



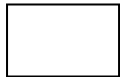
Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

Subject: Local Assessment – Progress 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 a progress report in relation to all complaints received under the Members' Code of Conduct since 1st June 2009 to 31st December 2009. The report also provides the Committee with some statistical analysis regarding the complaints, including a comparison with the national statistics from Standards for England.

2.0 Background Information

- 2.1 Between the 1st June 2009 and the 31st December 2009, the Assessment Sub-Committee has considered 9 allegations (from a total of 8 complaints), of which 6 are closed, and 3 have been referred for investigation. The referred complaints concern a total of 3 Leeds City Councillors, and 0 Parish or Town Councillors.
- 2.2 The Review Sub-Committee has reviewed 5 allegations since 1st June 2009, none of which have been referred for investigation or other action.

3.0 Main Issues

- 3.1 The table attached at Appendix 1 shows further detail in relation to each complaint, including the source of the complaint, whether the complaint is about a Parish or Town Councillor, and the decision made in relation to the complaint. The table shows information about all complaints that have been received since the start of the local assessment regime in Leeds City Council, as some information may have been updated since the previous report to the Standards Committee. However those complaints which have been received during this municipal year can be identified by the case reference number which begins with the numbers '0910'.

- 3.2 The information in the table shows that the allegations received since 1st June 2009 were initially assessed within an average of 20.7 working days. This was due to one complaint (0910007) taking 35 days from receipt to initial assessment. The reason for this delay was that officers had to contact the complainant several times after the complaint had been received to seek clarification of the complaint before it could be presented to the Assessment Sub-Committee for consideration. Without this particular complaint being included, the average is 19 working days from receipt to initial assessment.
- 3.3 The table also shows that review requests during this municipal year were considered within an average of 40.4 working days. During the last municipal year the average number of working days to consider a review request was 34.8. The increase is due to one review request taking 65 working days to be considered. The delay with this case was due to difficulties in achieving a quorum for the Review Sub-Committee. With this particular case being removed the average is 34.3 working days. Although this is outside of the recommended 20 working day limit set by Standards for England, Members of the Standards Committee can be assured that all review requests were considered within the statutory three month deadline as set out in Section 57B of the Local Government Act 2000.
- 3.4 The table attached at Appendix 2 provides further detail in relation to those complaints that have been referred for investigation, including when the investigation was commissioned and the estimated date of completion.
- 3.5 The last column of the table in Appendix 2 provides Members with details of the duration of the investigation (from the date of the Assessment Sub-Committee decision to the completion of the final report). Members will recall that Standards for England advise that investigations should be completed within 6 months where possible. Members may wish to note that the final two investigations on the table have been completed in accordance with the "Procedure for external Code of Conduct investigations", which was considered by the Standards Committee on 15th October 2009. One of those investigations has been completed within 4 months, and the other is due to be completed within 6 months, which demonstrates an improvement on previous investigations.
- 3.6 Appendix 3 provides some statistical analysis regarding all complaints received, and this information is compared with the national statistics available from Standards for England. As the statistics available from Standards for England cover the period 8th May 2008 to 30th September 2009, only figures for this period have been included from Leeds City Council to allow a direct comparison to be made.

4.0 Implications For Council Policy And Governance

- 4.1 This report provides assurance to the Standards Committee that the Assessment and Review Sub-Committees are complying with their statutory responsibilities as set out in the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.
- 4.2 Standards for England have issued guidance on conducting investigations which must be taken into account. This guidance suggests that most investigations are carried out and a report on the investigation completed within 6 months of the original complaint being assessed by the Assessment Sub-Committee.
- 4.3 Although there are many factors that can affect the time it takes to complete an investigation, ongoing investigations are monitored to ensure that they are carried out as quickly as possible. Those investigations which have been commissioned

and undertaken in accordance with the “Procedure for external Code of Conduct investigations”, which was approved on 22nd October 2009, have taken, or are estimated to take, 4 and 6 months. Officers experience of using the procedure has shown that using the procedure has clarified milestones for the investigator and officers monitoring the investigation, and also the process for making amendments to the investigation report.

4.4 Of the 9 allegations referred for investigation, so far 6 have taken longer than the recommended 6 months to be completed. This has been due to many factors, including:

- The process of commissioning an investigation and recruiting an external investigator was new to the Council initially;
- Issues relating to the Members’ insurance policy, which have since been resolved;
- Case specific delays; and
- Observations made by parties in receipt of draft investigation reports, which have resulted in further work being required.

4.5 At the end of the consideration or hearings process for each investigation there will be an opportunity to discuss the lessons learnt from individual cases and ask questions of the investigator regarding timescales.

5.0 Legal And Resource Implications

5.1 The resource implications for each investigation vary depending on the length and complexity. The costs have been specified in a quote produced for the Head of Governance Services, which can be contained within the existing budget.

6.0 Conclusions

6.1 Both the Assessment Sub-Committee and Review Sub-Committee are meeting the statutory deadlines in relation to the timescale for considering complaints and review requests.

7.0 Recommendations

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

Background Documents

Minutes of the Assessment Sub-Committee meetings held on 25th June 2009, 13th July 2009, 14th August 2009, 27th August 2009, 21st September 2009, and 14th December 2009.

Minutes of the Review Sub-Committee 13th July 2009, 14th August 2009, and 11th November 2009.

www.standardsforengland.gov.uk

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, “Local Assessment – Progress Report”, 8th July 2009

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, “Procedure for external Code of Conduct investigations”, 15th October 2009

Local Government Act 2000

Standards Committee (England) Regulations 2008