

# Governance Matters



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Welcome to the November issue of Governance Matters.

Our regular in-depth feature 'Spotlight on..' focuses on the new process for considering complaints of misconduct about Members of Leeds City Council and Parish and Town Councils in Leeds.

We also take a look at what the governance committees have been doing since June, and at their busy schedule for their first meetings of the new municipal year.

**STOP PRESS!** Subject to approval by Full Council at their meeting on 19<sup>th</sup> November, Constitutional Proposals Committee will be replaced by a new **General Purposes Committee**. The Committee is likely to have the same membership, but will have additional powers to make recommendations to Full Council on other issues apart from the Constitution.

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](mailto:cxd.corporategovernance@leeds.gov.uk)

## Front Page News...

### Local Government Chronicle Awards 2009 – Standards & Ethics category

The Standards Committee of Leeds City Council recently submitted an entry to the Standards & Ethics category of the [Local Government Chronicle awards](#). Our entry has been short listed and following the next stage of judging, representatives from Leeds City Council have been invited to attend the award ceremony in London on 25<sup>th</sup> March 2009 where the winners will be announced.



**SHORTLISTED:  
STANDARDS & ETHICS**

**LGC Awards 2009**

### Codes of conduct for local authority members and employees: consultation paper

[Communities and Local Government](#) published a consultation paper on their website on 1<sup>st</sup> October 2008. The consultation paper invites comments on proposals for revising the model code of conduct for Members, mainly to clarify when the Code applies to Members in their private life. The consultation also invites comments on proposals require local authorities to introduce a code of conduct for employees (based on a national model code) into the terms and conditions of employment of their employees. The consultation is open to anyone to respond and the deadline for comments is 24<sup>th</sup> December 2008.

## Spotlight on...

### New complaints process

Since 9<sup>th</sup> May 2008 the Standards Committee has been responsible for receiving and assessing allegations of misconduct against Leeds City Councillors and Parish and Town Councillors in Leeds. So far the Standards Committee has considered ten allegations, and has been asked to review its decision to take no action in two of these cases.

### What is the Standards Committee?

The Standards Committee is a Council Committee set up to help maintain and promote high ethical standards. The Standards Committee is made up of:

- Five Leeds City Councillors (one from each of the political groups);
- Three Independent Members (who are not Councillors or employees of the Council); and
- Two Parish Councillors.

The Standards Committee has set up two sub-committees to deal with allegations about Councillors.

The Assessment Sub-Committee receives and initially assesses any allegations to decide whether to:

- Refer the complaint for investigation or other action;
- Refer the complaint to the Standards Board for England; or
- Take no action in relation to the complaint.

The Review Sub-Committee considers any appeals against decisions to take no action.

Both the Assessment Sub-Committee and Review Sub-Committee meet in private to consider these matters. The Chair of the Committee is one of the Independent Members, as is the Chair of the Assessment Sub-Committee and Review Sub-Committee.

### What is the review process?

If the Assessment Sub-Committee decides to take no action in relation to an allegation, the complainant can request that the decision is reviewed by the Review Sub-Committee.

The Review Sub-Committee is being made up of different Members than the Assessment Sub-Committee and has the same decisions open to it. The Review Sub-Committee makes its decisions according to the same criteria.

Once a decision has been reviewed, the only other options open to the complainant are judicial review or a complaint to the Local Government Ombudsman.

For more information on local assessment visit the [Council's website](#).

### CAUTION...

The Standards Committee cannot consider complaints about a decision or action of the Council, or a service provided by the Council.

Complaints about the actions of Council employees also do not fall within the jurisdiction of the Standards Committee.

You should refer anyone wanting to make complaints of this nature to 'Compliments and Complaints' on 0113 222 44 05.

## Corporate Governance and Audit Committee

18<sup>th</sup> June, 30<sup>th</sup> June, 29<sup>th</sup> September and 22<sup>nd</sup> October 2008

The Committee has met several times since the last issue of Governance Matters. At its most recent meeting the Committee considered update reports on risk management and information security.

### RISK MANAGEMENT

The Committee raised concerns about the risks relating to unconstitutional decision making, including a delegated decision which was believed to have been implemented prior to the conclusion of the Call-In period. Please see the following extract from the Council's Constitution:

'Key and Major decisions made by officers are subject to Call-In by Scrutiny Boards and cannot be implemented until either the Call-In period has expired or the relevant Scrutiny Board has made a decision regarding the Call-In.'

If the correct procedures are not followed, the Council could be subject to a judicial review, therefore please could you ensure that this guidance is adhered to at all times.

### INFORMATION SECURITY

The Committee considered a report outlining the risks to the Council in relation to information security, how these risks are currently being addressed and the steps being taken to guarantee information security. The Committee agreed that a report should be brought back to a future meeting regarding the Council's e-mail policy, information retention policy and the rules that Members should adhere to when handling information relating to their constituents.

## 26<sup>th</sup> November 2008

Items to be considered in November include:

- A governance update report;
- Half-year internal audit and Delivering Successful Change Programme reports; and
- KPMG Business Continuity Review.

## Constitution Proposals Committee

### 30<sup>th</sup> October 2008

The Committee met to consider reports on executive arrangements and changes to the scrutiny board procedure rules.

### SCRUTINY BOARD PROCEDURE RULES

The Committee considered changes to the rules to prevent scrutiny board members signing call-in requests for matters relevant to their board, allowing call-in meetings to be adjourned for up to 5 days, and allowing any scrutiny board member to substitute for another (except where they have signed the call in request). The Committee decided to recommend to Full Council that the proposed changes be approved.

### NEW EXECUTIVE ARRANGEMENTS

The Committee considered a report informing them about the new forms of executive introduced by the Local Government and Public Involvement in Health Act 2007 and the procedure for changing executive arrangements. The Committee decided to recommend to full Council that they approve the proposals to delegate specific functions relating to the process for changing the Council's executive arrangements to the Assistant Chief Executive (Corporate Governance).

## Standards Committee

**1<sup>st</sup> July and 16<sup>th</sup> October 2008**

The Committee approved its arrangements for considering complaints of misconduct against Members, and considered the results of the Ethical Audit 2007.

### **ETHICAL AUDIT 2007**

On 16<sup>th</sup> October the Standards Committee considered a summary of the results of the Ethical Audit 2007, which surveyed a sample of 1057 Council employees on their thoughts about ethical governance in Leeds City Council.

The Committee agreed an action plan to address these results and to raise general awareness of the codes and protocols in place which govern Councillors and employees behaviour.

**16<sup>th</sup> December 2008**

Items to be considered in December include:

- A report on the Standards Committee's response to the consultation paper on changes to the Member and employee Codes of Conduct;
- A report on the review of the new local assessment arrangements;
- A report on issues with the Standards Committee's current membership; and
- A report reviewing the Standards Committee Media Protocol.

## Corporate Governance Board

**17<sup>th</sup> October 2008**

The Board received reports concerning the review of the Directors'/Senior Managers' appraisal scheme, and proposals for a framework for developing staff to ensure they are trained in a range of governance requirements. The Board also discussed performance management arrangements. After receiving the Corporate Governance Statement action plan, the Board agreed to provide updates on progress in time for discussion at the next meeting.

Other items to be considered at the forthcoming monthly meetings of the Board include:

- The annual review of the Governance Framework for Significant Partnerships;
- A report on governance arrangements between ALMOs and the Strategic Landlord; and
- An update on the 'Delivering Successful Change' project.

### **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 consultation on the new executive arrangements.

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 50261 or email us at [cxd.corporategovernance@leeds.gov.uk](mailto:cxd.corporategovernance@leeds.gov.uk)