

Governance Matters



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Issue 2

December 2005

Welcome to December's issue of Governance Matters.

Governance Matters this month provides an in-depth article on how part of the council's governance framework impacts both officers and Members – see page 3. This is in response to feedback received on the first issue.

We have also changed the layout, which we hope will make the newsletter easier to read online.

We hope you find the information helpful and interesting.

You can play your part by emailing suggestions for articles to cxd.corporategovernance@leeds.gov.uk

Front Page News...

Leader of the Council

From December 1st Councillor A. Carter will take over from Councillor M. Harris as leader of the Council. Among the responsibilities that Councillor Carter will take on is chairing both the Executive Board and the Corporate Governance and Audit Committee.

Audit Commission Report – 'Governing Partnerships: Bridging the accountability gap.'

In November the Audit Commission published a report, looking at accountability arrangements in partnerships. The report highlights a number of difficulties local authorities are facing making sure partnerships are subject to the same governance frameworks as the rest of the council and offers advice on tackling such problems.

Leeds City Council will be reviewing how its partnerships work and introducing new measures to ensure partnerships are more accountable in future. Updates on this work will be included in future issues.

For further information contact Liz Davenport, Principal Corporate Governance Officer, 0113 24 78408.

The full report can be downloaded from www.auditcommission.gov.uk.

Spotlight on...

Personal and Prejudicial Interests

Central to the Members' Code of Conduct is the need to declare personal and prejudicial interests during council meetings. This creates public confidence that decisions are taken in the public interest rather than personal gain.

Say and stay

If the issue being discussed affects a councillor more than other people in the area, he or she must say they have a personal interest but can stay and take part and vote in the meeting. This applies if the personal interest affects either the councillor, a person closely associated with them, or a company with which they are involved. More information regarding personal interests can be found in Part 5 of the constitution.

Councillors should make the declaration at the beginning of the meeting or as soon as they are aware of the issue being discussed. They should also say if the discussion relates to anything they are required to declare on the register of interests.

Officers also have an obligation to declare personal interests to their departmental chief officer where these conflict with the council's interests. To do this officers must complete a 'register of employee interests form', a copy of this is available in the constitution.

Wash and go

If a reasonable member of the public, who knows all the facts, would view a councillor's personal interest (see above) as likely to prejudice their judgement of the matter then the councillor must leave the meeting. They cannot seek to influence any decisions made.

Councillors also have a prejudicial interest if they are a member of an overview and scrutiny committee that is considering a decision taken by another committee of which they are a member.

Officers should also be aware that there may be circumstances in which their personal interests may prevent them from taking part in certain council activities. For example, being involved in the appointment of a relative or close friend.

CAUTION...

Failure to declare interests is one of the most common breaches of the code of conduct reported to the Standards Board for England and resulting in investigation.

A recent case involving Cumbria County Council resulted in the Councillor being **disqualified for nine months** for repeatedly failing to declare personal and prejudicial interests, failing to withdraw from meetings and improperly seeking to influence decisions. Further details of this case can be found in the Adjudication Panel for England website

www.adjudicationpanel.co.uk

Corporate Governance and Audit Committee

Wednesday 26 October

Among the issues the committee considered were the ombudsman's annual letter and the council's whistleblowing policy.

OMBUDSMAN'S ANNUAL LETTER

The letter is produced annually and highlights any particular areas of concern or good practice regarding the council's handling of complaints. Overall this year's letter was positive and the Ombudsman was pleased with the council's new Ombudsman liaison arrangements. However, areas of concern were raised in relation to school admissions complaints, the council's ability to apologise to clients and the council's planning service.

WHISTLEBLOWING...

All officers should be aware of the council's whistleblowing arrangements. These are in place to protect officers who become aware of any breaches of council codes and protocols. Further details of the policy can be found at

<http://intranet.leeds.gov.uk/page/View.aspx?view=&style=&eGMSIdentifier=930d2640-cda0-4133-bb55-983a887e5ab9>

Wednesday 21 December

Items to be considered in December include:

- The review of the Carriageworks theatre scheme.
- An external audit report 'Review of the Financial Plan'.
- A report regarding communications and training on governance issues.
- The half year report on risk management.
- The half year report on internal Audit .
- A report regarding recent guidance issued by CIPFA regarding the role of audit committees.
- The risks associated with the implementation of the Children's Act 2004 will be reported on.
- A report recommending changes to the Licensing Committee and Licensing and Regulation Panel terms of reference.

For the next six months the committee will be chaired Councillor Andrew Carter, the leader of the Council.

JARGON BUSTER

CIPFA – Chartered Institute of Public Finance and Accountability.

Standards Committee

Friday 25 November

Among the issues the committee considered were the review of the Members' Code of Conduct by the Standards Board for England and the recent cases determined by the Adjudication Panel for England.

THE CODE UNDER REVIEW

The Standards Board for England are currently reviewing the code of conduct. They have recommended narrowing the definition of personal interests, abolishing the duty to report breaches of the code, and only regulating *unlawful* activities committed in private life, rather than activities which others may disapprove of. Full details of the review can be found at www.standardsboard.co.uk

THE ADJUDICATION PANEL FOR ENGLAND

The Adjudication Panel for England is an independent judicial tribunal which was established to hear and adjudicate on matters concerning the conduct of local authority members.

When a case has been decided details of the decision are published on the Adjudication Panel website:

www.adjudicationpanel.co.uk

The Standards Committee review these cases to find examples which may have useful lessons for Leeds City Councillors.

Thursday 19 January

Items to be considered in January include:

- A report regarding a training plan for members of the committee and a communication plan to ensure councillors, officers and the public are regularly informed of governance standards and issues.
- A report regarding the outcome of a review of available governance and other related training for parish council Members and clerks and the extent of take up within parishes in Leeds.
- A report regarding content for the Standards Committee Annual Report, due for release in April 2006.

THE NEXT ISSUE OF GOVERNANCE MATTERS

We hope you have found this issue of Governance Matters useful.

In the next issue we will focus on the various codes of conduct that apply to Members and officers.

If you have any ideas for our 'Spotlight On...' feature or any questions you would like answering, please contact the Corporate Governance Team on 0113 39 51632 / 0113 39 50261 or email us at cxd.corporategovernance@leeds.gov.uk