and Audit Committee at their next meeting 31<sup>st</sup> January 2007.
3. The Standards Committee Terms of Reference<sup>1</sup> outlines the functions that the Committee is authorised to discharge. Paragraph 3 sets out the work the Committee has done since May 2006 to fulfil each of these functions.
4. Members of the Committee are asked to:
  - approve the draft report;
  - make any suggestions for additional content; and
  - agree to refer this report to the Corporate Governance and Audit Committee for further consideration.

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<sup>1</sup> See Part 3 Section 2B of the Council's Constitution.

## **1.0 Purpose Of This Report**

- 1.1 To seek comments from the Standards Committee on the following draft report advising the Corporate Governance and Audit Committee of the work completed by the Standards Committee to date in the 2006/7 Municipal Year.

## **2.0 Background Information**

- 2.1 The terms of reference of the Corporate Governance and Audit Committee include the function to “review the adequacy of Council’s Corporate Governance arrangements”, which includes the arrangements to ensure the appropriate conduct of Members and officers.
- 2.2 In order to support this function Corporate Governance and Audit Committee, at its meeting on the 19<sup>th</sup> April 2006<sup>2</sup>, requested that the Standards Committee produce a report on their work to be presented to this committee every 6 months.
- 2.3 At the Standards Committee meeting of the 25<sup>th</sup> April 2006<sup>3</sup> it was agreed that the annual report would be presented to Corporate Governance and Audit Committee at its meeting on the 19<sup>th</sup> June 2006, to constitute the first of these 6 monthly updates.
- 2.4 It is proposed that this report constitute the second of these 6 monthly updates to be presented to the Corporate Governance and Audit Committee at their next meeting 31<sup>st</sup> January 2007.

## **3.0 Main Issues**

- 3.1 The Standards Committee Terms of Reference<sup>4</sup> outlines the functions that the Committee is authorised to discharge. The paragraphs below set out the work the Committee has done since May 2006 to fulfil each of these functions.

*To consider and determine one of more codes of conduct for Members or protocol for Member/officer relations and to promote, monitor, review and amend such codes of conduct or protocols.*

- 3.2 The Standards Committee has responsibility for several codes and protocols in the Constitution. To ensure that these are operating effectively, are being complied with, and are fit for purpose the Standards Committee has added regular reports regarding these codes and protocols to the work programme for the municipal year.
- 3.3 To date the Standards Committee has reviewed its own Procedure Rules following the first local hearing, the Protocol on Member/officer Relations, and the Protocol on Member/Education Leeds Relations.
- 3.4 The Standards Committee sent the Protocol on Member/officer Relations out for review with several officer forums and the Group Whips, and made a series of amendments following the comments received.

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<sup>2</sup> See Minute 60 of the meeting of the 19<sup>th</sup> April 2006.

<sup>3</sup> See Minute 91 of the meeting of the 25<sup>th</sup> April 2006.

<sup>4</sup> See Part 3 Section 2B of the Council’s Constitution.

- 3.5 At the next meeting on 14<sup>th</sup> February 2007 the Committee is due to consider the Monitoring Officer Protocol and a new draft code of practice for determining regulatory matters.
- 3.6 In order to promote these local codes and protocols and to ensure that Members are aware and comply with them, the Standards Committee is seeking to produce a plain English guide to the local codes. A report on this subject is due to be received by the Committee on 14<sup>th</sup> February 2007, along with a draft copy of the leaflet.
- 3.7 In order to monitor compliance with the Members' Code of Conduct the Standards Committee receives 6 monthly reports on the number and types of complaints that have been referred to the Standards Board regarding Leeds City Council Members and Parish and Town Councillors in the Leeds area. The report also identifies any trends in the information so that the Committee can seek to address these matters through guidance and training. The last report on this subject was received by the Committee on 4<sup>th</sup> October 2006.
- 3.8 The Standards Committee also seeks to reassure itself that the Members' register of interests is being reviewed and updated by Members on a regular basis and that the register of gifts and hospitality is being used appropriately. The Committee receives annual reports to this effect, the last report on this subject having been considered on 4<sup>th</sup> October 2006.
- 3.9 The Standards Committee has also been involved in launching and championing an ethical audit carried out by the Audit Commission testing the level of ethical awareness in the authority amongst Members and officers. It is anticipated that the Committee will be involved in formulating the action plan arising from the results of the survey and providing future training and guidance to address any shortfalls identified, and promoting awareness of the Code of Conduct.
- 3.10 A letter was also sent to Parish Clerks in August to remind them of the need to review their register of interests and register of gifts and hospitality. The letter included guidance that Parish Clerks should aim to carry out this exercise quarterly, and the majority of Clerks replied to say that they would endeavour to do so. This letter is sent out annually to ensure that the Parish registers are also kept up to date.
- 3.11 The Standards Committee have also tried to ensure that the public are aware of the Code of Conduct by asking Parish and Town Councils to ensure that they have information available for people who wish to make complaints about the conduct of Parish Councillors, either through their websites or through the Standards Board leaflet on the subject. The Committee have also sought to encourage Parish and Town Councils to create their own websites if they have not already done so.

*To consider and determine any allegations of misconduct made against Members and to determine any sanction to be imposed on a finding of misconduct.*

- 3.12 The Standards Committee carried out its first local hearing into an allegation of misconduct on 27<sup>th</sup> May 2006. The hearing was a result of a local investigation into an allegation that a Member had failed to treat the complainant with respect contrary to paragraph 2(b) of the Code of Conduct; conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute, contrary to paragraph 4 of the Code of Conduct; and sought to use his position as a

Member improperly to secure for himself an advantage, contrary to paragraph 5(a) of the Code of Conduct.

3.13 The Standards Committee determined that the Member had breached the Code of Conduct as alleged, and sanctioned him by censuring him and requiring him to attend one to one training with the Monitoring Officer regarding the relevant sections of the Code of Conduct within one month of the hearing, and to attend, for at least 3 hours, a night shift at the Care Ring with a relevant senior officer.

3.14 The Standards Committee also sought to make improvements to the process of preparing for a local hearing as a result of the feedback received from the Member concerned and Members of the Committee, during an additional informal meeting. To this end, the Procedure Rules of the Committee were amended in order to clarify the deadlines in the pre-hearing process and to offer a wider choice of dates for the Member. The pre-hearing forms which have to be completed by the Member are also being reviewed to make them clearer and more user friendly. The new draft forms will be considered by the Committee at their meeting on 14<sup>th</sup> February 2007.

*To consider and determine applications for dispensations.*

3.15 The Standards Committee has not received any applications for dispensations in this municipal year.

*To make representations to and to liaise with external agencies about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council.*

3.16 The Standards Committee has taken part in research projects during this municipal year, both locally and nationally. Several Standards Committee Members were approached by BMG to take part in a research project commissioned by the Standards Board for England on the size and make up of Standards Committees.

3.17 The Standards Committee has also been involved in launching and championing a local survey carried out by the Audit Commission testing the level of ethical awareness in the authority amongst Members and officers. It is anticipated that the Committee will be involved in formulating the action plan arising from the results of the survey and providing future training and guidance to address any shortfalls identified.

3.18 The Chair of the Standards Committee has also attended the Sixth Annual Assembly of Standards Committees held by the Standards Board for England on 15<sup>th</sup> and 16<sup>th</sup> October 2006, which provided opportunity for training and guidance and also feedback to the Standards Board on their work.

3.19 One of the various fringe sessions at the Annual Assembly hosted the launch of the new Association for Independent Members of Standards Committees in England (AIMSce), of which the Chair of the Standards Committee is now a member. The Chair was also a member of the steering committee for this new association.

3.20 The Independent Members of the Committee have also maintained their involvement with the Standards Committee Independent Members Forum for the Yorkshire and Humberside Region this year, with the Chair of the Standards Committee acting as Chair of the Forum at the last meeting in Hull on 24<sup>th</sup> October

2006. The Forum enables the sharing of good practice between local authorities and consultation and discussion on the various codes and protocols.

- 3.21 The Standards Committee is kept up to date on national conduct issues by receiving regular Standards Board Bulletins through the agenda and issues of the Town and Parish Standard. Finally the Standards Committee is able to monitor the way in which the Code of Conduct is being interpreted and how sanctions are applied at a national level through the regular reports it receives on Adjudication Panel for England cases.

*To provide advice and guidance to Members and officers and to make arrangements for training in matters relating to codes of conduct and protocols.*

- 3.22 The Standards Committee received a report on the Member Induction period on 26<sup>th</sup> July 2006, which outlined the contents of the induction training offered to new Members, the new Member Development Strategy for 2006-2008 and what comments Members had made on the training they had received. The Committee also ensured that all new Members had received the required training on the Code of Conduct and had completed their Acceptance of the Code of Conduct and Register of Interests forms.

- 3.23 The Standards Committee have also sought to make training on the Code of Conduct and local codes and protocols more accessible and convenient for Members by supporting the creation of the new e-learning module called "Cracking the Code". Part 1 covers the requirement for Members to make declarations of interest during meetings and to complete their register of interests, and was released in September 2006. The e-learning module has been published on the IDeA's Learning Pool site, has been well received by other local authorities and the Standards Board for England, and is due to feature in an article in the National Association of Local Councils newsletter soon as an example of good practice. The second part of the module will cover the general obligations of the Code and the requirement to declare acceptance of gifts and hospitality, and is due for release soon.

- 3.24 The Standards Committee have also sought to improve the training offered to Parish and Town Councils in the Leeds area. The Standards Committee keeps the training available and received by Parishes under review through 6 monthly reports, the first of which was received on 21<sup>st</sup> December 2006. In response to requests by Parish Clerks that training could be carried out in group sessions, a central training session was offered in August 2006, and this was followed by the offer of locally based sessions. So far one training session has been carried out in Shadwell which was attended by representatives from Thorner, East Keswick, Scarcroft and Bardsey. Another session has been organised to take place in Kippax on 13<sup>th</sup> December 2006 to which Councils in the surrounding area will also be invited.

- 3.25 By receiving reports on high profile standards cases and judicial reviews, the Standards Committee is able to monitor the development of case law. Through a report received on 4<sup>th</sup> October 2006 regarding bias and predetermination, the Standards Committee was able to provide more thorough guidance to Members, particularly through a briefing note issued on planning issues. Through a report on recent Adjudication Panel cases, the Standards Committee also became aware that the guidance regarding bankruptcy and elections had altered, and were able to

contact the Department for Constitutional Affairs and require them to update their national guidance to local authorities.

- 3.26 The Standards Committee have also been considering the issue of insurance arrangements for Members throughout this municipal year. The Standards Committee were concerned that Members may be unaware of the provisions in place to assist them during an investigation or hearing, and have sought to address this by providing additional guidance in the form of a briefing note to all Members on insurance arrangements at the Council.
- 3.27 The Standards Committee have also championed and launched an ethical audit this year with the Audit Commission. The feedback from the audit will be used when considering future communication, training provision and guidance on standards issues for both Members and officers. It is also anticipated that the Standards Committee also will be involved with compiling and implementing an action plan arising from the results.
- 3.28 The Standards Committee also features heavily in the regular bulletin 'Governance Matters' which is distributed to all Members of the Council and selected officers. This bulletin contains a spotlight on section which provides advice on specific standards or governance issues, front page news and feedback from the Council's governance committees.

*To consider and advise the Council with respect to the adoption or amendment of a Code of Conduct for officers and to promote, monitor and review the Code of Conduct.*

- 3.29 The Standards Committee has monitored compliance with the officer code of conduct, particularly the requirement to register interests and offers of gifts and hospitality, through reports from the Head of Human Resources Strategy. The last report on 26<sup>th</sup> July 2006 contained the results of a piece of internal audit work regarding whether these requirements were being complied with throughout the various departments.
- 3.30 The Committee has requested a further report in April 2007 which will outline the steps that have been taken so far to embed the existing arrangements for officers to make declarations of interests and declarations of offers of gifts and hospitality. The Committee have also made suggestions as to how this can be achieved, for example by making the register of interests for certain senior officers a public document.
- 3.31 Finally, the Standards Committee is anticipating the release of the new national code of conduct for officers from the Department for Communities and Local Government and has a report on this subject on the future work programme.

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

- 4.1 Producing a report which details the Committee's work throughout the year and the key decisions it has taken promotes transparency in the Committee's actions.
- 4.2 Through 6 monthly reports to the Corporate Governance and Audit Committee Members and officers can be informed of the Standards Committee's role and its inputs and outputs. This is an objective of the communication plan which seeks to

cascade regular information to Members and officers. The annual report will therefore have a fundamental contribution to the corporate governance arrangements of the Council.

## **5.0 Legal And Resource Implications**

- 5.1 There have been resource implications to some of the work described above, for example, the e-learning module, the training provided to Parish and Town Councils and the ethical audit. However these costs have been met through existing resources.
- 5.2 Through monitoring case decisions the Committee is able to keep abreast of any changes in legislation and development of case law.

## **6.0 Conclusions**

- 6.1 The Corporate Governance and Audit Committee have requested that the Standards Committee produce a 6 monthly report to them on their work throughout the municipal year. The first of these reports was the Standards Committee Annual Report, presented to the Corporate Governance and Audit Committee on 19<sup>th</sup> June 2006.
- 6.2 It is proposed that the above report be presented to the Corporate Governance and Audit Committee at their meeting on 31<sup>st</sup> January 2006 as the second of these reports.
- 6.3 Paragraph 3 outlines the Standards Committee Terms of Reference and how the work undertaken by the Committee since May 2006 corresponds with each of the objectives.

## **7.0 Recommendations**

- 7.1 Members of the Committee are asked to:
- approve the draft report;
  - make any suggestions for additional content; and
  - agree to refer this report to the Corporate Governance and Audit Committee for further consideration.