



Annual Report to Full Council

Standards and Conduct Committee

2018/19

1. INTRODUCTION

This is the annual report to full Council relating to matters within the Standards and Conduct Committee's terms of reference. Council Procedure Rule 2.2 (f) stipulates that an annual report of the committee must be referred to full Council for consideration; this being to support the duty of the Authority to promote and maintain high standards of conducts by Members and co-opted Members of the Council.

2. TERMS OF REFERENCE

The Terms of Reference for the Standards and Conduct Committee are reviewed each year to ensure they represent current regulations.

The functions of the Standards and Conduct Committee are to:

- To promote and maintain high standards of conduct by members and co-opted members of the authority.
- To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- To consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the Leeds area has failed to comply with the parish council's code of conduct.
- Following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations on the form of action.
- To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority.

3. COMMITTEE INFORMATION

Committee Membership

Councillor Elizabeth Nash (Chair) - Hunslet and Riverside;

Councillor Neil Dawson - Morley South;

Councillor Peter Harrand - Alwoodley;

Councillor Mark Harrison - Pudsey;

Councillor Martin Hughes - Horsforth Town Council;

Councillor Arif Hussain - Gipton and Harehills;

Councillor Debbie Potter - Shadwell Parish Council;

Councillor Eleanor Tunnicliffe - Roundhay;

4. Key Issues

Local Government Ethical Standards; A Review by the Committee on Standards in Public Life

The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders and promotes the 7 principles of public life.

As part for their work CSPL maintains a longstanding interest in local government standards, and regularly receives correspondence from members of the public expressing views about this issue. The committee undertook a review of local government standards based around a consultation launched in 2018.

Leeds City Council was one of 5 local authorities visited by CSPL during their work and the resulting report is the first national assessment of the ethical framework introduced by the Localism Act 2011.

The Committee launched their findings at an event in Parliament on the 30th January 2019 to which the chair, Cllr Nash and the Deputy Monitoring Officer were invited by the committee's secretariat.

The Standards and Conduct Committee has reviewed the recommendations arising from the report and made recommendations for enhancement of the ethical framework in Leeds – particularly relating to Bullying and Harassment provisions in the Code of Conduct, the involvement of the Independent Person at Stage 1 of the complaints process and to the guidance available to Members relating to Social Media.

Training

All out elections took place in May 2018 with 27 new members being newly elected. All Members received induction training on the requirements of the Code of Conduct and the specific requirements relating to the registration and declaration of interests. Members were also provided with the Monitoring Officer's guidance on Social Media.

In addition, as part of prescribed training for councillors who are members of Plans Panels, briefings have been provided on the legal framework concerning the avoidance of bias and predetermination.

Register of Interests

The Monitoring Officer has supported members of the authority (and of Parish and Town Councils) in meeting their obligations to notify any disclosable pecuniary interest within 28 days of either their election or of a change in the circumstances relating to such interests.

In addition regular reminders have been issued to elected members to review their registers of interests. Whilst some reminders have been general in nature others have provided focussed advice with reminders in the past year including; gifts and hospitality; the need to register spousal interests; interests arising from employment, office, trade, profession or vocation; dual hatted interests; and interests relating to consideration of the budget.

Sensitive Interests

Permission to withhold an interest may only be granted in cases where disclosure of the details of an interest could lead to a member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation – it is particularly relevant that that threat or potential threat would be substantially contributed to as a result of those interests appearing on the members' public register.

The Monitoring Officer has highlighted the Section 32 provisions to all new and returning members after the 2018 all-out elections and has also reviewed the previously granted permissions to ensure they remain necessary.

Thirteen (11 in 2017/18) permissions to withhold interests are in place (having been granted by the Monitoring Officer) in respect of the 435 elected Leeds City Council and Parish and Town Council Members across the Leeds Metropolitan District, an increase of three on the previous year. Seven (5 in 2018/19) of these relate to Leeds City Councillors, an increase of two from last year. In the main permission has been granted for withholding details of home addresses or other land or property interest with the rationale for the permission being due to the existing or previous employment of the councillor or their partner (e.g. retired police or prison officer), threats of violence made against the Councillor or due to vandalism to properties.

Again this year, as last, there has been a small increase in permissions granted in response to a threat of violence against Members or their families from a member of the public.

Dispensations

No alterations have been made to the Standards and Conduct Committee's conclusions regarding local prohibitions on councillor's involvement in decision making where they have a Disclosable Pecuniary Interest (DPI).

One of the two dispensations in place allows members (when they have a DPI) to make representations at a meeting where members of the public have the same entitlement – however those members must not otherwise be involved in the decision making of the decision making body. There have been no issues arising from this dispensation during the year.

The other active dispensation permits members to take part and vote in matters relating to:

- Any office held within Leeds City Council for which they receive a taxable income; and
- Any office held outside Leeds City Council (to which they have been appointed by Leeds City Council) for which they receive a taxable income,

Complaint handling

All complaints this year have been resolved either before or at Stage 1 of the complaints procedure. There have been no formal findings of a failure by Leeds City Councillors or Parish and Town Councillors in Leeds to comply with the relevant Code of Conduct. As part of their regular briefings (with the Deputy Monitoring Officer) the Chair and the Independent Person have been appraised with a summary of the (anonymised) complaints that have been received together with an outline of how those complaints have been assessed and concluded.

Complaints relating to Leeds City Councillors

Since last reporting, the Monitoring Officer has received 6 complaints about Leeds City Councillors. This is the less than those reported in this report last year (9 complaints were reported to Committee in March 2018 – however by the end of the Municipal year thirteen complaints had been received).

There have been no trends in relation to the complaints received, although complaints 1 and 6 were submitted by the same individual; complaints 2 and 3 were also submitted by the same individual.

Complaints alleging a failure to register a disclosable pecuniary interest are matters for consideration by the West Yorkshire Police as the Localism Act 2011 has made such failures a criminal offence. No such complaints have been received this year.

Complaints relating to Parish and Town Councillors in Leeds

The Monitoring Officer has received two complaints relating to Parish or Town Councillors in the Leeds area. Both these complaints were in relation to the same Councillor and related to the management of Parish Council business and engagement with a Community Group.

Last year, at the time of the annual report no complaints had been received in respect of Parish and Town Council Members. However at the end of the Municipal year in 2017/18 6 complaints had been received. Four of these related to the same Parish Councillor and concerned a local planning matter – all were assessed as invalid.

Supporting Members of Parish and Town Councils

Parish and Town Councils now have greater responsibility under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:

- promoting and maintaining high standards of conduct by its own Members;
- formally adopting a Code of Conduct that is consistent with the requirements of the Localism Act and publicising that adoption;
- completing a register of disclosable pecuniary interests and ensuring that information about this register is available on the Parish or Town Council's own website (if it has one);
- putting in place arrangements for Members to apply for and be granted a dispensation; and
- Ensuring that arrangements are in place for the Parish or Town Council to consider any complaints referred to it by Leeds City Council and to decide on any sanctions.

Leeds City Council has a responsibility to collate the registers of interest completed by Parish and Town Councillors in Leeds and to publish these on the Council's website. In May 2019 all-out elections take place for parish and town councillors across the Leeds district. Arrangements are in place to provide guidance to parish and town council clerks in respect of these duties.

Independent Person

The Standards and Conduct Committee has supported the Independent Person (Mr Tollefson) in his role by inviting him to attend meetings of the committee as an observer, and ensuring that he has undertaken training on the Members' Code of Conduct. Mr Tollefson has quarterly briefing meetings with the Deputy Monitoring Officer and during the year has provided support to Members to help resolve issues.

Monitoring Officer

The Monitoring Officer has reported that she is satisfied that the authority continues to meet its statutory obligations for standards and conduct and has confirmed that she has adequate resources to fulfil her statutory duties.