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## Report of the Assistant Chief Executive (Corporate Governance)

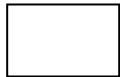
### Standards Committee

Date: 13<sup>th</sup> July 2010

Subject: Local Assessment – Progress Report

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#### Electoral Wards Affected:



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### 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 1<sup>st</sup> January 2010 to 30<sup>th</sup> June 2010. 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 1<sup>st</sup> January 2010 and the 30<sup>th</sup> June 2010, the Assessment Sub-Committee has considered 5 allegations, of which 3 are closed, and 2 have been referred for investigation. The referred complaints concern a total of 2 Leeds City Councillors, and 0 Parish or Town Councillors.

2.2 The Review Sub-Committee has reviewed 3 allegations since 1<sup>st</sup> January 2010, 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 complaints that have been received since 1<sup>st</sup> January 2010, although some complaints have been carried over as some information may have been updated since the previous report to the Standards Committee.

3.2 The information in the table shows that the allegations received since 1<sup>st</sup> January 2010 were initially assessed within an average of 22 working days. This was due to one complaint (0910012) taking 34 days from receipt to initial assessment. The

reason for this delay was that the Monitoring Officer attempted to resolve the case informally before it was referred to the Assessment Sub-Committee. The attempts at informal resolution subsequently failed, meaning that the complaint had to be referred to the Assessment Sub-Committee anyway and causing a delay in the process. Without this particular complaint being included, the average is 19 working days from receipt to initial assessment between 1<sup>st</sup> January 2010 and 30<sup>th</sup> June 2010.

- 3.3 The average for the whole municipal year is 21 working days from receipt to initial assessment. This includes the two cases which took 34 and 35 working days to reach the Assessment Sub-Committee, for reasons which have previously been explained. Without these two cases included the average is 19 working days.
- 3.4 The table also shows that review requests between 1<sup>st</sup> January 2010 and 30<sup>th</sup> June 2010 were considered in an average of 14.6 working days, and the average for the whole municipal year is 17 working days. In the previous municipal year (2008/09) the average number of working days to consider a review request was 34.8. The average timescale is now within of the recommended 20 working day limit set by Standards for England for the first time since May 2008. This is most likely due to Sub-Committee meetings being scheduled on a monthly basis since June 2009. Members of the Standards Committee can also 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.
- 3.5 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.
- 3.6 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, and that this is also reflected in the "Procedure for external Code of Conduct investigations" produced by the Council.
- 3.7 Appendix 3 provides some statistical analysis regarding all complaints received, and this information is compared with the national statistics available from Standards for England.
- 3.8 Members of the Standards Committee should note that Standards for England's monitoring requirements are currently under review and may shortly change. This is in response to the Government's plans to abolish the Standards Board regime, and also due to budget cuts during this financial year. The Board is currently conducting a review of Standards for England's activities and will be updating the business plan. The most recent quarterly return has therefore been postponed and the Monitoring Officer will be notified of the future monitoring requirements as soon as the Board has concluded its review.

#### **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 Members will note that two of the investigations which were recently completed resulted in a hearing. The Hearings Sub-Committee meetings took place on 11<sup>th</sup> May and 17<sup>th</sup> May 2010, and both these hearings took place outside of the three month timescale set out the Regulations. The Hearings Sub-Committee held on 11<sup>th</sup> May was 1 month and 27 days outside of the timescale, and the meeting on 17<sup>th</sup> May was 8 days outside of timescale. The delays were unavoidable due to the local elections, the unavailability of the subject Members and their key witnesses, and one of the subject Members engaging legal representation for the first time during the pre-hearing process.
- 4.3 The specific lessons learned from these cases are detailed in a separate report on this agenda for discussion by Members of the Standards Committee.

## 5.0 Legal And Resource Implications

- 5.1 The resource implications for each investigation vary depending on the length and complexity. The costs will have been specified in a quote produced for the Head of Governance Services, and can be contained within the existing budget. A breakdown of the costs involved in each investigation can be seen in the table below:

Case Reference Number	Cost of investigation	Additional cost for attending Consideration Sub-Committee	Additional cost for attending Hearings Sub-Committee	Total cost of case
0809001	£3,756.17	£625.00	n/a	£4,381.17
0809006	£2,270.00	£1,050.00	£1,500.00	£4,820.00
0809008	£3,752.47	£625.00	n/a	£4,377.47
0809014(i)	£20,000.00 (carried out by Standards for England)	n/a (completed by an Ethical Standards Officer)	n/a	£20,000.00 <sup>1</sup>
0809014(ii)	£1,762.13	£708.73	n/a	£2,470.86
0809019	£2,404.00	£900.00	n/a	£3,304.00
0910001(2)	Investigation completed internally.			
0910004	£3,639.78	£625.00	n/a	£4,264.78
0910005	£3,950.00	£650.00	£1,100.00	£5,700.00
<b>Total cost for Leeds City Council<sup>2</sup>:</b>				<b>£29,318.28</b>

<sup>1</sup> This amount is not included in the total cost to Leeds City Council, as this investigation was paid for out of Standards for England's budget.

<sup>2</sup> Excluding VAT and travel expenses.

## **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 25<sup>th</sup> June 2009, 13<sup>th</sup> July 2009, 14<sup>th</sup> August 2009, 27<sup>th</sup> August 2009, 21<sup>st</sup> September 2009, 14<sup>th</sup> December 2009, 1<sup>st</sup> February 2010, 23<sup>rd</sup> March 2010, 13<sup>th</sup> April 2010, and 11<sup>th</sup> June 2010.

Minutes of the Review Sub-Committee 13<sup>th</sup> July 2009, 14<sup>th</sup> August 2009, and 11<sup>th</sup> November 2009, 26<sup>th</sup> February 2010, 12<sup>th</sup> May 2010, and 11<sup>th</sup> June 2010.

[www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk)

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Local Assessment – Progress Report", 17<sup>th</sup> February 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Procedure for external Code of Conduct investigations", 15<sup>th</sup> October 2009

Local Government Act 2000

Standards Committee (England) Regulations 2008