



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 16th February 2011

Subject: Standards Committee – Interim Annual 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 performance information regarding the Standards Committee's activities during the 2010/11 municipal year. This incorporates a progress report in relation to all complaints received under the Members' Code of Conduct since 1st June 2010 to 31st January 2011.
- 1.2 This report also includes other performance information which has been reported in the Annual Return provided to Standards for England in previous years. This interim annual report is being presented to the Standards Committee in a different format to previous years, and therefore Members of the Standards Committee are asked to agree that this information will form the basis of the Standards Committee's Annual Report for this municipal year, and that this information be presented to Corporate Governance and Audit Committee as part of the six monthly reporting arrangements.

2.0 Background Information

- 2.1 Between the 1st June 2010 and the 31st January 2011, the Assessment Sub-Committee has considered 2 allegations, one of which was referred for investigation. The Assessment Sub-Committee decided to take no further action in relation to the other complaint. Both complaints concerned Leeds City Councillors. There is one investigation currently ongoing which incorporates two allegations against the same Councillor (one of which was received in February 2010).
- 2.2 The Consideration Sub-Committee has considered three final reports since 1st June 2010, all of which resulted in a finding of no failure.

- 2.3 Standards for England have now ceased all monitoring arrangements in anticipation of their abolition (due to take place in early 2012). As part of these arrangements Councils were obliged to provide information about the complaints they received which made up the quarterly statistics. As these are no longer available this report does not contain any comparison between the Council's performance and national statistics regarding complaints.
- 2.4 Since 2008/09 Councils also had to complete an Annual Return for Standards for England. This enabled Standards for England to check that authorities were carrying out their statutory duties and identify examples of good practice. In previous years the Annual Return has been appended to the Standards Committee Annual Report. Since the Council is no longer required to provide this information to Standards for England, the information is provided to the Standards Committee in this report.

3.0 Main Issues

Complaints received during 2010/11

- 3.1 Leeds City Council has only received one complaint since the start of the municipal year. Case reference 1011001 was received on 8th December 2010 and was considered by the Assessment Sub-Committee on 13th December 2010. The average timescale for administering complaints from receipt to initial assessment is 3 working days for the municipal year. This complaint was made by a Council officer in relation to a Leeds City Councillor. The Assessment Sub-Committee decided to refer the whole complaint for local investigation, to be added into the existing investigation into case reference 0910010. This was because the complaint contained similar allegations against the same Councillor.
- 3.2 The other complaint considered by the Assessment Sub-Committee during this municipal year was received on 11th May 2010, and is therefore included in last municipal year's statistics (case reference 0910014). The Assessment Sub-Committee considered this complaint on 11th June 2010 and decided to take no further action. This decision was not reviewed by the complainant. The complaint was made by a member of the public in relation to a Leeds City Councillor.
- 3.3 The table attached at Appendix 1 shows further details in relation to each investigation which has been commissioned or completed during this municipal year, including the estimated date of completion. The duration of an investigation is measured from the date of the Assessment Sub-Committee's decision to the completion of the final report. Members will recall that Standards for England advise that investigations should be completed within six months where possible, and that this is also reflected in the "Procedure for external Code of Conduct investigations" adopted by the Council.
- 3.4 The table shows that the Council exceeded this timescale in relation to all the completed investigations. A short explanation for this in relation to each investigation is shown below:

0809019 – The investigator experienced several difficulties with this case which included staffing and resource issues, the medical condition of the subject Member, and their inability to trace the whereabouts of the complainant once the investigation was underway. Due to the unacceptable delays during this investigation the Council was able to secure a refund for part of the investigation costs.

0910001(2) – This complaint was investigated by an internal legal officer and therefore there were no costs in carrying out this investigation, although the officer was unable to complete the investigation within the recommended timescales due to the demands of their day to day work.

0910012 - This delay was due to the Monitoring Officer seeking an alternative resolution to the complaint on the recommendation of the Assessment Sub-Committee. The investigation was suspended for two months whilst resolution was sought. Unfortunately this intervention failed and the investigation was resumed. Without this interruption, the investigation would have been completed within the recommended timescales.

- 3.5 The table shows that the ongoing investigation (0910010 and 1011001) has currently taken 12 months, although the new allegations arising from case reference 1011001 were only added to the existing investigation on 16th December 2010. The reasons for the delay can be explored by the Standards Committee once the investigation has been completed.

Other performance information

- 3.6 The following questions have been taken from the Annual Return 2009/10, which the Council was required to complete by Standards for England. As stated above, Standards for England no longer monitor the performance of Councils in relation to standards issues, but this information will provide assurance to the Council that the Standards Committee is still meeting its statutory obligations.
- 3.7 When the provisions in the Localism Bill come into force the Council will have a duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council. Considering such performance information will help the Council to determine whether it is meeting this duty.

How can the public access information about how to make a complaint about a Member's conduct?

- 3.8 This information is available on the Council's website. The page explaining how to make a complaint can be found through the 'Get Involved' box on the front page, which provides a link to the 'Compliments and Complaints' area of the website. There is also a link to this page on the 'Standards Committee' area of the website. Both members of the public who submitted a complaint since the complaints form was amended have specified that they found the relevant information on the Council's website. No other attempts have been made during this municipal year to advertise the complaints process more widely.

How can the public access information about the outcome of initial assessment decisions?

- 3.9 Minutes of the Assessment and Review Sub-Committees are published on the Council's website, and are available through the Standards Committee agenda and the full Council agenda. The 'notices of outcome' from each case are also available for public inspection at Civic Hall, although no requests to inspect these notices have been made during this municipal year.

How can the public access information about the outcome of investigations?

- 3.10 The Consideration Sub-Committee publishes minutes of its meetings, which are available on the Council's website, and as part of the agendas for the Standards

Committee and full Council. Each final report also has an open covering report from the Monitoring Officer (containing the outcome of the investigation but not the names of the parties) which is published on the Council's website. If the Consideration Sub-Committee decided not to maintain the exemption on the report, it would be published and considered in public. A notice would also be published in the local newspaper (unless the matter was referred to a hearing or the subject Member requests otherwise).

- 3.11 There have been three Consideration Sub-Committee meetings during this municipal year (as outlined earlier in this report). In all cases the Sub-Committee decided to maintain the exemption and exclude members of the public from the meeting. In addition, none of the subject Members agreed to a notice being placed in a local newspaper.

Does the Council have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the Member, complainant and witnesses.

- 3.12 At the end of each complaint the subject Member and complainant (and witnesses, if appropriate) are asked for feedback on the process and their experience. These results are reported to the Standards Committee alongside any suggestions for improvement. The most recent of these reports was received at the meeting on 13th July 2010, and resulted in various changes to the complaints process, including allowing complainants to request informal resolution and to specify a form of resolution that would satisfy them.
- 3.13 At the same meeting the Standards Committee also received a report reviewing the Hearings Sub-Committee procedure following feedback from the two hearings held in May 2010.

How does the Council promote standards and the work of the Standards Committee internally?

- 3.14 The Standards Committee has its own page on the Council's website, and is featured in the internal newsletter 'Governance Matters'. The Chair of the Standards Committee promotes the work of the Committee by meeting the Leaders of the Political Groups and the Chief Executive on a quarterly basis, and by attending meetings of the Corporate Governance and Audit Committee as a non-voting co-opted Member.
- 3.15 The minutes of the Standards Committee are also received by the Corporate Governance Audit Committee, and the Group Whips receive quarterly updates on the work of the Sub-Committees in relation to complaints.

How does the Council promote standards and the work of the Standards Committee externally to partners and the public?

- 3.16 Members of the public can access information about the Standards Committee through various resources available on the Council's website, as outlined above. Members of the public can also attend Standards Committee meetings to observe, although this has not happened during this municipal year.
- 3.17 Prior to each Standards Committee meeting the Parish Clerks are sent an email with a link to the Standards Committee agenda, which also highlights any particular items which may be of interest to their Parish Council.

- 3.18 Members of the Standards Committee and officers supporting the Standards Committee took part in the West Yorkshire Regional Conference on 7th July 2010, which enabled Members to share best practice with their counterparts.

How does the Standards Committee communicate ethical issues to senior Council figures?

- 3.19 As outlined above the Chair of the Standards Committee has quarterly meetings with the Leaders of the political groups and the Chief Executive, and also regularly attends meetings of the Group Whips. The Leader of the Council has responsibility for standards issues as part of the 'Central and Corporate' Executive Board portfolio, and the Monitoring Officer is part of the Corporate Leadership Team.

How do senior figures demonstrate strong ethical values?

- 3.20 Ethical values are reflected in the Council's Aspirational Culture and in the new values introduced by the Chief Executive. These are Celebrating Diversity, Engaging Citizens Locally, Being Open and Honest, Working as a team for Leeds, and Spending Money Wisely. Council staff are currently being consulted on the revised values and ambition.

Does the Council have a protocol for partnership working that outlines the standards of behaviour expected of those working in partnership?

- 3.21 The Council has an Advisory Note on Partnership Governance which was introduced in November 2010 to replace the Governance Framework for Significant Partnerships. This advisory note covers the resolution of conflicts of interest, but does not require partnerships to adopt a code of conduct for its members.
- 3.22 The Council no longer monitors the governance arrangements of partnerships, although a register of significant partnerships which the Council has entered into is maintained and provided to Internal Audit on an annual basis. Internal Audit could then compare the arrangements within these partnerships to the standards set out in the advisory note.

What mechanisms are used to deal with Member/officer and Member/Member disputes?

- 3.23 Such disputes are dealt with informally where possible and are usually resolved by the Monitoring Officer. The formal procedure for Members and officers to follow is set out in the Protocol for Member/officer Relations. Members can raise the matter with the officer directly (if appropriate) or with the relevant Director. An officer who has breached the Protocol may face disciplinary action, and a Member who has breached the Code may be reported to their Group Whip or Leader. There have been a few complaints involving Members and officers which have been resolved informally during this municipal year, but no formal complaints under the Protocol.

Has the Council assessed the training and development needs of Council Members in relation to their responsibilities on standards of conduct during this municipal year? What training needs were identified?

- 3.24 The Council continues to assess the training needs of Members through completion of their Personal Development Plans (PDPs). So far this municipal year 30 PDPs have been undertaken. A number of learning needs have been identified, including ICT skills, media skills, chairing skills, corporate parenting and scrutiny skills. No specific training needs have been identified in relation to conduct issues, although

training on governance and conduct issues has been provided to Members of the Licensing Committee and Plans Panels as per the Constitutional requirements set out in Articles 8 and 8A and the Codes of Practice.

- 3.25 The Standards Committee has a training plan containing some compulsory elements, which was last amended on 22nd April 2010. The plan seeks to meet the training and development needs of Standards Committee Members, both when they are new to the Committee and throughout their time as Members of the Committee. The following elements of the training plan are therefore compulsory:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees);
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee);
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee); and
 - To ensure that all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).
- 3.26 The current Members of the Standards Committee have completed all of the compulsory and highly recommended training, apart from one elected Member who has not attended any hearings training. However, it is not anticipated that this will cause any issues as only two elected Members would be required to sit on the Hearings Sub-Committee.
- 3.27 The Head of Scrutiny and Member Development can also provide assurance that the way in which Councillors are trained, supported and developed in Leeds has been judged to be one of the best examples in the country, as the Council was awarded the Charter Plus Award for its Member Development following an inspection on 24th June 2010. Leeds City Council is the first Council in the Yorkshire and Humber region to reach the highest grade. The award aims to promote best practice in Member training and development and is based on the Investors in People national quality standard. It provides a systematic framework for the development of elected Members, and goes further than the basic level Charter award which the Council gained in 2007. The award is backed by Local Government Yorkshire and Humber and the Improvement and Development Agency and requires councils to demonstrate evidence that the Council is fully committed to developing elected Members, that member development is strategic and Member led, that the Council has a Member learning and development plan, and that the Council promotes work-life balance and citizenship.

What training has been carried out for Members and who received it? How well attended was it, and how are standards issues covered during the induction?

- 3.28 This municipal year four 'Learning and Development' days were scheduled in advance. These days were clearly identified in the Council diary and spaced at regular intervals. A total of 30 Members attended events on the first learning day, and 19 Members attended on the second day. The majority of learning activity taking place on the learning days is the compulsory events for regulatory panel members referred to above.
- 3.29 Member Management Committee have a responsibility to consider matters in relation to the training and development of elected Members. To this end, Member Management Committee have formed a working group for Member Development.

The Member Development Working Group meets on a regular basis to formulate, progress and monitor Member Development activities. Over the last six months this has included work on the following projects:

- Progressing work on learning and development projects such as induction and personal development planning
- Undertaking exit interviews for Members stepping down or not re-elected
- Reviewing attendance and feedback from the 2010-11 events programme and the Member Learning Days
- Monitoring attendance and evaluating the compulsory Planning and Licensing Programme.

3.30 A report containing feedback from the Member Development Working Group on the above issues was presented to Member Management Committee on 12th January 2011. As a result of this report Member Management Committee resolved that a report summarising the findings from exit interviews be presented to the first Member Management Committee meeting of the municipal year, and that the Committee be involved in reviewing the question template and procedures; Group Whips be informed which of their Members have not attended the compulsory planning and licensing training, and dates of future sessions; and the proposed approach to political awareness training for officers be endorsed, including the production of a DVD as a supporting material.

3.31 All newly elected Members took part in training on the Code of Conduct during the induction period, which included a section on the registration and declaration of interests. The Standards Committee received a report on this matter on 13th July 2010.

On which areas of the Code of Conduct has training been provided to Members?

3.32 All aspects of the Code of Conduct were covered during the induction training for newly elected Councillors. Members of the regulatory panels received an update on interests, and how predetermination issues can lead to possible disrepute.

What other training has been provided on areas of a Members' role or activities they may engage in?

3.33 As part of the induction period Members received training on various aspects of their role including licensing, managing casework, a specific induction for new Corporate Governance and Audit Committee Members, how to handle difficult situations, and time management. The Member Development Working Group are planning a number of events and programmes for the remainder of the municipal year which include corporate parenting and safeguarding, emerging public health landscape and the role of the Council, building resilient communities and local enterprise partnerships.

How many investigations have been carried out, who by and at what cost? Does the Council have a policy in place to ensure the quality of investigations?

3.34 Information about the completed investigations is set out in paragraphs 3.1 to 3.5. The ongoing investigation is being carried out by an external solicitor, and the final costs are not yet known as separate charges are made depending on the outcome of the case and whether the investigator needs to attend a Consideration Sub-Committee meeting or a Hearings Sub-Committee. The costs of the completed investigations for this municipal year are shown in the table below:

Case Reference Number	Estimated cost of completed investigation	Additional cost for attending Consideration Sub-Committee	Additional cost for attending Hearings Sub-Committee	Estimated total cost of case
0809019	£1,446.80	All inclusive	n/a	£1,446.80
0910001(2)	Investigation completed internally.			
0910012	£3,650.00	n/a	n/a	£3,650.00
Estimated total cost for Leeds City Council¹:				£5,096.80

- 3.35 The Council has adopted a 'Procedure for external Code of Conduct investigations' which outlines the standards expected of any external investigator commissioned by the Council. This procedure was reviewed by the Standards Committee on 13th July 2010 in the light of the feedback received from the participants in the two hearings held in May 2010.

What training has been provided for Parish Councils? What subjects did this cover, what methods were used and who attended?

- 3.36 Training has been provided as part of the Annual Parish and Town Council Spring Conference which took place on 26th May 2010 in the Civic Hall. Delegates had a choice of four seminars to attend, which covered allotments provision, community policing and safety, Highways Services, and refuse collection and waste management. In addition to the seminar programme they were a variety of displays set up in and around the area of the Banquet Hall which were staffed by both internal and external organisations. This included information about standards issues.
- 3.37 Approximately fifty representatives from the Parish and Town Council's across Leeds attended the event.

Does the Council have a COMPACT with the Parishes in the area? What help is provided to Parishes experiencing problems?

- 3.38 The Council has a Parish and Town Council Charter with the Parishes in Leeds. This was initially agreed in October 2006 and was most recently updated in November 2009.
- 3.39 Section two of the Charter sets out what practical support Leeds City Council will provide for the Parish and Town Councils in Leeds. This includes support from Democratic Services, Elections, Financial Management, Leeds Revenue Service, and Financial Development. Parishes also have access to a named officer in Democratic Services who performs a liaison function.

4.0 Implications For Council Policy And Governance

- 4.1 This report provides assurance to the Standards Committee that its Sub-Committees are complying with their statutory responsibilities as set out in the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

¹ Excluding VAT and travel expenses.

- 4.2 The report also sets out more general performance information which demonstrates that the Standards Committee is fulfilling its functions under the Local Government Act 2000, and those delegated by full Council.
- 4.3 Under the provisions of the Localism Bill there would no longer be a compulsory Members' Code of Conduct and no requirement for local authorities to have a Standards Committee. Instead each Council will have a duty to promote and maintain high standards of conduct by Members and co-opted Members. The Council will also have the option of adopting a Code of Conduct to apply to its Members when they are acting in their official capacity. Wider consultation is currently being undertaken within Leeds City Council to establish to what extent Members support, or not, the adoption of some form of Code of Conduct. A separate report on the implications of the Localism Bill and this consultation process is included in this agenda.

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 completed investigation can be seen in the table above.
- 5.2 As the Standards Committee has met only twice during this municipal year, and that there is further business detailed on the work programme for the remainder of the year, it is proposed that it would not be proportionate to produce a formal Annual Report detailing the Committee's activities. Instead it is proposed that the performance information in this report is presented to the Corporate Governance and Audit Committee in order to assist the Committee in reviewing the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management).

6.0 Recommendations

- 6.1 Members of the Standards Committee are asked to:
- note the contents of this report;
 - agree that this information will form the basis of the Standards Committee's Annual Report for this municipal year; and
 - agree that this information be presented to the Corporate Governance and Audit Committee as part of the six monthly reporting arrangements.

Background Documents

Local Government Act 2000

Standards Committee (England) Regulations 2008

Report of the Chief Democratic Services Officer to the Member Management Committee, "Member Development Update", 12th January 2011

Minutes of the Member Management Committee, 12th January 2011

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Members' Induction Period 2010", 13th July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Review of the Procedure for Standards Committee Hearings", 13th July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Local Assessment – Progress Report", 13th July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Options for amendment to the local assessment process", 13th July 2010

Report of the Assistant Chief Executive (Corporate Governance) to the Standards Committee, "Standards Committee Training Programme", 22nd April 2010

Standards for England Annual Return 2009/10

Parish and Town Council Charter, available at
<http://www.leeds.gov.uk/Page.aspx?pageIdentifier=6ca52a47-cbca-4659-b76d-5353f4f43895>