
STANDARDS AND CONDUCT COMMITTEE

Meeting to be held REMOTELY on
Friday, 5th February, 2021 at 10.00 am

MEMBERSHIP

Councillors

N Dawson	-	Morley South;
B Gettings	-	Morley North;
P Harrand	-	Alwoodley;
M Harrison	-	Pudsey;
P Grahame	-	Cross Gates and Whinmoor;
E Nash (Chair)	-	Hunslet and Riverside;
A Scopes	-	Beeston and Holbeck

Co-opted Parish Council Member

D Potter	-	Shadwell Parish Council
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Independent Person

Gordon Tollefson

Note to observers of the meeting:

To remotely observe this meeting, please click on the 'View the Meeting Recording' link, which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=924&MId=10267&Ver=4>

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <ol style="list-style-type: none"> 1. To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2. To consider whether or not to accept the officers recommendation in respect of the above information. 3. If so, to formally pass the following resolution:- <p style="margin-left: 40px;">RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> 	

3

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration.

(The special circumstances shall be specified in the minutes.)

4

DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS

To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.

5

APOLOGIES FOR ABSENCE

To receive any apologies for absence from the meeting.

6

MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING

7 - 10

To approve the minutes of the previous meeting held Friday 6th March 2020 as a correct record.

7

ANNUAL REPORT OF THE MONITORING OFFICER TO THE STANDARDS AND CONDUCT COMMITTEE

11 - 38

To consider the annual report of the Monitoring Officer which supports the duty of the Authority to promote and maintain high standards of conduct by Members and co-opted Members of the Council.

8

LOCAL GOVERNMENT ASSOCIATION MODEL COUNCILLOR CODE OF CONDUCT

39 - 58

To consider the report of the City Solicitor that presents the Local Government Association's Model Code of Conduct for local councillors to Members with a view to considering recommendations for adoption by the authority.

**DRAFT ANNUAL REPORT OF THE
STANDARDS AND CONDUCT COMMITTEE TO
FULL COUNCIL**

To consider the report of the City Solicitor that presents an annual report of the Standards and Conduct Committee relating to matters within the 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.

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties – code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

STANDARDS AND CONDUCT COMMITTEE

FRIDAY, 6TH MARCH, 2020

PRESENT: Councillor E Nash in the Chair

Councillors N Dawson, P Grahame,
P Harrand, M Harrison, A Hutchison, D
Potter and P Wray

Independent Person – Gordon Tollefson

1 Appeals against refusal of inspection of documents

There were no appeals.

2 Exempt Information - Possible exclusion of the press and public

There were no exempt items.

3 Late items

There were no late items.

4 Declaration of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary or other interests.

5 Apologies for absence

Apologies were received from Councillors E Tunnicliffe, A Hussain and B Gettings. Councillors P Wray and A Hutchison were in attendance as substitutes.

6 Minutes - 8 March 2019

RESOLVED – That the minutes of the meeting held 8th March 2019 be approved as an accurate record.

7 Annual Report of the Monitoring Officer to the Standards and Conduct Committee

The City Solicitor submitted a report that presented the work carried out by the Monitoring Officer and her staff to support the committee throughout the year. The report also demonstrated the ways in which the Authority has fulfilled its statutory duty to promote and maintain high standards of conduct.

The following were in attendance:

Draft minutes to be approved at the meeting
to be held on Friday, 5th February, 2021

- Catherine Witham, City Solicitor
- Andy Hodson, Head of Democratic Services

The Head of Democratic Services introduced the report, highlighting the following:

- As part of the review of the Member Development Strategy, Members were advised that work is ongoing to strengthen Ethical Framework training across the Council.
- The current number of Leeds City Council members who have had their interests withheld from the public register due to threats to their safety had risen from 7 in 2018/19, to 21 (20 at the time of agenda publication) in 2019/20. In the main, home addresses had been removed from registers. Members were advised that the Local Government Association (LGA) are developing further guidance around intimidation in public life, in response to the increase of incidents across local government.
- To address heightened concerns around the safety of elected members in Leeds, the Member Safety Task Force had been established, and a report providing an update on the work of the group is due to be submitted to the Member Management Committee meeting scheduled for 24 March 2020.
- Following Parish and Town Council elections in May 2019, steps have been taken to ensure that clerks are prepared to support new Members to complete their registers of interests at the earliest opportunity.

The City Solicitor also wished for her thanks to Independent Member, Gordon Tollefson, to be noted, for his invaluable contributions throughout the year.

Members discussed a number of matters, including:

- In response to a query in relation to the number of complaints received in comparison to other West Yorkshire authorities, Members were advised that legislation does not oblige local authorities to publish such information, and therefore details are not ordinarily publically available. A separate note would be circulated following the meeting with comparative data, along with details of informal complaints that do not proceed to the formal process.
- Members noted the absence of addresses on ballot papers at the general election in December 2019. The Committee was advised that the legislation currently differentiates between local and general elections, and was assured that officers continue to pursue the matter with the Ministry of Housing, Communities and Local Government.

RESOLVED –

- a) That the contents of the report be noted;
- b) That the details requested during discussions be circulated following the meeting.

8 Annual Report of the Committee to Full Council

The City Solicitor submitted a report presenting to the committee an annual report relating to matters within the committee's terms of reference, requesting that Members refer the report to full Council for consideration.

The following were in attendance:

- Catherine Witham, City Solicitor
- Andy Hodson, Head of Democratic Services

The Head of Democratic Services introduced the report, noting the requirement for the Committee to report annually to full Council.

RESOLVED –

- a) That the draft Annual Report to Full Council at Appendix 1 be approved, subject to minor amendments;
- b) That the Annual Report at Appendix 1 be referred to full Council for consideration.

The meeting ended at 10:30 a.m.

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Report of City Solicitor

Report to Standards and Conduct Committee

Date: 5th February 2021

Subject: Annual Report of the Monitoring Officer to the Standards and Conduct Committee

Are specific electoral wards affected?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, name(s) of ward(s):	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary

1. Main issues

This annual report to the Standards and Conduct Committee summarises the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.

The report provides assurances in respect of work undertaken to:

- Ensure registers of interests and dispensations were correctly administered;
- Deal with any sensitive interests;
- Assess and respond to complaints;
- Support Parish and Town Councils.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- The Council's ethical framework for elected members is a key component of the Council's Values of being open, honest and trusted and treating people fairly.
- Principle 3 of the Code of Corporate Governance states that the Council will put in place a Code of Conduct and keep it under review.
- The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority.

3. Resource implications

- The Monitoring Officer is satisfied that the authority continues to meet its statutory obligations for Standards and Conduct and confirms, by way of this report, that she has adequate resources to fulfil her statutory duties.

Recommendations

a) Members are asked to consider the matters set out in this report.

1. Purpose of this report

1.1 The purpose of this report is to present to the committee an annual report of the Monitoring Report. The matters reported on fall within the committee's terms of reference and supports the duty of the Authority to promote and maintain high standards of conducts by Members and co-opted Members of the Council.

2. Background information

2.1 The Monitoring Officer's responsibilities are referenced with the Monitoring Officer Protocol contained with the Council's Constitution – as related to Standards Matters these are as follows;

Standards Matters

- (a) refer relevant matters to the Standards and Conduct Committee in accordance with the 'Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct within the area of Leeds Metropolitan District Council';
- (b) make arrangements for, prepare reports for, and advise meetings of the Consideration Sub-Committee of the Standards and Conduct Committee;
- (c) give informal advice to Members in relation to informal resolution of a complaint;
- (d) be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- (e) establish, maintain¹ and publish² the statutory register of Members' interests³;
- (f) to receive written requests for dispensations from Members and Co-opted Members of Leeds City Council, and to refer such requests to the Head of Paid Service.

2.2 A report of in relation to these and related matters is made annually to the committee.

¹ The arrangements for maintaining and updating the register will be reported to the Standards and Conduct Committee annually as part of the report required under paragraph 5.0 of the Protocol.

² Published on the Council's website www.leeds.gov.uk.

³ In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area.

3. Main issues

3.1 This report covers the period from the last report to the committee in March 2020 to date.

Training & Advice

3.2 As the local elections in May 2020 were cancelled due to the Coronavirus Pandemic, there has been no requirement for the Monitoring Officer to provide training for newly elected Members.

3.3 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.

3.4 Advice and training has been provided to members on request on a 1:1 basis in relation to specific issues that have emerged during the year, including:

- Registration and declaration of interests;
- Bias and Predetermination;
- Conflicts of Interests;
- Social Media

Register of Interests

3.5 The Localism Act 2011 places a duty on the Monitoring Officer of a relevant authority to establish and maintain a register of interests of members and co-opted members of the authority.

3.6 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 a change in the circumstance relating to such interests.

3.7 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; interests relating to consideration of the budget; and the provisions for Sensitive Interests.

Sensitive Interests

3.8 Section 32 (2) of the Localism Act 2011 allows for interests which are considered to be sensitive to be withheld from a Member's Register of Interests. The decision as to whether to withhold such an interest from the public register is made by the Monitoring Officer. 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.

3.9 In essence, a Member needs to clearly demonstrate that, either they or those connected to them have either suffered violence or intimidation or there is a reasonable ground for them to suppose that that may be the case if the interests are publicly available. The Member needs to provide supporting evidence for that reasonable belief and it is on the basis of that evidence that the Monitoring Officer agrees or not to the interest being withheld.

- 3.10 The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made by the Committee on Standards in Public Life. The Committee, in their report 'Intimidation in Public Life – A review by the Committee on Standards in Public Life', recommend that all Monitoring Officers 'Should ensure members required to declare pecuniary interest are aware of the sensitive interest provisions of the Localism Act 2011.
- 3.11 Members attention is also drawn to the report from the Committee on Standards in Public Life (CSPL), into Local Government Standards arrangements (reported to the Committee previously) which made a recommendation to Government to clarify that a councillor does not need to register their home address on an authority's register of interests. No progress has been made by Government in relation to this.
- 3.12 The reasoning for each decision to withhold a Members' sensitive interest is reviewed by the Monitoring Officer annually. Thirty one (26 in 2019/20) 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 5 on the previous year. Twenty four (20 in 2019/20) of these relate to Leeds City Councillors, a small increase from last year.

Dispensations

- 3.13 If a councillor wishes to apply for a dispensation to allow them to take part in a meeting considering a matter in which they have a disclosable pecuniary interest they must submit a written application to the Monitoring Officer.
- 3.14 Applications are then decided by the Head of Paid Service. However, in deciding whether to grant a dispensation the Head of Paid Service must have regard to s.33(2)Localism Act and, (as per arrangements established in Leeds), consult with the Chair of the Standards and Conduct Committee.
- 3.15 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). Members will recall that the circumstances where a member of the public has rights to attend and make representations – for example, in relation to a personal planning application - the committee's view was that this limitation placed an unjust discrimination upon councillors.
- 3.16 In light of this, and recognising the committee's views on this matter, subject to certain constraints, and the receipt of an application, the Head of Paid Service will continue to set aside these restrictions by way of the granting of a dispensation to newly elected members.
- 3.17 The dispensation 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.
- 3.18 The other active dispensation, granted to all Members, 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.

- 3.19 Members will recall from last year's report, following all out elections, both dispensations were granted until May 2022 reflecting the four year term of office to be served by one third of those councillors elected. A new dispensation was granted in the same terms for those Members elected in 2019 lasting until May 2023 reflecting their term of office.
- 3.20 It is proposed that subject to any legislative or policy change, and in consultation with the Chair of this Committee Head of Paid Service will be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

Complaint Handling

- 3.21 Leeds City Council has responsibility for making arrangements to receive and consider complaints against Leeds City Council members and parish and town councillors in Leeds. At Stage 2 of the complaints procedure, the Chair of the Standards and Conduct Committee must be consulted by the Monitoring Officer in deciding whether the matters raised by the complainant have been appropriately addressed by the subject Member. If a complaint was to reach Stage 3 of the complaints procedure, the Consideration Sub-Committee of the Standards and Conduct Committee would need to meet to consider the complaint and decide whether the Code of Conduct had been breached and what action to recommend..
- 3.22 To date, 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.
- 3.23 As part of their regular briefings (with the Deputy Monitoring Officers) 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.
- 3.24 In order to be considered under the formal complaints process, complaints must be submitted in writing, must provide information to substantiate the claims made, and should outline what form of resolution the complainant is seeking.
- 3.25 Each complaint is assessed by either the Monitoring Officer (or one of her Deputies), in consultation with the Independent Person; it is the Monitoring Officer (or her nominated Deputy) that makes a decision as to whether it will be treated as a valid complaint or not. Where information is lacking, complainants are also offered the opportunity to provide further information to substantiate their complaint to enable an objective assessment to be undertaken.

Complaints relating to Leeds City Councillors.

- 3.26 Last year, at the time the Committee met, Members were advised that 12 complaints had been received in respect of Leeds City Council Members. At that time, three of those complaints remained to be assessed, two were subsequently assessed as invalid with the remaining complaint held over to the 2020/21 Municipal Year with assessment being completed in November. One additional complaint was received between the committee meeting in March and the end of May 2020, this was dismissed as the issues raised did not identify a failure under the Code (and also related to matters that took place over 12 months from the complaint being raised).
- 3.27 From June this year (to date) there have been **41** complaints made against Leeds City Councillors.

Leeds City Council Member Complaints Summary

Complaint Ref	Nature of Complaint	Outcome
1-32	Post to social media platform.	Political Group took steps to address concerns raised. In light of the steps taken no further action – complaint invalid under paragraphs 6(j) and 6(c) of the complaints procedure.
33	Member request for a planning application to be determined by a Plans Panel.	No further action - complaint invalid under Paragraph 6(l) of the complaints procedure.
34	Personal information being inadvertently revealed on-line.	The subject Member made a self-referral to the Information Commissioner and undertook further training. In light of steps taken - no further action - complaint invalid under Paragraph 6(j) of the complaints procedure.
35-37	Post to social media platform.	No further action - complaint invalid under Paragraph 6(l) of the complaints procedure.
38	Post to social media platform.	No further action - complaint invalid under Paragraph 6(l) of the complaints procedure.
39	Support provided to a constituent.	No further action - complaint invalid under Paragraph 6(l) of the complaints procedure.
40	Verbal exchange.	No further action - complaint invalid under Paragraph 6(c) of the complaints procedure.
41	Engagement with Parish Council.	No further action - complaint invalid under Paragraph 6(l) of the complaints procedure.

- 3.28 Complaints 1-32 related to the same issue complained of (by 32 different individuals) which had the same Subject Member. Complaints 35-37 also related to the same issue complained of by 3 different individuals, again about the same issue and Subject Member. The most notable element though is the increase in complaints, which again have demonstrated an increase from the last reporting period.
- 3.29 However, whilst the number of total complaints has increased, this has largely been due to the number of multiple individuals raising concerns about the same issue/councillor. When the number of incidents of complaint are considered, **eight** separate issues have generated a complaint when compared to ten reported last year. Social Media continues to be a primary source of complaints.

3.30 As Members will recall, 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 a failure a criminal offence. Paragraph 6 (k) of the complaints procedure references this stating that complaints which relate to an alleged failure to comply with the rules regarding ‘Disclosable Pecuniary Interests’ are invalid –this clause is further referenced by way of footnote stating that “Such complaints will be redirected to the West Yorkshire Police, subject to the complainant’s agreement. No formal complaints of this nature have been received this year that have required referral to the Police.

Complaints relating to Parish and Town Councillors in Leeds

- 3.31 Last year at the time of this Annual report, the Monitoring Officer reported having received seven complaints relating to Parish or Town Councillors in the Leeds area. No further complaints were received between the committee meeting and the end of the Municipal year.
- 3.32 At the time of this report, in the 2020/21 Municipal Year, the Monitoring Officer has received **six** complaints relating to Parish or Town Councillors in the Leeds area. These are summarised in the table below.

Parish and Town Council Member Complaints Summary

Complaint Ref	Nature of Complaint	Outcome
a	Registration of a Disclosable Pecuniary Interest	Local Authority has no jurisdiction in relation to complaints relating to Disclosable Pecuniary Interests - invalid under paragraph 6(k) – complainant directed to the relevant contact at West Yorkshire Police.
b	Repayment of expenses and management of council business.	Invalid under paragraph 6 (j) and paragraph 6(l) of the complaints procedure
c	Management of Council business and breakdown in relationships between councillors and others.	Complaint not substantiated - invalid under paragraph 6 (l) of the complaints procedure
d	Verbal exchange	No further action - complaint not substantiated and closed due to lack of further engagement from the complainant.
e	Management of Council Business	No further action – complaint invalid under Paragraph 6 (a) of the complaints procedure.
f	Management of Council Business – various complaints involving multiple Members of the Parish Council	No further action – complaint invalid under paragraph 6 (f), (h) and 6 (l) of the complaints procedure

Complaint Ref	Nature of Complaint	Outcome
g	Involvement in matters relating to Parish Council Vacancies	No further action – complaint invalid under paragraph 6 (l) of the complaints procedure

3.33 Analysis shows that complaint (a) fell out of the jurisdiction of Monitoring Officer and Standards and Conduct Committee and that complaints (a) and (b) were submitted by the same individual. Complaints (e) and (f) are separate complaints but relate to Members of the same Parish Council.

3.34 In addition to the formal complaints received, assessed and reported on above - in the year to date **14** informal contacts (General Inquiries) were made through the councillorconduct@leeds.gov.uk email address. The contacts made were responded to by providing a complaint form and details of the Code of Complaints process but then did not result in a formal complaint being made.

Monitoring Officer Observations and Recommendations on the Operation of the Complaints Process

3.35 Members will recall that last year an additional step was included at Stage 1 of the Complaints Procedure whereby the provisional outcome of Assessment is shared with the Independent Person for his view in advance of that Assessment being concluded and communicated to the Complainant and Subject Member.

3.36 That process has worked extremely well during the last year and as added further rigour and independence to the complaint process. The Monitoring Officer would like to place on record her thanks to Mr Tollefson for his diligence and expertise in undertaking this role.

3.37 As mentioned, the Complaints Procedure requires the Monitoring Officer, at Stage 1, to assess complaints to determine whether they are valid or invalid. In seeking to establish the circumstances and reach an assessment conclusion, the Monitoring Officer routinely accesses readily obtainable information; this includes requesting observations and recollections from the Member who is the subject of the complaint.

3.38 Currently Paragraph 7 of the Complaints Procedure sits at odds with this necessary engagement with Members in that it stipulates the following:

“In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint. If the Monitoring Officer decides that the complaint is ‘invalid’, this notification is made for information only.”

3.39 For the purposes of transparency, openness and clarity, the Monitoring Officer recommends that an amendment is made to Paragraph 7 of the Complaints Procedure, to remove the second sentence of that paragraph to make clear that the comments of Members will be routinely sought as part of the assessment process.

3.40 The Monitoring Officer also recommends that further consideration be given to the criteria used at Assessment listed at Paragraph 6 of the procedure.

3.41 The Council needs to efficiently and effectively filter out those complaints that are trivial or which have little or no impact on the public. It also needs to avoid engaging or carrying out investigations that are disproportionate to any outcome that can be achieved or sanction imposed

- 3.42 It is important that the focus of the complaints process is on matters that are serious, such as corruption, bullying and misuse of power in public office. In that respect complaints must demonstrate that they have substance and raise a matter of public interest.
- 3.43 Should Members be agreeable, the amendments, set out as tracked changes at Appendix 1, will be recommended to General Purposes Committee for consideration with a view to the amendments being referred to Full Council for agreement.

Supporting Members of Parish and Town Councils

- 3.44 Parish and Town Councils have responsibilities under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:
- promoting and maintaining high standards of conduct by their 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 appropriate action against the subject Member.
- 3.45 Under the previous standards and conduct legislation many of these responsibilities were carried out by the Standards Committee on behalf of Parish and Town Councils.
- 3.46 Leeds City Council also 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.
- 3.47 As set out earlier, Leeds City Council also has responsibility for receiving and considering complaints made against parish and town councillors.
- 3.48 Under Stage 3 of the complaints procedure the Standards and Conduct Committee have made specific arrangements for complaints against parish and town councillors. Although such complaints would still be decided by the Consideration Sub-Committee, a co-opted parish member would also be invited to attend the subcommittee meeting.
- 3.49 A parish member is not entitled to vote at the meeting, but would be entitled to speak at the discretion of the Chair. One parish member remains co-opted to the committee - Councillor Debbie Potter (from Shadwell Parish Council). Co-opted parish members are also invited to attend Standards and Conduct Committee meetings to observe the proceedings.
- 3.50 The Standards and Conduct Committee are asked to consider whether a further member be sought to form a pool of parish and town council members that the authority can call upon as needed.

Independent Person

- 3.51 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.
- 3.52 Following the amendment to the Procedure Rules, Mr Tollefson is now routinely consulted on draft complaint assessments. He also has regular briefing meetings with one of the Deputy Monitoring Officers and during the year has provided support to Members to help resolve issues. By way of this report, the Committee are invited to extend their thanks to Mr Tollefson for his continued service as Independent Person this year.

Progressing the Recommendations from the Committee on Standards in Public Life.

- 3.53 Since the publication of the report, the Ministry of Housing Communities and Local Government (MGCLG) has been engaging with a small number of local authority Monitoring Officers (Leeds included) to formulate the steps necessary to implement the Committee on Standards in Public Life (CSPL) recommendations. However, given continued constraints on Parliamentary time little progress has been made by MHCLG in responding to the CSPL recommendations.
- 3.54 In response to one recommendation, however, the Local Government Association has concluded a consultation exercise and approved a draft Members' Code of Conduct, the content of which is the subject of a separate report on today's agenda.
- 3.55 The CSPL secretariat also sought an update from each local authority in August 2020 on progress on recommendations that were specifically targeted at local authorities; the response from Leeds is attached at Appendix 2.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 In relation to complaints against Councillors, in all cases referred to in this report the Complainant was contacted and an explanation provided as to the outcome of their complaint. The Independent Person is consulted in advance of all Assessments being completed and the Subject Member is also informed of the complaint and the response to the Complainant.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

4.3 Council policies and the Best Council Plan

- 4.3.1 Principle 3 of the Code of Corporate Governance states that the Council will put in place a Code of Conduct and keep it under review.

4.3.2 The Council has a duty to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority. This report outlines how the Standards and Conduct Committee has carried out this duty on behalf of the Council

Climate Emergency

4.3.3 There are no specific implications arising from this report.

4.4 Resources, procurement and value for money

4.4.1 There are no resource implications arising from this report the Monitoring Officer advises that she is satisfied with both the capacity and resilience of resources available.

4.5 Legal implications, access to information, and call-in

4.5.1 The Standards and Conduct Committee's Terms of Reference are taken from the Chapter 7 of the Localism Act 2011.

4.5.2 As introduced last year, an explicit instruction is included in correspondence with Members who are the subject of a complaint to remind them not to share the details of complaints/complainants as this is unlikely to be in accordance with Members responsibilities as data controllers under data protection legislation.

4.5.3 There are no implications for access to information. As a Council function the report is not eligible for Call In.

4.6 Risk management

4.6.1 The arrangements described within this report provide assurance that the authority, parish and town councils, individual councillors and the Monitoring Officer are complying with the requirements set out in the Localism Act 2011. The work undertaken by the Monitoring Officer and her staff, and by this committee, ensures that these arrangements remain up to date and fit for purpose and that the risk of breaching the statutory requirements is minimised.

4.6.2 In relation to complaints against councillors, the Monitoring Officer has considered the information above and does not consider that there are any adverse trends in the types of complaints received, and as no potential breaches of the Members' Code of Conduct have been revealed, there are no issues to address through training.

4.6.3 In managing risks to Members' personal safety, the Monitoring Officer has, on application from Members, granted permissions on requests for Members' Personal addresses to be withheld from the Public Register of Interests.

5. Conclusions

5.1 The Monitoring Officer is satisfied that the authority continues to meet its statutory obligations for Standards and Conduct and confirms, by way of this report, that she has adequate resources to fulfil her statutory duties.

6. Recommendations

6.1 Members are asked to consider the matters set out in this report.

7. Background documents⁴

7.1 There are no background documents associated with this report.

⁴ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

PROCEDURE FOR CONSIDERING COMPLAINTS ALLEGING A FAILURE TO COMPLY WITH A MEMBERS' CODE OF CONDUCT WITHIN THE AREA OF LEEDS METROPOLITAN DISTRICT COUNCIL

Introduction

1. This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Leeds City Council and the Parish and Town Councils in the Leeds area.
2. The Members' Code of Conduct applies to elected Members and voting co-opted members when they are acting in that capacity. Complaints which relate to a failure to comply with the rules about 'Disclosable Pecuniary Interests' should be directed to the West Yorkshire Police for their consideration. Complaints about a potential breach of the general obligations should be submitted to the Monitoring Officer for consideration.
3. The Monitoring Officer may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

Stage 1 - Initial assessment by the Monitoring Officer

4. Complaints must be submitted in writing¹, must provide substantiated information, and should outline what form of resolution the complainant is seeking. Otherwise the Monitoring Officer should ask the complainant to resubmit their complaint. Ideally the complainant will use the correct complaints form to submit their complaint, but other written complaints will be accepted so long as they contain the relevant information.
5. The Monitoring Officer will ~~consider assess~~ the complaint² in consultation with the Independent Person and make a decision as to whether it is valid or not valid and further action would be proportionate and/or in the public interest. The Council will 'Take No Further Action' where a complaint appears to be intended to cause annoyance, frustration or worry (vexatious), is intended to do harm (malicious), or where it is apparent that a complaint has little or no substance (frivolous), particularly in terms of value or importance to the wider Public Interest (i.e. trivial complaints). ~~or;~~
 - a. ~~it will be treated as a valid complaint or not.~~

¹ Complaints about the conduct of a parish or town councillor towards a clerk should be made by the chair or the by the parish or town council as a whole, rather than by the clerk in all but exceptional circumstances.

² Including seeking and reviewing any readily obtainable information (including observations and recollections from the Subject Member).

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

5.6. The following types of complaint will not be considered as 'valid complaints' under this procedure and will result in No Further Action being taken:

- a. Complaints which are submitted anonymously³ ⁴;
- b. Complaints which do not identify a subject Member;
- c. Complaints which relate to a Member's personal or private life;
- d. Complaints concerning a failure to respond to a request from a constituent or other individual;
- e. Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees;
- f. Complaints which relate to a decision of an employee or a Committee;
- g. Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
- h. Complaints which refer to alleged incidents which happened so long ago⁵ that there would be little benefit in taking action now;
- ~~i. Complaints containing trivial allegations, cause annoyance, frustration or worry (vexatious), or intended to do harm (malicious), or where it is apparent that a complaint has little or no substance (frivolous), particularly in terms of value or importance to the wider Public Interest (i.e. trivial complaints), are politically motivated or tit-for-tat ;~~
- ~~i. Complaints containing trivial allegations⁶, or which appear to be simply malicious, politically motivated or tit-for-tat;~~
- j. Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action, or are more suited for resolution through alternative means;
- k. Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests'⁷;

³ Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

⁴ Anonymous complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Council's adopted Whistle blowing Policy

⁵ In general terms complaints should be submitted within 6 months of the alleged incident

~~⁶ Trivial allegations are those where further action would be disproportionate or not in the public interest~~

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- l. Complaints which do not evidence a failure to comply with obligations under the Members' Code of Conduct or otherwise do not relate to the Members' Code of Conduct;
- m. Complaints that it is not possible to investigate or in relation to which there is no action which could be taken which would achieve an outcome sought by the complainant in the circumstances of the case.

~~6-7.~~ In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint⁸. ~~If the Monitoring Officer decides that the complaint is 'invalid', this notification is made for information only.~~

~~7-8.~~ If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly.

~~8-9.~~ In any case where the Monitoring Officer decides that the complaint cannot be progressed further under the procedure~~complaint is 'invalid'~~, they will write to the complainant explaining why their complaint cannot be dealt with under this procedure. There is no Council appeal process for decisions taken by the Monitoring Officer at this stage⁹.

Stage 2 - Informal resolution

~~9-10.~~ If, following initial assessment, the Monitoring Officer decides that the complaint should be treated as a 'valid complaint' they will write to the complainant and explain that the matter is to be referred to the subject Member for them to seek to resolve the issue in accordance with this procedure. The complainant will also be provided with an outline of the procedure for dealing with complaints against Councillors.

~~10-11.~~ At the same time the Monitoring Officer will refer the matter to the subject Member¹⁰ and the relevant Group Whip¹¹ for their consideration. In this correspondence the Monitoring Officer will provide the subject Member with a reasonable timescale within which to attempt to resolve the complaint (usually

⁷ Such complaints will be redirected to the West Yorkshire Police, subject to the complainant's agreement.

⁸ Information shared will include details of the complainant and their complaint. The Subject Member will receive this information as a data controller in their own right and all usual data protection controls will apply.

⁹ Complainants will though be routinely advised of their rights to contact the Local Government and Social Care Ombudsman.

¹⁰ Information shared will include details of the complainant and their complaint. The Subject Member will receive this information as a data controller in their own right and all usual data protection controls will apply.

¹¹ If the subject Member is the Group Whip, the complaint will be copied to his or her Group Leader. In the case of a Parish or Town Council without structured political groups, the Monitoring Officer could consider involving the Chairperson of the Council.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

this will be 28 days), and will provide the subject Member with the contact details for the Independent Person¹².

~~11.12.~~ Types of informal resolution might include:

- a. An explanation by the subject Member of the circumstances surrounding the complaint;
- b. An apology from the subject Member;
- c. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;
- d. Offering to engage in a process of mediation or conciliation between the subject Member and the complainant; or
- e. Any other action capable of resolving the complaint.

~~12.13.~~ Before deciding upon a course of action the subject Member may seek guidance from a Group Whip, the Independent Person, and/or the Monitoring Officer or an appropriate senior person nominated by her. It may also be ~~advisable~~ appropriate for the Monitoring Officer¹³ to seek the view of the complainant to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.

~~13.14.~~ The Independent Person is available to the subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards and Conduct Committee about the complaint at a later stage.

~~14.15.~~ At the end of the 28 day period the Monitoring Officer will, in consultation with the Chair of the Standards and Conduct Committee and the Independent Person, seek to establish whether the subject Member (or Group Whip) has appropriately addressed matters which have been raised by the complainant.

~~15.16.~~ Where the subject Member has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Member of this decision.

~~16.17.~~ Where it has not been possible to appropriately address matters, the complaint will be referred to the Standards and Conduct Committee for consideration. The Monitoring Officer will notify both the complainant and the subject Member of this decision, and will provide the subject Member with information regarding the Council's insurance arrangements (and how legal representation may be accessed).

¹² See Annex 1 for a summary of the role of the Independent Person.

¹³ Or other suitable senior person as appropriate (including that Members' Whip)

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

~~17.~~18. There will be no appeal process for decisions taken by the Monitoring Officer and the Chair of the Standards and Conduct Committee at this stage.

Stage 3 – Standards and Conduct Committee

~~18.~~19. The Monitoring Officer will commission a report for consideration by the Standards and Conduct Committee. This report will include readily obtainable information (such as minutes of meetings or Clerk's notes), a summary of the complaint and the efforts made to resolve the matter informally.

~~19.~~20. The Monitoring Officer must arrange for a meeting of the Standards and Conduct Committee (or the relevant Sub-Committee¹⁴)¹⁵ to be convened to consider the commissioned report of the complaint. Wherever possible the meeting will take place within 28 days of the report being finalised.

~~20.~~21. If the complaint relates to a Parish or Town Councillor, one of the co-opted Parish Members will be invited to attend the Committee meeting. The Parish Member will not be entitled to vote at the meeting, but will be entitled to speak at the discretion of the Chair.

¹⁴ Such Sub-Committee will be made up of three Members of the Standards and Conduct Committee, one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members will be from the same political group. The Chair will be elected from among the membership at the beginning of the meeting, but cannot be from the same political group as the subject Member.

¹⁵ References to the Committee in rules 21 to 36 below shall be read as references to the Sub-Committee if such sub-committee has been appointed and is convened to hear the complaint.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

21-22. The following people will also be invited to attend the Committee meeting:

- a. The complainant;
- b. The subject Member;
- c. The Group Whip (if relevant); and
- d. The Independent Person.

22-23. The Monitoring Officer will attend the meeting in order to advise the Committee.

23-24. At the beginning of the meeting the Committee will be asked to consider whether the complaint should be considered in private in accordance with the provisions of Rule 10 of the Access to Information Procedure Rules relating to exempt information. If the meeting is to be held in private the press and public will be excluded¹⁶.

24-25. After initial consideration of the commissioned report, the Committee will take statements from the following parties (either in person or in written form if the person is unable to attend the meeting):

- a. The complainant; and
- b. The subject Member.

25-26. The Committee may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.

26-27. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.

27-28. If the Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Committee should consider whether the information will be readily available to the Monitoring Officer.

28-29. Once the Committee is satisfied with the information before it, it must decide the following issues:

- a. Whether the subject Member has failed to comply with the Members' Code of Conduct;

¹⁶ The Committee may invite people to remain in the meeting if it is considered that they could provide information relevant to the complaint.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- b. Whether further action is warranted; and
- c. What form of action might be appropriate.

~~29.~~30. If the Committee concludes that, on the balance of probabilities, the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.

~~30.~~31. If the Committee concludes that, on the balance of probabilities, the subject Member has failed to comply with the Members' Code of Conduct, the Committee must go on to consider whether action should be recommended in respect of the subject Member, and what form of action might be appropriate.

~~31.~~32. The recommendations available to the Committee include¹⁷ but are not limited to:

- a. A formal letter to the subject Member from the Chair of the Standards and Conduct Committee;
- b. Formal censure by a motion of full Council; or
- c. Removal by the authority of the Member from a relevant Committee(s) subject to statutory and constitutional requirements.

~~32.~~33. The Committee may make a recommendation in relation to one or more of the above sanctions to full Council or, if appropriate, the Town or Parish Council, the Group Whip or the Chair of the Standards and Conduct Committee. The Chair will confirm any such recommendations in writing within five working days of the Committee meeting.

~~33.~~34. The Committee may also make general recommendations to the authority¹⁸ with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.

~~34.~~35. Within five working days of the meeting, the Chair of the Committee will write to the complainant and the subject Member explaining the final decision of the Committee and detailing any recommendations made.

¹⁷ The committee may not decide to disqualify or suspend the subject Member as a Councillor.

¹⁸ Which shall be Leeds City Council and / or the Town or Parish Council concerned as appropriate
Part 4(k)

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

~~35-36~~. There will be no right of appeal against a decision of the Committee.

ANNEX 1 - ROLE OF THE 'INDEPENDENT PERSON'

Role of the Independent Person

The role of the independent person is set out in Section 28 of the Localism Act 2011.

As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The independent person's views **will** be sought, and taken into account, by the authority before:-

- Making a decision ~~to treat a decision as valid under~~ at Stage 1 of this procedure
- Making a decision as to whether the subject Member has appropriately addressed matters raised by the complainant by way of informal resolution at Stage 2 of this procedure
- Making a decision on an allegation that it has decided to investigate under Stage 3 of this procedure.

A member or co-opted member of the authority (or of a parish council in the area) **may** seek the independent Person's views on an allegation made against them.

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CSPL local government ethical standards 15 best practice recommendations

Name of local authority: **LEEDS CITY COUNCIL**

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress:

Bullying and harassment was not previously included in the Members' Code of Conduct.

The Monitoring Officer was supportive of the authority adopting provisions on bullying and harassment into the Code of Conduct as doing so provides greater clarity and rigour to the existing provisions of the Code.

Under the Leeds Code bullying is characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment is characterised as: unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

The Council has adopted a Protocol on Member/Officer relations and this makes clear that robust challenge is important in ensuring policies and service performance are meeting the Council's strategic objectives. Whilst the Members' Code of Conduct fully addresses bullying and harassment it is not intended to stop Members reasonably and robustly holding officers to account for decisions made under delegated powers.

Following consideration by our Standards and Conduct Committee amendments were made by Full Council on 22nd May 2019 to ensure the best practice set out in the Committee's report were incorporated into the Members' Code of Conduct.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress:

The Members' Code of Conduct stated that Members "must co-operate fully and honestly with any scrutiny appropriate to your office". The Monitoring Officer recommended that existing provisions could benefit from being clarified by way of a definitive statement relating to co-operation with any formal standards investigation.

The Procedure for considering complaints contained criteria which invalidate certain complaints; one of those is that complaints which are malicious, politically motivated or tit for tat will be dismissed as invalid. The Monitoring Officer recommended that the Code of Conduct could be amended to further emphasise that Councillors must not instigate complaints of a trivial or malicious nature.

Following consideration by our Standards and Conduct Committee amendments were made by Full Council on 22nd May 2019 to ensure the best practice set out in the Committee's report were incorporated into the Members' Code of Conduct.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress:

The Members' Code of Conduct is reviewed on an annual basis in light of national guidance and any issues that have arisen during the year. No specific consultation takes place with the public or community organisations in reviewing the Code of Conduct – although the review is informed by trends in complaints locally. The Local Government Association have consulted widely on their drafting of the model Code of Conduct and this has presumably ensured that all stakeholder groups are consulted.

More locally, regular engagement takes place between Monitoring Officers of authorities in West Yorkshire and York and nationally, between the Monitoring Officers in the Core Cities. Regular dialogue also takes place with the Independent Person on the content of the code and the procedure by which complaints are considered.

4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Progress:

The Code and complaints process is accessible on the Council's website and easily through search engines. In addition, arrangements are in place so there is 'no wrong door' in accessing Council services and to that end the Customer Contact team are able to signpost Members of the Public to the appropriate complaints processes.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress:

Leeds has a specific requirement in the Members' Code of Conduct for Members to register any gifts or hospitality over £50. CSPL have referenced the Leeds City Council approach, i.e. to link the financial threshold to the registration of gifts and donations during election campaigns, as good practice. Leeds also has a requirement for notification to be made to the Monitoring Officer within 28 days of receipt and for the details to remain on the Member's register for a period of two years. Steps to implement the suggestion of the CSPL in terms of the 'accessible format' are being actively pursued with a view to implementation by the end of the 2020/21 Municipal Year.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress:

The CSPL recognise that the Monitoring Officer has a role in filtering complaints about councillor conduct and judging if complaints are trivial or vexatious, or whether they should proceed to full investigation.

The procedure adopted in Leeds for considering complaints sets out a number of factors which invalidate complaints - having reviewed the commentary at Chapter 3 of the CSPL report against the arrangements in Leeds, on 22nd May 2019 Full Council agreed the following additions to the factors listed:

1. Adding an explanatory footnote to make clear that a timescale of 6 months is the timeframe anticipated by the phrase 'so long ago';
 2. Adding an explanatory footnote to make clear that trivial allegations are those where an investigation would be disproportionate or not in the public interest;
 3. Adding a new paragraph invalidating complaints which are not possible to investigate.
-

7: Local authorities should have access to at least two Independent Persons.

Progress:

Leeds City Council has appointed one Independent Person¹. Since the creation of the role of Independent Person by the Localism Act there has been no prejudice or disadvantage to the Council or any other party by not having more Independent Persons.

CSPL are making recommendations to Government on a number of matters relating to the role of the Independent Person (length of tenure, publication of the Independent Person's view relating to complaints, effective decision role on cases of potential suspension and provision of indemnities to Local authorities to those persons).

Leeds City Council's view has been to await the response from Government prior to considering whether to increase the number of Independent Persons.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress:

The procedure in Leeds did not require the involvement of the Independent Person at initial assessment or prior to any formal investigation being commissioned.

In light of the recommendations from CSPL, on 22nd May 2019 Full Council made amendments to the Council's complaint procedure in to require that the Independent Person has an oversight role at initial assessment to bring additional impartiality/neutrality to the process.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress:

At the conclusion of any Stage three hearing the authority would issue a detailed minute and would set out the details recommended as Best Practice by the CSPL.

¹ Annual Allowance of £2665

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress:

The complaints procedure adopted by the Council is accessible on the Council's website and provides details of how to make a complaint and the expected timescales for Stage 2 (informal resolution) and Stage 3 (arrangement of a hearing following the conclusions of an investigation).

No timescale is set out in relation to the Assessment Stage although routinely this stage is completed within the corporate timeframes for customer contact. Future Annual Reports to the Standards and Conduct Committee will include details of the length of time taken to conclude Assessment at Stage 1 and inform any decision that Members might wish to consider to introduce an indicative timescale.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress:

The complaints procedure includes a provision whereby a complaint about the conduct of a parish or town councillor towards a clerk should be made by the chair or the by the parish or town council as a whole, rather than by the clerk in all but exceptional circumstances.

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress:

These arrangements are in place in Leeds.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress:

There are no formal procedures in place that regulate how any such conflicts would be addressed.

However in Leeds 2 Deputy Monitoring Officers have been designated, one of whom undertakes an initial assessment of complaints. This leaves the Monitoring Officer able to undertake later elements of the complaints process unhindered by prior involvement.

In the unlikely event that both the Monitoring Officer and the deputies are conflicted, such an eventuality would be resolved through existing reciprocal arrangements between the West Yorkshire Local Authorities. It is, however, worth noting that there have been no insuperable issues of this nature to deal with to date, although conflicts have occasionally arisen.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress:

Our Annual Governance Statement – reported on through our Corporate Governance and Audit Committee – includes the Monitoring and review of partnership governance arrangements.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress:

Arrangements are in place where Standards matters can be raised with group leaders, whips and committee chairs by senior officers (and vice versa). It is also important for regular discussions to take place with the Chair of the Standards and Conduct Committee (and the Independent Person) which is the case in Leeds.

Report of City Solicitor

Report to Standards and Conduct Committee

Date: 5th February 2021

Subject: Local Government Association Model Councillor Code of Conduct

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- Following extensive consultation the Local Government Association (LGA) Executive approved a Model Councillor Code of Conduct (Code) in December 2020. The Model Code provides a template for councils to adopt in whole and/or with local amendments.
- The LGA Code is similar to the adopted Leeds Code and there is considerable benefit to the Council from adopting in full the LGA`s Model Code and thus the council playing its part in achieving consistency across the Country in this important area.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- The LGA Code provides a framework compatible with the Council`s Values of being open, honest and trusted and treating people fairly

3. Resource implications

- Whilst there are no specific implications arising from this report, the Monitoring Officer will need to assign resources to deliver training on any amended Code of Conduct.

Recommendations

- a) The Standards and Conduct Committee is asked to consider the Local Government Association Model Councillor Code of Conduct and recommend to General Purposes Committee that Full Council adopt the Model Code with effect from the Annual Council Meeting.

1. Purpose of this report

- 1.1 The purpose of this report is to present the Local Government Association's Model Code of Conduct for local councillors to Members with a view to considering recommendations for adoption by the authority.

2. Background information

- 2.1 The Localism Act 2011 placed a duty on the council to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging that duty adopt a code dealing with the conduct that is expected of those members when they are acting in that capacity.
- 2.2 In January 2019 the Committee on Standards in Public Life (CSPL) published a report following their review of local authority standards. The report directed a series of recommendations to Government and to the local government sector.
- 2.3 Leeds made changes to the Code of Conduct at that time in order that the arrangements in Leeds continued to meet best practice requirements.
- 2.4 A key recommendation of the CSPL was directed to the Local Government Association "**The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.**"
- 2.5 The CSPL review concluded that a model code of conduct would create consistency across England, and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors.
- 2.6 CSPL also considered that matters such as gifts and hospitality, social media use, and bullying and harassment had all increased in salience, and were perhaps not regularly reflected in local authority codes of conduct and a model code of conduct would help to ensure that they do so.
- 2.7 Following extensive consultation the Local Government Association (LGA) Executive approved a **Model Councillor Code of Conduct** ('Code') in December 2020. The Model Code provides a template for councils to adopt in whole and/or with local amendments.
- 2.8 The LGA have committed to undertake an annual review of the Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.
- 2.9 The LGA will also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils will be offering advice and support to town and parish councils.

3. Main issues

- 3.1 The Standards and Conduct Committee's role is 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.
- 3.2 The Code (attached at Addendum 1) contains much of the existing Leeds' Code of Conduct although provides welcome guidance to explain the rationale for the obligations and how Members should follow them.
- 3.3 The Code also further clarifies and extends aspects of the Leeds arrangements – these are broadly summarised below for Members consideration.

Application of the Code

- 3.4 The Code provides clarity that the requirements of the Code apply as soon as a councillor signs their declaration of acceptance of office or, in the case of a co-opted member, attends the first meeting, and continues to apply until a member ceases to be a councillor.
- 3.5 Additional clarification is also provided as to the types of interactions that amount to duties of a Members' elected office and that would so be captured under the Code's remit and application – these are when a councillor is;
- Acting in their capacity as a councillor and/or a representative of the council;
 - Claiming to act as a councillor and/or as a representative of the council;
 - Giving the impression of acting as a councillor or a representative of the council;
 - Referring publically to their role as a councillor and using knowledge that could only be obtained in that role.
- 3.6 The Code also provides clear guidance as to the forms and type of communication that are within scope;-
- at face-to-face meetings;
 - online or telephone meetings;
 - in written communication;
 - in verbal and non-verbal communication;
 - in electronic and social media communication, posts, statements and comments.

Use of local authority resources

- 3.7 This is a new provision and is not currently contained in the Leeds' Code.

Confidentiality and Access to Information

- 3.8 Specific requirements in relation to confidentiality and access to information have been incorporated. This clause sets out standards of conduct relating to the proper use of information by Members.

Gifts and Hospitality

- 3.9 The provisions extend those set out in the Leeds' code in two ways:
- by specifically referencing a requirement to not accept gifts or hospitality that could give rise to real or substantive personal gain or a suspicion of influence, and;
 - by placing a responsibility on Members to register any significant gift or hospitality that has been offered but refused.
- 3.10 Members may also wish to consider the CSPL additional suggestion that has not been incorporated in the Code which, in addition to a requirement to register all gifts and hospitality over £50, a Member would be required to register gifts totalling over £100 from a single source – if Members were supportive of this then an additional explanatory footnote could be added.

Protecting the reputation of members and the local authority

- 3.11 This section primarily relates to the registration and declaration of interests. Importantly the section references a separate Appendix (Appendix B) that, if adopted, would place additional requirements on Members in certain circumstances.
- 3.12 An example being where a matter arises (which is not a pecuniary interest) at a meeting and that matter directly relates to a financial interest or wellbeing of a relative or close friend a Member. If that interest is known to the Member the Member would be required to declare the interest to the meeting, and take no part in the discussion or vote and also leave the room (only being permitted to speak if the public also have that right).

Training

- 3.13 A programme of training, based on LGA learning and guidance modules, will be co-ordinated by the Monitoring Officer and her staff from April-May with new Members being trained prior to the Annual Council Meeting.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The LGA consulted widely on the content of the Model Code, receiving in excess of 1500 submissions from the local government sector and stakeholders. The LGA has committed to review the content of the Model Code on an Annual basis.
- 4.1.2 In advance of committee the Chair consulted with Political Group Leaders and Whips. The Labour, Conservative, Garforth and Swillington and Green Group whips have both advised that their groups are supportive of adoption of the LGA Model Code by the Council.
- 4.1.3 The Liberal Democrat Group are also supportive of adoption of the LGA Code and have also commented that; a) in the principles of public life referenced should apply to groups as well as individuals¹; and b) there should be a mechanism to regularly review the amount mentioned in the gifts/hospitality.

¹ E.g. "I do not improperly seek to confer an advantage, or disadvantage, on any person **or group**"

- 4.1.4 The Liberal Democrat Group also commented that if the amount for Gifts and Hospitality is fixed for a long period of time then the value may become meaningless; the group suggested that the Independent Remuneration Panel might be invited to review the amount annually.
- 4.1.5 Parish and Town Councils in Leeds have been provided with details of the LGA Model Code. In response a number of councils have indicated that they have either adopted the LGA Model Code or are exploring doing so.
- 4.1.6 The Head of Democratic Services has, on behalf of the Chair, has approached the Committee on Standards in Public Life for their views on the LGA Model Code. The secretariat has confirmed that the CSPL views the model code of conduct as a welcome step, helping to set clear standards and avoid confusion for both councillors and members of the public alike.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The Code specifically incorporates requirements in relation to equalities and discrimination.

4.3 Council policies and the Best Council Plan

- 4.3.1 The Code provides a framework compatible with the Council's Values of being open, honest and trusted and treating people fairly.

Climate Emergency

- 4.3.2 There are no specific implications arising from this report.

4.4 Resources, procurement and value for money

- 4.4.1 Whilst there are no specific implications arising from this report, the Monitoring Officer will need to assign resources to deliver training on any amended Code of Conduct.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The Model Code is compliant with the requirements of the Localism Act 2011 and adoption of it will would be compliant with the duties placed on the council.
- 4.5.2 Additional amendments to the Code, and to the conduct regime more generally, may emerge when the recommendations from the CSPL report concerning local authority standards directed to Government are responded to.

4.6 Risk management

- 4.6.1 There are no specific implications arising from this report.

5. Conclusions

- 5.1 The LGA consulted widely with the local government sector and other stakeholders and the approved attached "Code" has benefitted from that scrutiny being substantially improved from the draft which the Standards and Conduct Committee commented on last summer.

5.2 The LGA Code is similar to the adopted Leeds Code and there is considerable benefit to the Council from adopting in full the LGA`s Model Code and thus the council playing its part in achieving consistency across the Country in this important area.

6. Recommendations

6.1 The Standards and Conduct Committee is asked to consider the Local Government Association Model Councillor Code of Conduct and recommend to General Purposes Committee that Full Council adopt the Model Code with effect from the Annual Council Meeting.

7. Background documents²

7.1 There are no background documents associated with this report.

² The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

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Report of City Solicitor

Report to Standards and Conduct Committee

Date: 5th February 2021

Subject: Draft Annual Report of the Standards and Conduct Committee to Full Council

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1. Purpose of this report

1.1 The purpose of this report is to present to the committee an annual report of the Standards and Conduct Committee relating to matters within the 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. Background information

2.1 This annual report presents the work carried out by the Monitoring Officer and her staff to support the committee throughout the year. The report also demonstrates the ways in which the Authority has fulfilled its statutory duty to promote and maintain high standards of conduct.

2.2 Due to the restricted nature of Full Council business in the early stages of the Covid-19 response it was not possible for the 2019-20 Annual report of the committee to be presented to Full Council in March 2020 as intended. As a result the draft Annual Report, whilst predominately focussing on the current Municipal Year, also where relevant includes references to the previous Municipal Year.

3. Main issues

- 3.1 Members are requested to consider the draft Annual Report reflecting the work of the Committee in the 2020/21 Municipal year, attached at Appendix 1 and determine whether any additional commentary is required.
- 3.2 Members are also asked to note that given Committee and Ordinary Full Council meeting cycles, the Annual Report will be received in March 2021.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 In relation to complaints against Councillors, in all cases mentioned in this report the complainant has been contacted and an explanation has been provided as to why the complaint is not being progressed. The subject Member has also been informed of the complaint and the response to the complainant.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

4.3 Council policies and the Best Council Plan

- 4.3.1 Principle 3 of the Code of Corporate Governance states that the Council will put in place a Code of Conduct and keep it under review.
- 4.3.2 The Council has a duty to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority. This report outlines how the Standards and Conduct Committee has carried out this duty on behalf of the Council.

Climate Emergency

- 4.3.3 There are no specific implications arising from this report.

4.4 Resources, procurement and value for money

- 4.4.1 There are no resource implications arising from this report the Monitoring Officer advises that she is satisfied with both the capacity and resilience of resources available.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The Standards and Conduct Committee's Terms of Reference are taken from the Chapter 7 of the Localism Act 2011.
- 4.5.2 As introduced last year, an explicit instruction has been introduced to remind Members to not share the details of complaints/complainants as this is unlikely to be in accordance with Members responsibilities as data controllers under data protection legislation.

4.5.3 There are no implications for access to information. As a Council function the report is not eligible for Call In.

4.6 Risk management

4.6.1 The arrangements described within the Annual report provide assurance that the authority, parish and town councils, individual councillors and the Monitoring Officer are complying with the requirements set out in the Localism Act 2011. The work undertaken by the Monitoring Officer and her staff, and by this committee, ensures that these arrangements remain up to date and fit for purpose and that the risk of breaching the statutory requirements is minimised.

4.6.2 In relation to complaints against councillors, the Monitoring Officer has considered the information above and does not consider that there are any adverse trends in the types of complaints received, and as no potential breaches of the Members' Code of Conduct have been revealed, there are no issues to address through training.

4.6.3 In managing risks to Members' personal safety, the Monitoring Officer has, on application from Members, granted permissions on requests for Members' Personal addresses to be withheld from the Public Register of Interests.

5. Recommendations

5.1 Members are asked to consider the matters set out in this report.

6. Background documents¹

6.1 There are no background documents associated with this report.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Draft

Annual Report to Full Council

**Standards and Conduct
Committee**

2020/21

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 Standards and Conduct 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 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 Bob Gettings JP – Morley North;

Councillor Pauleen Grahame –Crossgates and Whinmoor;

Councillor Peter Harrand - Alwoodley;

Councillor Mark Harrison - Pudsey;

Councillor Andrew Scopes – Beeston and Holbeck;

Councillor Debbie Potter - Shadwell Parish Council;

4. Key Issues

Progressing the Recommendations from the Committee on Standards in Public Life. (CSPL)

Since the publication of the CSPL's report, the Ministry of Housing Communities and Local Government (MHCLG) has been engaging with a small number of local authority Monitoring Officers (Leeds included) to formulate the steps necessary to implement the CSPL recommendations. However, given continued constraints on parliamentary time little progress has been made by MHCLG in responding to the CSPL recommendations.

However in response to one recommendation, the Local Government Association has concluded a consultation exercise and approved a Model Members' Code of Conduct for local government.

Following consultation with Group Leaders and Whips the Standards and Conduct Committee have recommended adoption of the Code by full Council without amendment.

The CSPL secretariat also sought an update from each local authority on progress on recommendations that were specifically targeted at local authorities; the response from Leeds is attached at Appendix 1.

Training and Advice

As the local elections in May 2020 were cancelled due to the Coronavirus Pandemic there has been no requirement for the Monitoring Officer to provide training for newly elected Members.

Advice and training has been provided to Members on request on a 1:1 basis in relation to specific issues that have emerged during the year; including:

- Registration and declaration of interests;
- Bias and Predetermination;
- Conflicts of Interests;
- Use of 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 a change in the circumstance 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; interests relating to consideration of the budget; and the provisions for Sensitive Interests.

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.

Thirty one (26 in 2019/20) 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 5 on the previous year. Twenty four (20 in 2019/20) of these relate to Leeds City Councillors, a small increase from last year.

The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made (December 2017) by the Committee on Standards in Public Life. The Committee, in their report 'Intimidation in Public Life – A review by the Committee on Standards in Public Life', recommend that all Monitoring Officers '*Should ensure members required to declare pecuniary interest are aware of the sensitive interest provisions of the Localism Act 2011*'.

A recommendation to Government from the Committee to clarify that a councillor does not need to register their home address on an authority's public register of interests have not yet been responded to by Government.

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). Members will recall that the circumstances where a member of the public has rights to attend and make representations – for example in relation to a personal planning application - the committee's view was that this limitation placed an unjust discrimination upon councillors.

In light of this, and recognising the committee's views on this matter, subject to certain constraints, and the receipt of an application, the Head of Paid Service has continued to set aside these restrictions by way of the granting of a dispensation to newly elected members.

The dispensation 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.

The other active dispensation, granted to all Members, 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.

Members will recall that in May 2018, following all out elections, both dispensations were granted until May 2022 reflecting the four year term of office to be served by one third of those councillors elected.

A new dispensation was granted in the same terms for those Members elected in 2019 lasting until May 2023 reflecting their term of office.

Subject to any legislative or policy change, and in consultation with the Chair of this Committee the Chief Executive will be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

Complaint handling

In order to be considered under the Members Code of Conduct formal complaints process, complaints must be submitted in writing, must provide information to substantiate the claims made, and should outline what form of resolution the complainant is seeking.

Each complaint is assessed by either the Monitoring Officer (or one of her Deputies), in consultation with the Independent Person; it is the Monitoring Officer (or her nominated Deputy) that makes a decision as to whether it will be treated as a valid complaint or not. Where information is lacking, complainants are also offered the opportunity to provide further information to substantiate their complaint to enable an objective assessment to be undertaken.

Complaints relating to Leeds City Councillors

In 2019/20 the Standards and Conduct Committee were advised that 13 complaints had been received in respect of Leeds City Council Members. All those complaints were assessed and concluded at Stage one of the complaints process.

From June 2020 (to date) there have been 41 complaints made against Leeds City Councillors. Whilst the number of total complaints has increased, this has largely been due to the number of multiple individuals raising concerns about the same issue/councillor. When the number of incidents of complaint are considered, 8 separate issues have generated a complaint when compared to ten reported last year. Social Media continues to be a primary source of complaints.

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 formal complaints of this nature have been received this year that have required referral to the Police.

Complaints relating to Parish and Town Councillors in Leeds

In 19/20, the Monitoring Officer reported having received seven complaints relating to Parish or Town Councillors in the Leeds area. All those complaints were assessed and concluded at Stage one of the complaints process.

At the time of this report, in the 2020/21 Municipal Year the Monitoring Officer has received six complaints relating to Parish or Town Councillors in the Leeds area. All those complaints were assessed and concluded at Stage one of the complaints process

Analysis shows that one complaint fell out of the jurisdiction of Monitoring Officer and Standards and Conduct Committee, two complaints were submitted by the same individual and two further complaints related to Members of the same Parish Council.

Operation of the Complaints Process

The provisional outcome of Assessment is shared with the Independent Person for his view in advance of that Assessment being concluded and communicated to the Complainant and Subject Member. That process has worked extremely well during the last year and as added further rigour and independence to the complaint process.

It is important that the focus of the complaints process is on matters that are serious such as corruption, bullying and misuse of power in public office. In that respect complaints must demonstrate that they have substance and raise a matter of public interest.

At the meeting of the Standards and Conduct Committee in February 2021 a number of amendments were recommended amendment to Complaints process – primarily these are to further assist the filtering out of those complaints that are trivial or which have little or no impact on the public. These will be considered by General Purposes in advance of consideration by Full Council.

Supporting Members of Parish and Town Councils

There are 32 Parish and Town Councils with 303 Councillors within the District of Leeds. Parish and Town Councils continue with the greater responsibilities under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:

- promoting and maintaining high standards of conduct by their 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 appropriate action against the subject Member.

Under the previous standards and conduct legislation many of these responsibilities were carried out by the Standards Committee on behalf of Parish and Town Councils.

Leeds City Council also 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.

Independent Person

Following the amendment to the Procedure Rules, the Independent Person, Mr Tollefson, is now routinely consulted on draft complaint assessments. He also has regular briefing meetings with one of the Deputy Monitoring Officers and during the year has provided support to Members to help resolve issues.

Monitoring Officer

The City Solicitor is appointed as the Council's Monitoring Officer. The Monitoring Officer is satisfied that the Authority continues to meet its statutory obligations for standards and conduct and has confirmed that she has designated an additional Head of Service to undertake the role of a second Deputy Monitoring Officer. The Monitoring Officer has confirmed that she has adequate resources to fulfil her statutory duties.