



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: WEDNESDAY, 13 JANUARY 2010
TIME: 5.30 PM
PLACE: Room 18, Ground Floor, Town Hall

Members of the Committee

Councillors Corrall, Draycott, Keeling, Scuplak, Shelton and Thomas

Mrs Sheila Brucciani (Independent Member) (Chair)
Ms Kate McLeod (Independent Member)
Ms Mary Ray (Independent Member)

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

for Director of Democratic Services

Officer contact: Heather Kent
*Democratic Support,
Leicester City Council*
Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8816 Fax. 0116 247 1181)

INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council.

There are procedures for you to ask questions and make representations to Scrutiny Committees, and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre (New Walk Centre, King Street), Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Heather Kent, Democratic Support on (0116) 229 8816 or email heather.kent@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

3. MINUTES OF PREVIOUS MEETING [Appendix A](#)

The minutes of the meeting of the Standards Committee, held on 18 November 2009, are attached and Members are asked to confirm the as a correct record.

**4. CODE OF PRACTICE FOR MEMBER INVOLVEMENT [Appendix B](#)
IN LICENSING MATTERS**

The Director of Legal Services submits a report that enables the necessary approvals to be given for a Code of Practice for Member involvement in licensing matters. The Standards Committee is asked to comment on the provisions of the Code of Practice subject to further comments from the Licensing Committee and to confirm its agreement to the Code being submitted to Council.

**5. CODE OF PRACTICE FOR MEMBER INVOLVEMENT [Appendix C](#)
IN DEVELOPMENT CONTROL DECISIONS**

The Committee will recall that the Director of Legal Services reported on the proposed amendments to the Code to the Standards Committee's July meeting. The Code was considered by the September Council meeting and has now been finalised, in consultation with the Cabinet Lead, to take into account the comments made at the Council meeting. Finalisation of the Code is being reported to the Planning and Development Control Committee meeting on 4th January 2010. The Committee is asked to note the final version of the Code of Practice.

6. MEMBER CONDUCT AT MEETINGS [Appendix D](#)

The Monitoring Officer submits a report that proposes a revision to the 'Member Conduct at Meetings' Protocol as agreed by the Standards Committee on 24th March 2004. Members are asked to comment on the revised Protocol and agree its adoption.

**7. COMPLAINTS AGAINST COUNCILLORS -
INFORMATION FOR COUNCILLORS**

Appendix E

The Monitoring Officer submits a report that details information that would be given to all Members who are subject to complaints so that they are aware of the process and how to engage in it. Members are asked to note and comment on the proposed flowchart information.

8. PETITIONS PROCESS

Appendix F

The Monitoring Officer submits a report that informs Members of the process for dealing with Petitions from Councillors and the public as requested at the last meeting of the Standards Committee. Members are asked to note the process.

9. STANDARDS FOR ENGLAND BULLETIN 46

Appendix G

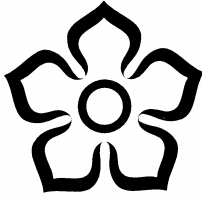
The Director of Legal Services submits the latest Bulletin from Standards for England. Members are recommended to discuss and note the contents of the Bulletin.

**10. STANDARDS COMMITTEE ANNUAL WORK
PROGRAMME 2010**

Appendix H

The Monitoring Officer submits the Annual Work Programme for the Standards Committee. Members are recommended to note the Work Programme and make comments as they see fit.

11. ANY OTHER URGENT BUSINESS



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 18 NOVEMBER 2009 at 5.30pm

P R E S E N T :

Mrs Sheila Brucciani (Independent Member) – Chair
Ms Mary Ray (Independent Member)

Councillor Corrall
Councillor Scuplack
Councillor Thomas
Councillor Mary Draycott MBE
Councillor Shelton

98. APOLOGIES FOR ABSENCE

Apologies were received from Kate McCleod.

99. DECLARATIONS OF INTEREST

Members were asked to declare any interest they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applied to them.

Councillor Thomas queried whether he needed to declare that he was Chair of the Licensing Committee in relation to item 9, Code of Practice – Member Involvement in Licensing Decision Making. The Solicitor and Monitoring Officer advised that this wasn't necessary and in any event it was intended to ask Committee Members for a deferral on this item.

100. MINUTES OF PREVIOUS MEETING

Members enquired about the status of an ongoing Standards investigation. The Solicitor and Monitoring Officer noted that as this wasn't an urgent issue, he wasn't able to give an update at the meeting, but would seek to provide Committee Members with a written update.

Minute 89 – Local Democracy, Economic Development and Construction Bill

Some concerns were expressed with regard to the way the Council responded to petitions, particularly the length of time it was taking to receive responses on petitions and the fact that reports in response to petitions were no longer being

considered by the Overview and Scrutiny Management Board. It was felt that the Standards Committee should review this area to ensure that a suitable process was in place for managing petitions.

It was agreed that the Committee consider a process for handling petitions at a future meeting.

Minute 90 – Standards Board for England – Yearly Return Submission Statistics 2008-9

It should now read 'Standards for England'.

Minute 91 – Ethical Governance Report – Audit Commission

It was welcomed that there was a request for the Audit Commission to be invited to the Committee in the Work Programme, however it was felt that the minutes needed to reflect the fact that this was discussed at the last meeting.

Minute 96 – Standards Committee Work Programme

It was felt that the wording needing to be amended, it needed to be clarified, why the Leader of the Council was to be invited to a meeting of the Committee.

The Committee reiterated its request to invite the Leader of the Council to a future meeting.

101. STANDARDS COMMITTEE FIRST ANNUAL REPORT 2007-2009

The Independent Chair of the Standards Committee submitted a report presenting the achievements of the Standards Committee for the years 2007 – 2009 and considered challenges for the year ahead.

Some Members commented that the diagram style of the report was 'busy' and difficult to understand. It was explained that the idea was to get away from a traditional style, every line from the central point, led to an achievement of the Committee. Other Members, however, felt that this style of doing the report was preferable to having a detailed wordy report.

It was suggested that some of the achievements be brought out in more detail, such as the fact that there were concerns about the complaints procedure when it was introduced, but now a workable system had been achieved. It was also suggested that there should be some comment in the report about the frustrations and the bureaucratic nature of the complaints system, its ambiguities and how more informal routes were now being considered.

The Chair undertook to attend Licensing meetings once a decision making code of practice was in place.

In terms of the style of the document, it was suggested that the main points coming from the centre be in bold and the further out elements be in a lighter shade. Further, it was suggested that 4/5 theme headings could be developed.

With regard to training, it was commented that Members had been involved in

training other than with regard to the complaints process, such as with regard to the Planning and Development Control Committee.

RESOLVED:

The Chair undertook to make amendments to the report based on the Committee's comments.

102. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES ON 12TH AND 13TH OCTOBER

The Solicitor and Monitoring Officer submitted a report which provided the Committee with feedback from the Annual Assembly of Standards Committees.

The Solicitor and Monitoring Officer presented the report, giving a detailed breakdown of the learning points from the Assembly and the suggested actions.

Members of the Committee commented on the importance of keeping up to date on case law with regard to Standards complaints and investigations.

It was further commented that the general direction of Standards work seemed to show that it was a growing area and was turning into something that would sit alongside all parts of the Council's work. Further, it was felt that Standards Committees would be becoming more involved in Partnership Working, but it was not clear how this would work.

Members considered this area further, noting that there were Standards bodies for the Police, Fire Services and Health Services. It was suggested that there could be an executive body of the heads of Standards bodies for all these partners. Further, it was noted that it was previously agreed to make contact with the Standards Committee in the County Council, but it was not yet clear what form this would take. The Solicitor and Monitoring Officer felt that there would be some use in establishing a local Standards network to share experiences and develop common guidelines.

Members asked that details of the dates of next year's Assembly be circulated.

RESOLVED:

- (1) that the feedback from the Assembly be noted; and
- (2) that Members wished to ensure that current casework was reported to them on a regular basis;
- (3) that Members' views on developing joint / Partnership Standards arrangements, be noted. and
- (4) that dates of next year's Assembly be circulated to Members.

103. MEMBER CONDUCT AT MEETINGS

The Solicitor and Monitoring Officer submitted a report reviewing the 'Member Conduct at Meetings' Protocol.

The Chair stated that she intended to draw up an amended protocol and provide it to the Committee for consideration at the next meeting, however she was happy to consider any comments / suggestions that Committee members had.

A range of comments were made with regard to the general lack of guidance for Councillors for wider Council meeting matters. It was felt that as well as the Protocol, there should be guidance on meeting etiquette, such as the need to stand up when the Lord Mayor enters the room. It was also felt that there should be guidance on other practical matters such as moving of motions and voting. It was recommended that this guidance should be put together in a pocket sized booklet and should be promoted particularly with new Councillors.

With regard to the Member Conduct Protocol, the following comments were made:-

- There was no reference to the Chair, ie being seen to avoid bias and cutting off debate.
- The Protocol should relate to the Members' Code of Conduct.
- Dealing with Transgressions needed further consideration – would personal comments be referred to Standards for England? The Chair said that wording needed tightening up in this respect such as the Lord Mayor requiring an apology or the grounds on which to ask for removal from a meeting.
- With regard to number 13, about interrupting, it was felt that interruptions would always happen and it was a key part of debate. The Chair commented that it wasn't intended to stop the 'rough and tumble' of debate, but there shouldn't be continual interruptions.
- There should be a comment in the protocol about the Chair being 'first' and that this role was needed to control the meeting.

RESOLVED:

- (1) that the comments of the Committee be noted; and
- (2) that the Committee consider an amended Protocol at its next meeting.

104. MEDIATION AND OTHER ACTION

The Solicitor and Monitoring Officer submitted a report which considered the use of mediation and other action when dealing with complaints about Members' conduct.

Members commented with regard to the use of trained mediators. It was felt that there would be people with skills within the Council who could undertake this kind of work and that this should be investigated before buying in these

kinds of skills. If mediators were brought in, staff should observe proceedings with a view to undertaking the role in future.

Members also considered at what point mediation could be brought into the proceedings. The Solicitor and Monitoring Officer advised that it should always be the case that the full initial assessment Standards Sub-Committee should take place to undertake a proper assessment of a case and mediation, if appropriate should take place after that. It was further noted that all parties would need to be willing to get involved in mediation, it wouldn't be binding mediation, but to not co-operate could be seen as a breach of the Code of Conduct.

Members welcomed the publicising of this option on the Internet.

RESOLVED:

that the report be noted and the use of mediation as a means of resolving complaints at any stage in the process where appropriate be supported.

105. STANDARDS COMMITTEE 2009 WORK PROGRAMME

Members of the Committee considered a work programme for the Committee.

The following comments were made:-

- An item on exploring and developing the role of ethical governance should be included.
- The 'Not Proven' issue was felt to be a worthwhile area for further work.
- The proposal for a booklet on meeting guidance and etiquette should be included.
- The agenda for the January meeting looked large – the invite to the Leader of the Council could be delayed.
- Number 9, Standards Performance – the date should read Jan 10.
- Number 7, Independent Members regularly attending Cabinet meetings – It was suggested that if this happened then due to familiarity, Members may lose their ability to keep a judgemental distance. Councillors felt that this wouldn't be an issue as you could still maintain a critical eye on proceedings despite being familiar with people – it was good to have a range of views when looking at proceedings.

RESOLVED:

that amendments be made to the work programme based on the comments of the Committee.

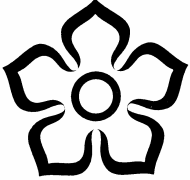
106. CODE OF PRACTICE - MEMBER INVOLVEMENT IN LICENSING DECISION-MAKING

It was agreed to defer this item until the next meeting.

107. CLOSE OF MEETING

The meeting closed at 6.55pm.

Appendix B



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

STANDARDS COMMITTEE
LICENSING COMMITTEE
COUNCIL

13TH JANUARY 2010
TBC – FEBRUARY 2010
TBC

CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN LICENSING MATTERS

REPORT OF THE DIRECTOR, LEGAL SERVICES

1. PURPOSE OF REPORT

This report is to enable the necessary approvals to be given for a Code of Practice for Member involvement in licensing matters.

2. SUMMARY

- 2.1 So as to maintain the integrity of Member involvement in the licensing decision-making process, it is important that the Council has a Code of Practice similar to the Code of Practice for Member Involvement in Development Control decisions.

3. RECOMMENDATIONS

3.1 Licensing Committee

The committee is asked to comment on the draft Code and thereafter approve it and delegate to the Director, Legal Services, and the Director, Environmental Services the authority to make any further amendment arising from the committee's consideration, together with any comments from the Standards Committee, prior to the final version of the Code being submitted to Council for approval.

3.2 Standards Committee

The committee is asked to comment on the provisions of the Code of Practice subject to further comments from the Licensing Committee and to confirm its agreement to the Code being submitted to Council.

3.3 Council

- 3.3.1 Council is asked to approve the Code of Practice and confirm that the Code will come into effect once approved by Council.

3.3.2 Council is asked to delegate authority to the Director, Legal Services, in consultation with the Director, Legal Services, and the Director, Environmental Services, in consultation with the Chair of the Licensing Committee, to make any further amendments to the Code should this be required in consequence of future changes to the Members' Code of Conduct.

4. REPORT

- 4.1 As a requirement of the coming into force of the Licensing Act 2003, the Council approved a Code of Practice for Hearings. This primarily is a procedural Code. It is now recognised as good practice that in support of improvement of the ethical framework of Member involvement in regulatory decision-making there should also be a Code for Member Involvement in Licensing Matters.
- 4.2 Accordingly, officers have worked up a Code that can be read in conjunction with the existing Code of Practice. The proposed Code is attached as Appendix 1.
- 4.3 The key features of the proposed Code are:
- Clarification of its relationship to the Member Code of Conduct.
 - Emphasising the importance of the public perception of probity and the need for members to be impartial in the decision-making process.
 - Guidance for Members who wish to participate on behalf of constituents.
 - How to deal with lobbying.
 - Gifts and hospitality.
 - Principles of decision-making.
- 4.4 As a consequence of the proposed Code, the Director, Environmental Services, will be reporting to the Licensing Committee to make some consequential changes to the existing Code of Practice for hearings to ensure consistency and to prevent duplication.
- 4.5 The Code highlights the importance of the requirements that Members involved in licensing decision-making must have training to understand the processes but also undertake annual refresher training. It is proposed that the refresher training for 2010 will focus on the new Code to ensure its provisions can be understood by Licensing Committee Members.
- 4.6 The Code is based on a draft prepared by the Association of District Secretaries and Solicitors together with a suggested draft Model Licensing Protocol prepared by Standards for England.
- 4.7 Delegated authorisation is requested to be given to the Director, Legal Services, together with the Director, Environmental Services, in consultation with the Licensing Committee Chair, to make any consequential amendments to the proposed Code dependent on any further changes to the Member Code of Conduct.
- 4.8 This report is being considered by both the Standards Committee and the Licensing Committee for their respective comments. Standards Committee involvement reflects

its role to ensure ethics and probity in regulatory decision-making. The Licensing Committee has a role, too, in ensuring the provisions of the Code will assist Members involved in licensing decision-making.

4.9 Formal approval of the Code under the Council’s Constitution is required via Full Council.

5. FINANCIAL AND LEGAL IMPLICATIONS

5.1 Financial Implications

None.

5.2 Legal Implications

Covered in the report.

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting Information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	Yes	Throughout
Elderly/People on Low Income	No	

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Relevant legislation, court decisions and guidance from Standards for England.

8. CONSULTATIONS

Cllr Sarah Russell, Cabinet Lead for the Environment
 Adrian Russell, Director, Environmental Services
 Mike Broster, Head of Licensing
 Cllr John Thomas, Chair, Licensing Committee
 Licensing Briefing – 30.11.09

9. REPORT AUTHOR

Anthony Cross, Head of Litigation, Legal Services, x296362

10.

KEY DECISION	REASON	APPEARED IN FORWARD PLAN	EXECUTIVE OR COUNCIL DECISION
NO	NOT APPLICABLE	NOT APPLICABLE	COUNCIL

LEICESTER CITY COUNCIL

CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN LICENSING MATTERS

1 Introduction

This Code applies to Members appointed to serve on the City Council's Licensing Committee from which Members may be appointed to serve on the Licensing Enforcement Subcommittee or on Hearings under the Licensing or Gambling Acts. It should be read in conjunction with the Council's political conventions and the Code of Practice for Hearings.

2 Relationship to the Member Code of Conduct

2.1 Do comply with the rules of the Member Code of Conduct at all times.

2.2 Do then apply the rules of this Code of Practice which supplements the Member Code of Conduct and the Code of Practice for Hearings. If you do not apply with this Code you may:

put the Council at risk of proceedings in relation to the legality of the decision or in relation to a complaint of maladministration; and

put yourself at risk of being investigated by the Council's Standards Committee.

3 General

3.1 In this Code reference to licensing and Licensing Enforcement Subcommittee refers to matters within the terms of reference of the subcommittee, eg, hackney carriage licences (vehicles and drivers) and private hire (vehicles and drivers). Reference to Hearings includes hearings under the Gambling and Licensing Acts.

3.2 At the start of each four-year local election cycle Members who wish to serve on the Licensing Committee must undertake initial training in licensing and a decision-making role.

3.3 Licensing Committee Members (and any substitute Members) must participate in annual refresher training.

3.4 Unlike the Licensing Enforcement Subcommittee, Hearings are not defined as formal Council committees. This means the "political balance" rules do not apply. Hearings and the Licensing Enforcement Subcommittee, however, are quasi-judicial. In the case of Hearings they will follow the procedure laid down by the Licensing and Gambling Acts.

3.5 This Code seeks to enhance the Council's role as a successful licensing authority which has as an important factor the need for mutual trust and respect of all participants. This includes trust between Councillors and Officers and the avoidance of any political whip. In particular, a Member appointed to serve on the subcommittee or a Hearing must

acknowledge that the public perception of probity is crucial and therefore there is a need to maintain his/her appearance of impartiality especially during the decision-making process.

- 3.6 Decision-making at Hearings under the Licensing and Gambling Acts requires the balance of private proposals against the wider public interest as provided by the four licensing objectives and the three gambling objectives. Often much is at stake and conflicting views may be held by relevant parties. While decision-making Members may take into account those views, Members should not favour any person, company, group or locality or put themselves in a position where this might arise.
- 3.7 A Member appointed to serve on the Licensing Enforcement Subcommittee or a Hearing cannot act as the appointed representative of any party to the Hearing.
- 3.8 Where the Hearing involves premises within the ward of a Member appointed to serve on a Hearing, if the Member feels s/he is under any pressure to deal with the matter in any particular way so as to run the risk of the Member concerned being accused of bias or predetermination, that Member may notify the Council's Democratic Services Section so that a substitute Member can be found.

4 Role of Ward Councillors (paragraphs 4.2 and 4.3 now subject to amendment because of new rights given to councillors under the provisions of the 2009 Policing and Crime Act)

- 4.1 A Ward Councillor is construed under this Code as being a Member who has not been appointed to serve on the Licensing Enforcement Subcommittee or a Hearing as the case may be.
- 4.2 Save as explained below, Ward Councillors have no right to make representations about Licensing Act applications in their Ward and have no rights to address Hearings.
- 4.3 Ward Councillors may attend any Licensing Act Hearing as the appointed representative of any party but in such circumstances should not discuss the application with Members of the Hearing. (Interested parties need to have made a formal objection to the Council before a Ward Councillor can be approached to act as their representative.)
- 4.4 In the case of matters dealt with by the Licensing Enforcement Subcommittee, as these are Council committees Ward Councillors may attend and, at the discretion of the Committee Chair, may be permitted to address the subcommittee provided they do not have a personal and prejudicial interest.

5 Members' Interests

- 5.1 Where a Member is personally affected by a Licensing, Licensing or Gambling Act application because they are an "interested party" (eg, they live in close proximity to any premises in question), they are entitled to make representations to the Council (Licensing Section) as if they were an individual.
- 5.2 Similarly, where Members have a personal interest in any Licensing, Licensing or Gambling Act application, they should submit written representations to the Council in an individual capacity rather than in a capacity as a Member.

- 5.3 In such circumstances as outlined in 5.1 and 5.2, to avoid any allegations or impression of undue influence a Member should not speak or be present at the Hearing when the matter is considered. It may be the case that a Member in the circumstances outlined in 5.1 and 5.2 may also have a prejudicial interest. If so, the Member cannot participate at all.
- 5.4 Where a Member has a personal and prejudicial interest, they may not take part in any Hearing or Enforcement Subcommittee. As the Council at present does not operate public speaking at committees, a Member with a personal and prejudicial interest may not remain and speak as a member of the public.
- 5.5 Merely visiting licensed premises (even on a regular basis) will not necessarily give rise to an interest under the Code of Conduct. Members need to consider, however, whether having visited licensed premises could give rise to an appearance of bias.
- 5.6 Members who have been involved in Council meetings which have approved overall policies can take part in any Hearing or Licensing Enforcement Subcommittee.

6 Gifts and Hospitality

- 6.1 Members should be aware of public perception when accepting any gift or hospitality from licensed premises and so should act with extreme caution when accepting any gift irrespective of monetary value. (Members are reminded that under the Code of Conduct they are required to add to their Register of Interests any gift or hospitality where its value is over £25.)

7 Lobbying

- 7.1 Licensing Committee Members need to take special care to avoid getting into a position where they might have a predetermined or biased view of any matter that could be the subject of a referral to the Licensing Enforcement Subcommittee or a Hearing. Therefore, Members involved in a Licensing Enforcement Subcommittee or a Hearing should not get involved in the lobbying process.
- 7.2 Where Members of a Hearing are approached by any person about the Hearing, they should explain that it cannot be discussed and refer the person to the Licensing Officer.
- 7.3 Any documentation received by Members at the Licensing Enforcement Subcommittee or a Hearing must be passed to the Licensing Officer.
- 7.4 Approaches/receipt of documentation should be declared at the start of the Hearing.
- 7.5 Members should not seek to influence Council Officers with regard to the content of any report to be considered by a Hearing or decisions to be taken by Officers under Delegated Powers.

8 City Council Applications

- 8.1 Where the City Council submits any licence application, the application must be considered in exactly the same way as any other application. Members taking the decision should give no regard to the interests of the Council.

8.2 Members who have taken a role in any decision to submit the application must not sit at any Hearing or Licensing Enforcement Subcommittee which determines the application.

8.3 Members should take care when expressing any views about the City Council application so as to avoid appearing to have a predetermined or biased view.

9 **Conduct at Hearings / Licensing Enforcement Subcommittee**

9.1 Members should not communicate directly with any applicant or parties to an application other than publicly through the Chair.

9.2 Questioning of speakers is to clarify arguments and to test evidence. Members should not express any view on the application and should frame questions so as not to intimidate.

9.3 Any material considered by Members must be provided by a relevant party to any application subject to compliance with any relevant procedural regulations.

9.4 Members must not vote or take part in the decision-making process unless they have been present throughout, which includes the presentation of any officer report.

10 **Decision-making**

10.1 Decisions of the Licensing Enforcement Subcommittee will be based on the relevant statutory powers outlined in the subcommittee report. With regard to Hearings, applications must be considered on the basis of whether they promote the licensing/gambling objectives.

10.2 In reaching a decision the Licensing Enforcement Subcommittee or a Hearing must have regard to all relevant considerations including (not limited to):

10.2.1 the relevant statutory provisions

10.2.2 relevant statutory guidance and case law

10.2.3 the objectives (Licensing and Gambling Act Hearings only)

10.2.4 the material facts based on relevant evidence presented and representations received

10.2.5 the individual merits of each case

10.2.6 the public interest.

10.3 This means irrelevant considerations must be disregarded, eg, information or evidence which is not relevant to the application or to the promotion of the licensing or gambling objectives.

10.4 Members of a Licensing Enforcement Subcommittee or Hearing must act fairly, objectively and impartially throughout. The Chair will ensure compliance with procedural rules, for example, the Code of Practice for Hearings.

- 10.5 Members of the Licensing Enforcement Subcommittee or a Hearing must have an open mind and not pre-judge any application, express any views on the merits of any report/application or organise any support or opposition to any application in advance of the Licensing Enforcement Subcommittee or a Hearing. Any Member appointed to a Licensing Enforcement Subcommittee or a Hearing who feels s/he has a closed mind should stand down and inform Democratic Services Section at the earliest opportunity so an alternative Member can be appointed.
- 10.6 Members of the Hearing may make notes with regard to the information provided. For this purpose the attached decision-making sheet may be used for Licensing Act Hearings. A revised version of the decision-making sheet will be used for Gambling Act Hearings. The decision-making sheet can also be adopted for use by Members of the Licensing Enforcement Subcommittee.
- 10.7 Members are required to give reasons for all decisions. These reasons must be based on relevant considerations to reflect findings of fact.

11 **Review**

- 11.1 The Monitoring Officer will review this Code annually with the Chairs of the Licensing and Standards Committees.

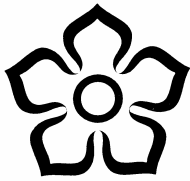
19.11.09
AJC/DG

ac4284dg
(further amendments based on SFE Model Licensing Protocol)

STRUCTURED DECISION NOTES

IN COMING TO A DECISION MEMBERS ARE REMINDED THAT A DECISION MUST BE MADE IN ACCORDANCE WITH THE FOUR LICENSING OBJECTIVES: THESE ARE PARAMOUNT:

- 1) PREVENTION OF CRIME AND DISORDER
- 2) PUBLIC SAFETY
- 3) PREVENTION OF PUBLIC NUISANCE
- 4) PROTECTION OF CHILDREN FROM HARM



Leicester
City Council

Date:

LICENSING HEARING

Members' Notes & Record of decision

Name & Address of Premises

Constitution of the Board: Cllr

CHAIR:

Other Councillors Present

Legal Advisor : Mr/s

Committee Administrator : Mr/s

Licensing Officer : Mr/s

Applicant/Applicant's representative(s):

Relevant Authority Officers (*Environmental Health, Police, Fire, etc., officers*)

Interested Parties (Objectors & Supporters)

Represented by

Witnesses:

On behalf of:

Appendix C

LEICESTER CITY COUNCIL

CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

This Code applies to Members appointed to serve on the City Council's Planning and Development Control Committee or Ward Members who attend at committee to make representations in relation to any planning application / planning contravention considered by the committee.

1 General

- 1.1 At the start of each four-year local election cycle Members who wish to serve on the Planning and Development Control Committee must undertake initial training in planning and their decision-making role. This training is also recommended for all Members.
- 1.2 Committee Members (and any substitute Members) must participate in annual refresher training. Training will be provided either by officers or via external training agencies.
- 1.3 Members will respect the role of officers to make professional recommendations to the Council and will not put pressure on individual officers to secure a specific recommendation on a particular application or report.
- 1.4 If Members wish their views to be considered and reported as part of the recommendation and decision-making process, representations must be made in writing to the Head of Planning Management and Delivery.
- 1.5 Compliance with Government targets means that most planning applications are considered by officers under delegated powers in accordance with the Council's Constitution. The focus of the Planning and Development Control Committee is now more on consideration of the more significant/strategic planning applications.
- 1.6 This Code should be read in conjunction with the Council's Political Conventions and the statutory Code of Conduct applicable to Members. Members are reminded that under the statutory Code a Member (whether or not s/he serves on the Committee) cannot participate at all in any aspect of decision-making where s/he has a personal and prejudicial interest.
- 1.7 As a reminder, the basis of the planning decision-making is the consideration of private proposals against the wider public interest. Often much is at stake and conflicting views may be held by relevant parties. While Ward Members may take account of such views, Committee Members should not favour one person, company, group or locality or put themselves in a position where this may arise so they can freely consider the wider public interest.

2 Pre-application Presentations by Applicants/Developers

- 2.1 The Head of Planning Management and Delivery will arrange for appropriate presentations to be made in respect of significant planning applications, which will be open to all Members. Such presentations will be of a fact-finding nature to enable Committee and Ward Members to become familiar with development proposals and to ask questions. Provided Committee Members do not at such presentations express a view about the proposals, they will be able to participate in any subsequent committee meeting when the planning application is discussed. Committee Members, however, will be required to declare, in accordance with paragraph 6.1, that they have attended a presentation.

3 Referral of Applications for Decision to the Planning and Development Control Committee

- 3.1 Members should contact the Head of Planning Management and Delivery as soon as possible of any applications in their ward being considered by Planning Management and Delivery on the weekly list of planning applications circulated to them that they consider should be the subject of a committee decision.
- 3.2 The contact will need to be in writing, to include e-mail, and specify the planning reason(s) for the request.
- 3.3 Planning Management and Delivery case officers are able to assist Members with the formulation of reasons which might include such things as design considerations, highway implications and implications for local residents (amenity), etc.
- 3.4 Members are asked to note that decisions may need to be taken soon after the circulation of the weekly list and they are advised to check with the specific case officer the earliest date when a decision may be made.

4 Prohibition of Committee Member Contact with Applicants, Agents and Third Parties

- 4.1 Where Committee Members are contacted to support or oppose any planning application or a particular recommendation, they should explain that they cannot get involved or indicate the likely decision the Council (at either committee or officer level) will take because they might take part in the decision-making process.
- 4.2 Where, for whatever reason, a Committee Member wishes to make representations in respect of an application or report to be considered by the Committee, s/he will not be able to participate as a Committee Member at a Committee meeting when the report on the application, etc, is to be considered. Such a Member would be expected to arrange for a substitute trained Member to attend the Committee meeting. In such circumstances the Committee Member may attend the Committee meeting as a Ward Member to make representations on the application subject to making an appropriate declaration with regard to their involvement in accordance with paragraphs 7.1 – 7.3.
- 4.3 Committee Members should not advise applicants, prospective or otherwise, agents or third parties about the likely acceptability of planning proposals. They should advise them to contact a fellow Ward or other Member and the appropriate officer for advice.

- 4.4 Committee Members should not arrange to meet applicants or agents prior to or during the processing of an application unless an officer is present. Where any meeting has taken place with a Committee Member, s/he should refer to any such meeting if they speak about the matter. In accordance with paragraph 6.3, any such meeting would need to be declared at the start of the committee meeting. The position with regard to Ward Members meeting with applicants or agents is covered in paragraph 7.8.
- 4.5 Where the Chair or Vice-chair have been contacted about a matter being considered by committee, s/he will tell the committee of the contact and explain to committee the issues which were discussed.
- 4.6 Committee Members should not act as agents or submit planning applications for other parties or voluntary bodies. Members (including Members not on the committee) will not address committee as the applicant's agent.

5 Committee

- 5.1 Political group meetings held prior to a committee meeting should not be used to decide how Members should vote on a particular planning application. The Local Government Ombudsman has previously expressed the view that the use of political whips to seek to influence the outcome of a planning application could amount to maladministration.
- 5.2 All matters on the agenda for discussion will be the subject of an officer report containing all relevant information and an officer recommendation to enable a decision to be taken.
- 5.3 Committee Members are required to read the report in advance of the meeting so as to be able to understand the issues.
- 5.4 To enable any last-minute issues to be considered, the Head of Planning Management and Delivery prepares an Addendum Report. Committee Members will be provided with the report which will be available in the group rooms from 4.00 pm on the date of the committee meeting. Where the last-minute issues would lead to a change of recommendation, the Addendum Report will recommend deferral of that application unless the possibility is clearly identified in the recommendation to the original report. As necessary, the presenting officer will refer to the Addendum Report during consideration of any specific report in the committee meeting.
- 5.5 Representations received after the Addendum Report has been finalised will be summarised orally.
- 5.6 Where requested, written representations from applicants, objectors and third parties will be circulated to Committee Members by the Director (Legal Services) only if the necessary copies are provided or paid for and adequate notice is given to Committee Services Section. Written representations will not be accepted at the meeting.
- 5.7 If Committee Members receive letters or any other written information about a matter due to be reported to committee, they will ensure that a copy is made available to the Head of Planning Management and Delivery for inclusion in the Addendum Report and make the appropriate declaration under paragraph 6.3.

6 Declarations of Interest and Representations

- 6.1 At the start of each committee meeting Committee Members are required to make any formal declaration of interest in relation to the matters specified on the agenda. Such a declaration will be in accordance with the provisions of the Local Government Act 2000, as amended, the requirements of the Statutory Code of Conduct and also under the terms of this Code.
- 6.2 When a Committee Member's interest is personal and prejudicial, the Member concerned will leave the room when the matter comes to be considered by the committee and not take part in the decision-making process.
- 6.3 Where Committee Members declare they have received representations, they need to identify what those representations were, eg, letter, e-mail, attendance at a meeting, presentation, meeting with applicant, etc.
- 6.4 Where Committee Members have previously expressed any view about any application or report so as not to have an "open mind", they will be considered to have a predetermined view and therefore will be required to declare this, and when the matter comes to be considered by committee they will leave the room and not take part in the decision-making process.
- 6.5 Committee Members who have been appointed by the City Council to serve on any body that has an advisory role in relation to planning applications (eg, CAP) are required to declare whether or not they have previously been involved in any discussion of an application/report before the committee, and where the Member concerned has previously expressed a view or opinion supporting or opposing any application/report, they will be considered to have a predetermined view and therefore will declare the interest, leave the room and not take part in the decision-making process.
- 6.6 Members are reminded that failure to make appropriate declarations could constitute a breach of the statutory Code of Conduct.
- 6.7 Declarations of interest are for Members to make and at times will very much depend on particular factual circumstances. The Director (Legal Services) or his representative (eg, the committee solicitor) will be able to provide advice, but Members are encouraged to seek advice at an early stage and wherever possible not in the immediate run up to the start of a committee meeting.

7 Attendance of Members Not on the Committee (Non-committee Members)

- 7.1 Unlike Committee Members, Non-committee Members may meet with constituents who are applicants, agents or objectors prior to or during the processing of any application and such a meeting does not require an officer to be present. Where a Non-committee Member subsequently attends committee to make representations, a declaration will be required in accordance with paragraphs 6.3 and/or 6.4 where the Non-committee Member wishes to make any representations at the committee meeting.
- 7.2 Non-committee Members who do not serve on the committee and who wish to make representations at committee in respect of any report shall notify the Committee

Chair and/or Democratic Services no later than 12.00 noon on the day of any committee meeting.

- 7.3 At the discretion of the Committee Chair, the report(s) the Non-committee Member's representation refers to will be considered by the committee at the beginning of the meeting and so may be taken "out of order".
- 7.4 Non-committee Members will sit in the public gallery, and the Chair will call them to the committee table to sit in the designated place.
- 7.5 The Chair will use his/her discretion taking into account the particular circumstances if more than one Non-committee Member wishes to make representations on the same report.
- 7.6 Before making any representations the Non-committee Member will be required to make a declaration in accordance with paragraphs 6.1 – 6.3 and also indicate whether or not the Member concerned has had any meetings with any applicant and/or agent or local residents as the case may be.
- 7.7 A Non-committee Member with a personal and prejudicial interest is not able to attend the meeting to make any representations.
- 7.8 A Non-committee Member making representations is expected to keep his/her presentation to within five minutes. The Chair will exercise discretion to allow such additional time as may be required for all valid points to be given an airing. Where a Non-committee Member wishes to provide written information to the committee, s/he will comply with paragraph 5.6. The Chair will invite officers to respond to any information or views expressed by Non-committee Members and give the Non-committee Members an opportunity to reply. After that reply and before the committee considers the report, the Member will return to the public gallery.

8 Member Involvement in Ward Issues

- 8.1 All Members will respect the expectation that in relation to planning issues in any ward the primary responsibility for dealing with them is on one or more of the Members representing that ward.
- 8.2 Where a Member is also a Committee Member, it may be that given the constraints under this Code they may not choose to deal with a specific ward issue. In such circumstances, a fellow Ward Member or other Member may become involved. The Member dealing with the matter will, as a matter of courtesy, notify the Committee Member of their involvement. In the absence of any notification, the Chair will have the discretion whether or not to allow the Member who wishes to make representations to attend for that purpose at any committee meeting.
- 8.3 Where any Member is approached to make representations/attend at a committee meeting in relation to any matter not in their ward but the ward of another Member, they will, as a matter of courtesy, notify the Member concerned. Again, in the absence of such notification, the Chair will have the discretion whether or not to allow the Member who wishes to make representations to attend for that purpose at any committee meeting.

9 Section 106 Agreements

- 9.1 An agreement under section 106 of the Town and Country Planning Act can only be required to meet an identified planning need arising from the development envisaged by the application.
- 9.2 Where the committee resolve that a section 106 agreement is required, but this has not been recommended by the Director, Planning and Economic Development, the application will be deferred for an officer report on the appropriateness and content of the agreement. The report will be brought back to committee as soon as possible in order to comply with statutory or other demonstrably material consequential Government targets.

10 Deferrals and Site Visits

- 10.1 The Committee will decide on planning grounds, which will need to be moved, seconded and agreed by the Committee and which will be included in the minutes of the meeting, whether to defer a decision for a site visit taking into account the reasons given by the Committee or Ward Members as well as statutory or other demonstrably material consequential Government targets and the use of IT that enables Committee Members to see photographs of sites covered by committee reports, together with site plans and drawings.
- 10.2 Site visits following a deferral do not have any decision-making status and will be solely an opportunity for Committee Members to visit the site with an officer.
- 10.3 Third parties including objectors are not entitled to attend site visits. They will be advised to make any representations in writing to the Head of Planning Management and Delivery or through Ward Members.
- 10.4 Applicants and agents cannot use a site visit as an opportunity to state their case to Committee Members. They will be advised to make written representations to the Head of Planning Management and Delivery or to Committee Members before the site visit or before the committee meeting at which the matter will be reconsidered.

11 Departures from Officer Recommendations

- 11.1 Committee Members wishing the committee to consider a different recommendation from that made by the Corporate Director must move an amendment, giving planning reasons, and have it seconded. The Chair will then clarify the planning reasons and, as necessary, the amended recommendation will then be voted on. Should it be accepted by the committee, the planning reasons will be included in the minutes of the meeting.

12 Decision-making

Committee Members should approach this in accordance with the following:

- 12.1 By considering the material (written or oral) provided by the presenting officer(s).
- 12.2 On the basis of material planning considerations relevant to each report with particular emphasis on identified Development Plan policies.

12.3 Approach decision-making with an open mind.

13 Delegation of Decisions to Officers

13.1 Provided consideration of the application in question will meet statutory or other demonstrably material consequential Government targets in relation to decision-making, the committee may agree to delegate any further decision-making (eg, finalisation of the conditions to be attached to the grant of planning permission) to the Head of Planning Management and Delivery in accordance with the departmental scheme of delegation.

14 Briefing Meeting

14.1 The Head of Planning Management and Delivery, or his representative, will brief the Chair, Vice-chair and party spokespersons in advance of every committee meeting to explain the basis of the officer recommendations and to go through the Addendum Report.

15 City Council Applications

15.1 The City Council's own planning applications must be dealt with on the same basis as all other applications. Recommendations and decisions must be based only on material planning considerations and must not have regard to any other benefit which may accrue to the Council as a result of a particular decision on such an application.

16 Member Applications

16.1 Where a Member has a personal interest in a Planning Application (eg, it relates to land owned by them or is made as part of an appointed role of the City Council), they must take no part in the processing of the application, not attend at the committee or participate in the decision-making process. If a Committee Member's application has to be considered by the committee, the Committee Member(s) will declare a personal and prejudicial interest in accordance with paragraph 6.2 by reference to the Member Code of Conduct and when the report on the application is considered the Committee Member will leave the room and not take part in the decision-making process.

17 Appeals

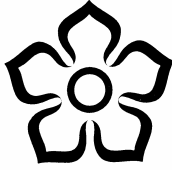
17.1 Officers will prepare, and where necessary present, the City Council's case in an appeal based on the terms of the decision and the material considerations on which that decision was made. They will present the best possible arguments and available evidence in support of the decision, whether or not that decision was in accordance with the Corporate Director's recommendation.

17.2 In cases where the decision was not in accordance with the recommendation and where the appeal is to be determined at a hearing or inquiry, the Corporate Director will invite the Chair or, in consultation with the Chair, another appropriate Committee Member to put forward evidence on behalf of the committee.

18 Complaints

- 18.1 Where a complaint is made under the Council's Complaints Procedure about a committee decision, a reply will be prepared by officers in consultation with the Chair.

AJC/DG
2.12.09



Leicester
City Council

Standards Committee

13th January 2010

Member Conduct at Meetings

Report of the Monitoring Officer

1. Purpose of Report

This report has been prepared to reflect the views of the Independent Chair of the Standards Committee. The report proposes a revision to the 'Member Conduct at Meetings' Protocol as agreed by the Standards Committee on 24th March 2004.

2. Recommendations

Members are asked to comment on the revised Protocol and agree its adoption.

3. Report

The 'Member Conduct at Meetings' Protocol was introduced in March 2004 and it applies to all meetings within the Council. It is appended to the Script for Full Council meetings as a reminder to Councillors.

As the Protocol was developed before the adoption of the Standards for England Code of Conduct for Members in 2007 it is now appropriate for it to be reviewed in order to align it to the Code.

The proposed revised Protocol is attached in appendix one. Members are asked to use this as a basis for discussion. The current Protocol is attached for information as appendix two.

4. Legal and Financial Implications

None.

5. Report Author

Liz Reid Jones, Head of Democratic Services, liz.reid-jones@leicester.gov.uk
Tel: 39 8899 (internal), 229 8899 (external)

Proposed Protocol - Member Conduct at Meetings

Political interaction is one of the most powerful checks and balances which are built into policy development and service delivery. Such interaction should be robust and challenging but must stay within the code of conduct for members. This protocol applies to all meetings held within the Council.

Members should at all times:-

1. Treat others with respect
 - Allow others to speak and explain their position without interruption
 - Avoid unreasonable or excessive personal attack
 - Challenge unacceptable behaviours in others
 - Apologise immediately if they are aware they have caused personal offence
2. Not bully or intimidate others
 - Avoid language that is abusive, malicious, insulting, humiliating, defamatory or offensive
 - Body language can appear intimidating
3. Be aware of the need to respect confidentiality and treat information as such where appropriate
4. Not bring the office of councillor or Leicester City Council into disrepute
5. Avoid attempting to compromise the impartiality of officers
 - Officers are neutral and must not be persuaded to act in a way that would undermine their neutrality
6. Address comments to the Chair and avoid direct conversations with other members
7. Take personal responsibility for their behaviour and avoid the need for intervention from the chair
8. Avoid playing to the public gallery, which could result in disruption of the meeting.

MEMBER CONDUCT AT MEETINGS
AS CONSIDERED BY THE STANDARDS COMMITTEE –24 MARCH 2004

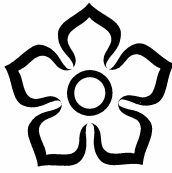
Key Principles

Political interaction is frequently the catalyst for public engagement. It is also perhaps the most powerful of the checks and balances which are inbuilt into local authority policy development and service delivery. It is, therefore, not surprising, indeed it should be expected and encouraged, that such interaction should be both robust and challenging. Such an ethos, however, also requires a strong, clear and delineated set of principles in which to operate. To do otherwise would undermine the unique legitimacy of the local democratic process.

Note: To apply to all meetings within the Council irrespective of size (i.e. Council, Cabinet, Committees, Panels or Working Groups involving Elected, Co-opted or Independent Members).

1. Members should have due respect for the local democratic process in which they are engaged and the particular meeting in which they are involved.
2. Self regulation by Members is the best approach and is far preferable to waiting for the Lord Mayor's/Chair's intervention before moderating their behaviour.
3. Lively debate and good humoured banter is to be encouraged and not stifled.
4. Members and officers should, at all times, respect the other's role and responsibilities.
5. All those present should show due respect for the chair of the meeting.
6. Comments of a personal nature against Members, officers or members of the public are seen as generally unacceptable.
7. If offence is taken to a personal remark, an immediate apology and retraction at the time is often all that is needed.
8. Extreme language, including that which is abusive, defamatory or offensive, should be avoided.
9. All speeches should be channelled through the Lord Mayor/Chair, with conversations directly to other Members across the meeting being avoided.
10. The noise levels from conversations within the meeting should be kept to a minimum and certainly not at a level which is disruptive and prevents others hearing the debate.
11. Members should avoid, including the appearance of, taking a lead from Members or others in the public gallery.
12. Councillors should not play to the gallery in such a way that would incite member of the public to behaviour which may lead to them being ejected and shall not direct unacceptable comments to members of the public sitting in the gallery.
13. Members should give the other the courtesy of presenting their comments without continual interruption such that it is disruptive to the good conduct of the meeting.

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Leicester
City Council

WARDS AFFECTED
All Wards

Standards Committee

13th January 2010

Complaints Against Councillors - Information for Councillors

Report of the Monitoring Officer

1. Purpose of Report

At an earlier meeting of the Standards Committee Members noted that councillors who were subject to complaints under the Code of Conduct did not fully understand the complaints process and their involvement in the process.

A flowchart detailing the process is appended to this report. It is proposed that this will be turned into a leaflet and sent to members who are subject to complaints so that they are aware of the process and how to engage in it.

2. Recommendations

Members are asked to note and comment on the proposed flowchart information.

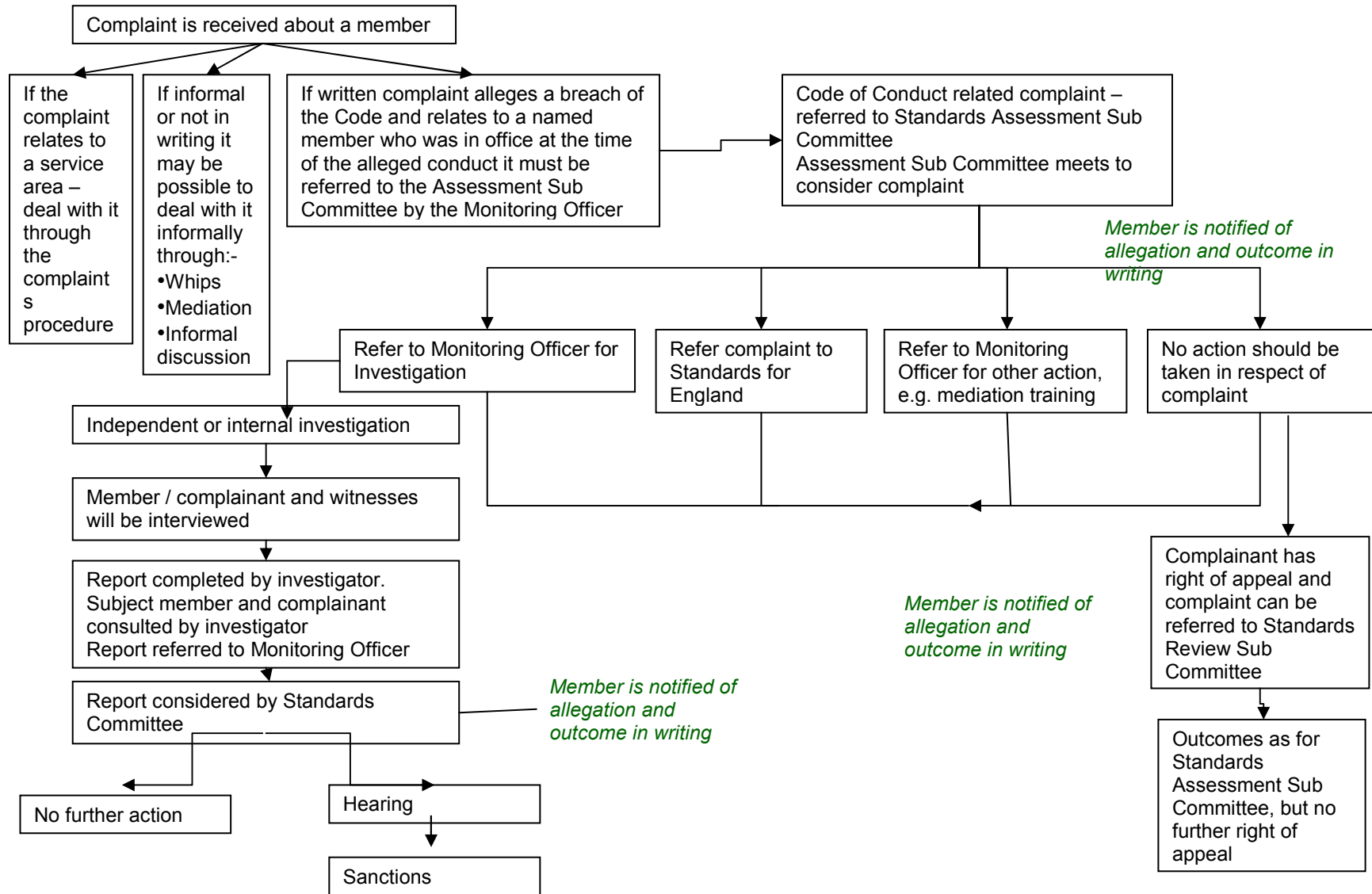
3. Legal and Financial Implications

None.

4. Report Author

Liz Reid Jones, Head of Democratic Services, liz.reid-jones@leicester.gov.uk
Tel: 39 8899 (internal), 229 8899 (external)

Complaints Against a Councillor – What Happens Next?



If a complaint is made against you

Do

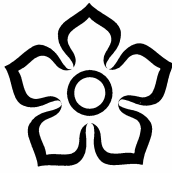
Co-operate with an investigation, or you could face a further breach of the Code of Conduct

Don't

Discuss the allegations with other councillors.

The Standards (Assessment) Sub Committee and Standards (Review) Sub Committee can only take into account information provided by the complainant and not anything they know personally about the allegations.

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Leicester
City Council

WARDS AFFECTED
All Wards

Standards Committee

13th January 2010

Petitions Process

Report of the Monitoring Officer

1. Purpose of Report

To inform Members of the process for dealing with Petitions from Councillors and the public as requested at the last meeting of the Standards Committee.

2. Recommendations

Members are asked to note the process.

3. Report

At its meeting in September 2009, the Overview and Scrutiny Management Board (OSMB) agreed to amend the process for dealing with petitions submitted to the council. A significant part of OSMB meetings had been taken up with petitions monitoring and receipt of response reports on petitions, thus meaning time for scrutiny of other more substantial items was reduced.

OSMB agreed that the petitions would be referred to Task Group Leaders for their input and then referred back to OSMB if necessary, rather than as a matter of course.

The outcome of all petitions are now reported through the petitions monitoring process not later than the next but one meeting after the petition response has been finalised.

A copy of the process is attached as appendix 1 for members' information.

Members should note that the Department for Communities and Local Government has recently produced a consultation paper on petitions and the council will be responding to this separately "Listening to Communities: Consultation on draft statutory guidance on the duty to respond to petitions".

Any changes as a result of the consultation will be addressed through Full Council.

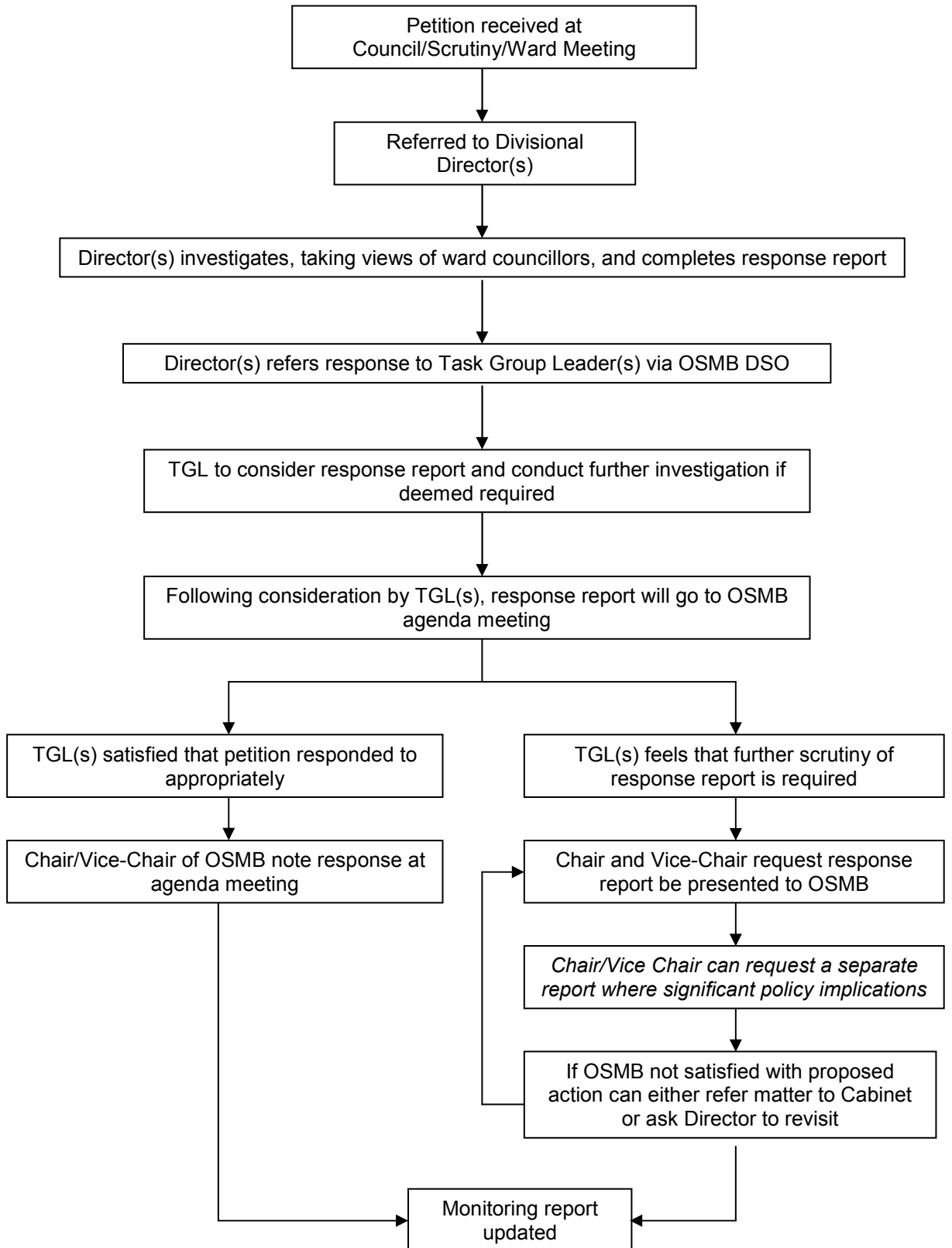
4. Legal and Financial Implications

None.

5. Report Author

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PROCESS FOR DEALING WITH PETITIONS



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Standards and Ethics Award

The closing date for entries to the 2010 Local Government Chronicle (LGC) awards was Friday 20 November. Around 20 authorities entered the Standards and Ethics Award, which is supported by Standards for England. Our judges, Dr Robert Chilton, Dr Michael Macaulay and Nick Raynsford MP have reviewed the entries and shortlisted six authorities who will be announced on 17 December. The judges will then meet in London to choose a winner which will be announced on 24 March 2010.

More information on the shortlisted authorities will be available on our website in January.

Bias, Predetermination and the Code

At this year's Annual Assembly we ran a session called 'Understanding Predetermination and Bias'. It looked at the relationship between bias, predetermination and the Code of Conduct (the Code). The session proved to be hugely successful in providing information that all standards committees and monitoring officers should be aware of, particularly as it drew on recent and relevant case law in this area. This article attempts to draw out some of the key messages from the session that make understanding predetermination and the Code easier.

Predetermination is a more accurate term than 'bias' used to describe a state of mind which is capable of breaching both the law and the Code. This is not to be confused with predisposition where a councillor holds a view in favour of or against an issue, for example an application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the council meeting. This includes having formed a preliminary view about how they will vote before they attend the meeting, and/or expressing that view publicly.

There are two types of predetermination; actual and apparent:

- **Actual predetermination** is when a person has closed their mind to all considerations other than an already held view.
- **Apparent predetermination** is where the fair minded and well-informed observer, looking objectively at all the circumstances, considers that there is a real risk that one or more of the decision makers has refused even to consider a relevant argument or would refuse to consider a new argument.

Recent case law has provided some clarity on how to establish whether predetermination might have occurred by using a two stage test:

- **Stage one** - all the circumstances which have a bearing on the suggestion that the decision was undermined by actual or apparent predetermination must be established.
- **Stage two** - the questions to be asked are:
 - a) was there actual predetermination or
 - b) were the circumstances such as would lead a fair minded and informed observer to conclude that there was 'real risk' that one of the decision makers had predetermined the outcome?

It is important to note that apparent predetermination is to be assessed having regard to all the circumstances which are apparent upon investigation. This extends beyond the circumstances available to the 'hypothetical observer.'

This could include information on any other relevant facts affecting the decision, for example, council procedures. It does not include evidence from the member concerned as to their state of mind or evidence from the complainant as to why they believed the subject member's mind was closed.

The test is objectively looking at what view the facts give rise to. The courts have decided that the fair minded and informed observer has: access to all the facts, is neither complacent nor unduly sensitive or suspicious when looking at the facts, is able to decide between the relevant and irrelevant and on the weight to be given to the facts and is aware of the practicalities of local government.

The courts have accepted that these practicalities mean that the **fair minded and informed observer** accepts that:

- a) Manifesto commitments and policy statements which are consistent with a preparedness to consider and weigh relevant factors when reaching the final decision, are examples of legitimate predisposition not predetermination.
- b) The fact that the member concerned has received relevant training and has agreed to be bound by a Code of Conduct is a consideration to which some weight can properly be attached when determining an issue of apparent predetermination.
- c) Previously expressed views on matters which arise for decision in the ordinary run of events are routine and councillors can be trusted, whatever their previously expressed views, to approach decision making with an open mind.

d) To suspect predetermination because all members of a single political group have voted for it is an unwarranted interference with the democratic process.

e) Councillors are likely to have and are entitled to have, a disposition in favour of particular decisions. An open mind is not an empty mind but it is ajar.

What has become evident is that **the threshold**, in the context of administrative decisions, on the test of apparent predetermination is an extremely difficult test to satisfy. Unless there is positive evidence that there was indeed a closed mind, prior observations or apparent favouring of a particular decision is unlikely to be sufficient to establish predetermination.

The Adjudication Panel for England (APE) in case reference 0352 has also looked at the relationship between the Code and predetermination and gave an indication that where such issues arise there is a potential paragraph 5 Code breach. The outcome is likely to depend on the individual circumstances of a case and any other Code issues and breaches. This is because a councillor who renders the decision of a council unlawful due to predetermination could reasonably be regarded as bringing that authority or his office into disrepute.

An important issue for members is that by and large predetermination will not amount to a personal or prejudicial interest. Therefore there is no specific requirement to declare an interest and leave the room under paragraph 8 to 10 of the Code. Members may however find themselves the subject of a complaint under paragraph 5 on disrepute. This paragraph of the Code has no provision for declaring interests or leaving meetings.

For more information on the relationship between predetermination and the Code, what the practicalities of local government have been held to be and case details please see [Day One](#) on the events page of our Annual Assembly website.

For further information on determination please see our [Online Guide on Predetermination and Bias](#).

Local Assessment: sharing lessons learnt

One of the breakout sessions at our Annual Assembly in October was entitled *Local Assessment, sharing lessons learnt*. This session took the form of a discussion forum giving delegates the opportunity to share their experiences of the local assessment process since its introduction in May 2008.

Sessions were held in tandem for monitoring officers and standards committee members respectively. This gave each group the opportunity to share with their peers the challenges that had arisen in their authority and the solutions they had developed to meet these challenges. In addition, delegates

suggested a number of changes to the local standards framework. We value these suggestions but, clearly, many need further evaluation before a decision could be taken whether to make any changes.

A full breakdown of feedback from the sessions can be found on our dedicated [Assembly website](#), but we thought you might be interested in hearing what some of the main issues discussed were.

Top five issues discussed

1. Vexatious or Persistent Complainants

This topic was raised in all four sessions that took place. Potential solutions suggested by delegates included:

- asking for further Standards for England guidance on the definition of what a vexatious complaint is
- change legislation to allow monitoring officers to filter out such complaints and allow committees to refuse complaints from vexatious complainants
- having robust assessment criteria to filter out such complaints at assessment
- to write warning letters to complainants deemed vexatious by the council procedures
- to deliver targeted training
- to publish the average cost of assessing and investigating a complaint.

We are aware that persistent vexatious complainants are causing problems for a number of authorities. This is one area where we intend to provide further guidance for standards committees early in 2010, although we recognise that guidance alone is unlikely to solve this issue.

2. The role of the monitoring officer

Delegates questioned what role, if any, a monitoring officer should have in filtering out complaints before formal assessment by the standards committee. A variety of suggestions were made including that:

- Standards for England should produce further guidance on what steps monitoring officers can take before assessment
- monitoring officers should be given the power to filter complaints before assessment in consultation with the standards committee chair
- monitoring officers should make the initial assessment decision with any review undertaken by the assessment sub-committee

- monitoring officers should make the initial assessment decision for parish complaints
- there should be discretion to halt the formal process if a local solution is reached.

3. Informing the subject member that a complaint has been made

Currently monitoring officers can take the administrative step of informing a member that a complaint has been made about them. However, the current regulations do not allow them to disclose any details of the complaint. Many delegates felt that this puts monitoring officers in a difficult position, especially in circumstances where the complainant has spoken to the press.

Delegates suggested a number of solutions and changes that they would like to see including:

- asking members in advance whether they would like to be told if a complaint is made about them, and make them aware they cannot be told any details until after the assessment
- giving monitoring officers the discretion to reveal some details of a complaint to the subject member depending on the circumstances, in consultation with the standards committee chair
- requesting guidance from Standards for England on what the subject member should be told prior to assessment
- requesting guidance from Standards for England on what the subject member should be told prior to an investigation.

4. Resources

A number of delegates highlighted problems with finding resources to deal with processing complaints. There were some suggestions that monitoring officers could use the Local Government and Housing Act 1989 to ensure they had adequate resources to perform their functions.

Another suggestion was that parishes should either be asked to contribute or alternatively they should be charged for processing complaints about parish members. Currently parish councils cannot be charged for any costs incurred during the assessment or investigation of a complaint about a parish member.

5. Quality of complaint information

Delegates stated that poorly written complaints and lack of information from the complainant could make it difficult to make an assessment decision.

Delegates suggested that:

- a model complaint form from Standards for England would be helpful (we have already published a complaints form – [click here to download](#)).
- complainants should be encouraged to use, or that it should be mandatory to complete, an official form
- monitoring officers should request further information from the complainant if there is insufficient information to make an assessment decision
- the complainant should be asked what they would like the outcome of the process to be.

We are currently undertaking a review of the local standards framework and information gathered from the sessions will feed into this review process. However, some of the changes to the standards framework suggested would be difficult to implement as they would require primary legislation to be amended.

A number of requests were made during the sessions for further guidance from Standards for England. We will consider these requests and use the feedback to inform future guidance updates.

Annual return 2010

In April 2009 we collected annual information returns from the 438 local authorities that we work with, covering the period 8 May 2008 to 30 March 2009.

It is important for us to collect information from monitoring officers and standards committees on how they are helping to maintain high standards of ethical conduct in their authorities. This assists us in ensuring the effectiveness of local standards arrangements.

Last year's return was an opportunity for monitoring officers and standards committees to tell us in detail about the particular achievements, successes and difficulties they had in supporting and promoting the ethical framework. We used the returns to build up a bank of notable practice examples to share across the standards community. Many of these can be found on a dedicated [notable practice](#) section of our website and in our [annual review of 2008-9](#).

We will be continuing to collect examples of notable practice in the annual return 2009-10. The information we gather will allow us to cultivate a national overview of the local operation of the standards framework. We will use this to identify strengths and weaknesses of the framework, prompting where we should be producing guidance or seeking policy changes in response to emerging national trends.

The questions in the annual return are currently being developed. Some will stay the same as last year so that we can report on progress, but many of them will change.

Our reasons

We are aiming to have a shorter questionnaire which will use tick boxes where possible to capture practices that are common across many authorities. This should mean that less time is required completing responses; unless there are exceptional circumstances or innovative activities to tell us about. We only expect authorities to provide lengthy responses where they think that a narrative will help others in the standards community who may find themselves in a similar position.

We appreciate that the timing of the annual return is not ideal. April marks the start of the new financial year and is inevitably a busy time for all concerned. However, we want to be able to relay the messages from the year as soon as possible. Therefore, like last year, we will be asking for annual returns to be completed during April and May.

To help authorities complete this task during a busy time, we will be publishing the questions earlier. We hope to communicate the questions to monitoring officers in January 2010. This is so authorities have more time to plan and consult with their standards committee and other key figures, such as the council leader and chief executive, when preparing their responses.

Governance Toolkit for Parish and Town Councils

The second edition of the Governance Toolkit for Parish and Town Councils was well-regarded, winning a *Municipal Journal* Legal Achievement of the Year Award in 2007. The third edition of this valuable resource was finalised in April and is now available to download.

This edition has been revised, updated and produced in partnership between the National Association of Local Councils, the Society of Local Council Clerks, Standards for England and the Association of Council Secretaries and Solicitors. It is also endorsed by the Local Government Association. Milton Keynes Council, a fully parished part urban and part rural authority, is recognised as having been at the forefront of parish council initiatives for many years, and undertook the editing and production of this edition of the toolkit.

This new edition toolkit is a comprehensive, practical reference guide. The topics covered include governing documents, public engagement and managing information, creation of new town and parish councils and elections.

The toolkit will be most useful for

- town/parish clerks and councillors
- those interested in becoming a parish councillor

- principal councils wanting to establish parish councils in their areas
- monitoring officers.

If you would like to download a copy, you can find it in the [Resource Library](#) on our website under 'toolkits'.

Assessment Made Clear DVD

Copies of our new DVD – '*Assessment Made Clear*' have now been distributed to local authorities. We are keen to hear your feedback and so with each DVD there is a freepost feedback postcard, which should be quick and easy to complete and return to us. If you prefer to provide feedback online there is now an [online form](#) on our website.

So far we have been pleased with the response you've given to its approach in dealing with different assessment scenarios. However, some monitoring officers have expressed disappointment that it is not possible to freely copy the DVD as was the case with our previous DVD.

We have not envisaged a need for authorities to consider widespread distribution of this particular DVD. Our view is that this DVD is targeted at standards committee members serving on assessment sub committees and is best watched in a training situation, where group discussion supports the learning points set out in the DVD.

While it may be considered informative for a wider community of local councillors and appropriate officers, for such audiences we believe the context of the DVD, and discussion around it, are best moderated within a group training setting.

We do appreciate there may be cases where exceptions are to be made - so we have taken the decision to make further copies of the DVD available from us for £12.50.

Using the DVD

Alongside the usual features, the DVD includes 'pause and discuss' slides to allow you to pause after each case study and, as a group or as individuals, discuss or think through what you would do in that situation.

Subtitles are provided as an extra and scene selection allows you to revisit easily the sections that are of most interest to you. A pdf of the learning points is also available when viewing the DVD on your PC.

You can [view a trailer](#) of the DVD on Standards for England's website.

To order further copies please contact publications@standardsforengland.gov.uk or call our reception number – 0161 817 5300.

Police authorities and joint standards committees

In the *Joint standards committee guidance* we state that a police authority is unable to enter into joint arrangements with another police authority because Section 107(2) of the Local Government Act 1972 prevents them from having any of their functions carried out by other police authorities.

After receiving a large number of queries about this from police authorities we consulted again with Communities and Local Government. As a result of this liaison we now believe that our original interpretation of the legislation was incorrect. It is now understood that the 1972 Act does not prevent police authorities from forming joint standards committees with each other in line with the [Standards Committee \(Further Provision\) \(England\) Regulations 2009](#).

We would like to take this opportunity to apologise for the confusion. Our guidance will be modified shortly to reflect our updated position.

Review of the standards framework

We have all been operating the new standards framework for 18 months. As such, now is a good time for Standards for England, as the strategic regulator responsible for making sure it works effectively, to carry out a review of its effectiveness and proportionality. Where necessary we want to make recommendations to Communities and Local Government (CLG) for improvement.

We already have much of the information we need gathered from our research among various stakeholder groups (to which many of you have contributed - thank you), and from our own experience of monitoring and working with the standards framework. Soon we will be consulting with various bodies representing key local government and standards interests on what they think and about any recommendations we want to make. Our intention is to send these recommendations to CLG in March of next year.

We will keep you informed on the progress of the review through future bulletins and on our website. If, in the meantime, you have any queries then please contact Dr Gary Hickey on 0161 8175416 or gary.hickey@standardsforengland.gov.uk

Share your experiences of local standards

You can discuss anything you find topical in this Bulletin with fellow monitoring officers or standards committee members by using our new online forum. The Standards Forum, launched in October, provides a place for you to network, ask questions, share good practice, make recommendations and discuss any topics relating to the local standards framework.

All monitoring officers were automatically registered for the Forum and asked to send us the details of any members of their standards committees who wanted to join along with one other nominated officer. We have had a positive response and registered an additional 300 users, with more requests for membership being received daily. We intend to open membership up further by granting a further two officer registrations for each authority once we have registered this first wave of users. This is likely to happen early in the new year.

There are currently over 30 different subjects being discussed on the Forum. Popular topics include recommendations for external investigators and trainers; debates about protocols including the notification of subject members and the publication of decision summaries; and advice on the recruitment of parish members.

To find out more please access the [forum](#).

If you have any questions please contact forum@standardsforengland.gov.uk

Reminder: the importance of completing information returns

Within part 10 (Ethical Standards) of the Local Government and Public Involvement in Health Act 2007 it states that local authorities must send a periodic information return to us when we request one.

The periods we have specified, in the interest of not placing an unnecessary burden on local authorities, are the financial year quarters. In addition, we request a further return on an annual basis, meaning that there are five information returns required per year.

The information returns are extremely important. We need them to keep us up-to-date with how the local framework is functioning. They allow us to identify individual authorities that are not complying with the local standards framework or who are facing difficulties in implementing it.

So far authorities have been responsive in providing us with information on their experience, and the average percentage of returns completed for each quarter of the year is 99%. Over the 6 quarters for which we have requested returns, there have been just **13** instances where authorities have not provided a response. This is not bad when you consider there are over 400 authorities that we send requests to.

However, it often takes a significant effort to collect all of the returns. Roughly 75% of authorities complete their return by our deadline which is 10 working days after the close of each quarter. But the remaining authorities, who number more than 100, require multiple e-mail reminders and telephone calls before they complete their return. This is unacceptable, as it means it takes us longer than we would like to pull together all of the data and report on our findings.

Ultimately, we expect the authority's monitoring officer to complete our information returns. However, they can delegate this task to a colleague if they wish. For consistency we will always send our email correspondence directly to the monitoring officer, but if they know that they are not going to be available when a return is due they should delegate the task to somebody who is.

For more information on Standards for England's information returns please contact our monitoring team on 0161 817 5300.

Update on the transfer of the Adjudication Panel for England into the unified Tribunal structure

On 1 September, the General Regulatory Chamber (GRC) was launched as part of the First-tier Tribunal. The work of the Adjudication Panel for England will be transferred into the GRC in January 2010.

Legislative process

A 'Transfer of Tribunal Functions Order', transferring the functions of the Adjudication Panel into the GRC, has now been laid in Parliament. The order requires Parliamentary approval. Debates on the order will take place before the end of the year. The order contains amendments to the Local Government Act 2000, to the Standards Committee Regulations and to the Case Tribunal Regulations. Once Parliamentary approval has been obtained an amended version of each of those provisions will be available on the [Tribunals Service website](#).

The Order abolishes the Adjudication Panel for England, whose functions will then be undertaken by the First-tier Tribunal and will be known as the First-tier Tribunal (Local Government Standards, England). The President and members of the Adjudication Panel will be transferring as either judges or members of the First-tier Tribunal assigned to work in the General Regulatory Chamber of that Tribunal. The President will also be a deputy judge in the Upper Tribunal.

Impact on users

References and appeals made to the President of the Adjudication Panel are determined by Case Tribunals and Appeals Tribunals. The people who sit on those Tribunals will be the same people who determine these kinds of matters in the name of the First-tier Tribunal (Local Government Standards, England). The associated administrative work will also be undertaken by the same people as currently do this. Such work will continue to be based at the Tribunals Services offices in Leeds.

Since it was established, the Adjudication Panel has operated without any formal rules. That situation will change as a result of the transfer of work into the First-tier Tribunal. The procedure rules give more explicit powers of

direction to the First-tier Tribunal than were available to the Adjudication Panel, including power to summon witnesses.

All proceedings taking place after the transfer order comes into effect will be conducted in accordance with the rules of the First-tier Tribunal unless, in the case of proceedings which have already started, it would be unfair to apply particular provisions of those rules.

You can view regular updates on the [GRC page](#) of the Tribunals Service website.

Standards Committee 2010 Work Programme

	Work area	Timescales	Lead	Description	Progress
Standing Items					
1.	Programme of speakers to Standards Committee, e.g. CEX	Ongoing	LRJ	To explore & develop the role key people play in the ethical governance of the council	
2.	Quarterly returns to Standards Board on Complaints against Members To include Derby, Nottm and Leics on a six monthly basis	Jan 10	LRJ	Report to compare Leicester with other Local Authorities in terms of numbers of cases and outcomes September – 2008/9 Annual Report January – First half of 2009/10	
Special Reports					
1.	Review of revision of political conventions	March 10	PN	Report to Standards Committee	
2.	Standards Annual Report to Council	Sep 09 – For Discussion Nov draft Jan Cabinet & Council	LRJ	Suggestion from July Committee meeting that the council produces an annual report on standards. Discussion required as to what Committee would wish to see such a report cover and the timing of it at September meeting Final version to provide a hook for a first person article of Chair to be publicised via press.	

3.	Code of Practice – Member involvement in Licensing Decision Making	July 09 Jan 10	AC	A draft code has been prepared. This is in the process of being aligned to Code of Conduct on Hearings for further discussion at September meeting	
4.	Revise Council script “member conduct at meeting”	Jan 10	PN/LRJ	Consider how to give more “teeth” to the constitution’s Council procedure rules regarding Members’ behaviour and the Lord Mayor’s powers to address. Work needed to bring council script (designed in 2004) in line with Code of Conduct	
5.	Review of complaints process to date	Jan 10	LRJ	A review of the processes that have progressed and been amended over the last 18 months. In particular an attempt to have better standard letters and desk notes to apply in certain situations. May include guidance for members in what is expected in a consideration meeting A guide for members who are subject to complaint on what they can expect from the process. Also to include a point of contact for advice that is not the MO. Positive and negative reasons for members to cooperate with investigations. Was scheduled for November but due to capacity issues this work has not been progressed.	
6.	Find out from Standards Board whether there is latitude in the future for a finding of 'Not Proven'?	Jan 10	PN	In the review of process can we find out from Standards Board whether there is latitude in the future for a finding of 'Not Proven'? It could be a more precise reflection of an inconclusive outcome than 'no breach'. Future cases may also be inconclusive and give rise to learning points, both for the individual member and more	

				generally. In such cases, might 'Not proven' permit specific follow up on such issues for the individual, as well as for members in general? To be included in report on item 7	
7.	New Code of Conduct	TBC	LRJ/PN	Awaiting national agreement and guidance on new code	
8.	Scrutiny of current Officer Code of Conduct	TBC	PN	Agreed at May meeting of Standards Committee	
9.	Audit Commission	TBC	PN/LRJ	AC requested to attend Standards Committee six months in advance of next assessment to allow for challenge of previous findings but also what they will especially be looking for in next assessment	
10.	Officer support to Standards Committee	Jan 10	LRJ	Review to be undertaken of support required by Standards Committee concerning, in particular, capacity.	
Communications					
1.	Outcome of complaints and investigations	Jan 10	LRJ	Protocol to be agreed on how to publicise the outcome of complaints to members/officers/general public – linked to review of process (7above)	
2.	Publicising work of Committee and Complaints process Chair to write formally to Leics Chair regarding relationship	Mar 10 Mar 10	LRJ/GA	Work with County post elections June 09	
3.	Standards and Ward Meetings	TBC	LRJ	Proposal to publicise work of committee and possibly annual report through ward meetings (making Members responsible for explaining to their own constituents what their role is regarding Code.	
4.	Improve Standards website and make links to other related sites	TBC	LRJ/GA	Not yet started	

5.	Identify Cabinet Champion for Standards	Jan 10	SB/LRJ	Use attendance of Leader at meeting to initiate the discussion	
6.	Establish regular meetings between Chair, Monitoring Officer and Leader	Dec 09	PN/SB		
7.	Independent Members to attend Cabinet meetings regularly to address different topics	Jan 10	SB/KM/ MR		
Training					
1.	Training for Members on Regulatory Committees, including annual refresher training Revise training and investigate possibility of bringing in IDeA trainer from Standards Conference	Jun 09 Nov 09	AC AC/LRJ	Independent members to be invited to attend. Work in progress to use a different method of training members on PDC.	
2.	Training on Code of Conduct for new members and prospective candidates	Second half of 2010 and beyond	LRJ	Link in with Member Development Forum	
3.	Training on Hearings	TBC To coincide with first investigation hearing	LRJ/PN	Believed to be best served by using a live case at the point of case reaching a hearing	
Completed					
	Delegated decision making to Cabinet members	Nov 09	PN	A report which will outline amendments to the delegated authority that will reside with Cabinet Leads	Complete
	District Audit Report on Ethical	Sep 09	PN	July meeting requested this item brought to next	Complete

	Governance			meeting	
	Briefing on Local Democracy Bill	Sep 09	LRJ/GA	Local Democracy Bill is going through parliament and will have some issues that it is useful for standards committee to have an awareness of	Complete
	Investigate why Nottingham have not received any complaints	Jul 09	GA	Explained within the yearly statistical report for Standards Committee on 16 th September	Complete
	Develop flowchart/list of questions for members on Assessment and Review Sub-committees	Feb 09	GA	Report to Standards Committee In February	Complete
	Revise wording to incorporate comments	May 09	GA	If agreed will be made available for subsequent sub-committees	Complete
	Training on Investigations	13 th Feb 09			Complete
	Definition and guidance on "hearsay"	Feb 09	PN	Report to Standards Committee	Complete
	Revision of guidance	Mar 09	PN		Complete
	Training on Standards Complaints Process including ethical governance	20 Mar 09	LRJ/PN/GA	To review in light of any changes to membership after May	Complete
	Ensure effective interface with the Delivering Excellence programme	Ongoing	PN	Invite sent for March Standards Committee. Neil Sartorio to attend.	Complete
	Invite speaker for the DE team to Standards Committee	Mar 09	PN		Complete
	Indemnification arrangements	May 09	Oral update PN		Complete
	Make links between Audit, Standards and Scrutiny committees	May 09	PN/CP/L RJ	Issue has been included on scrutiny development plan	Complete
	Licensing Code of Conduct	May 09	AC attended May	Licensing to invite member of standards committee. Terms of Reference to be shared with Standards members	Complete

	2009 Assembly of Standards Committees (12/13 October)	May 09	GA	Only 1 member so far to accompany Liz and Peter	Complete
	Whole scale revision of Members' Register of Interests with each member completing a new entry – including gifts and hospitality	May 09	LRJ	Form sent to members both electronically and hard copy.	Complete
	Corporate Governance Annual Report	Jul 09	PN		Complete
	Report on granting dispensations to Members	Jul 09	PN		Complete
	Report on mediation	Nov 09	PN	The Committee asked for further details as to what could be expected in the circumstances where an assessment sub-committee refer to MO for further action	