



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Monday, 16th May, 2022 at 2.00 pm

MEMBERSHIP

S Arif	-	Gipton and Harehills;
D Blackburn	-	Farnley and Wortley;
Amanda Carter	-	Calverley and Farsley;
D Cohen	-	Alwoodley;
D Coupar	-	Temple Newsam;
B Gettings	-	Morley North;
S Golton	-	Rothwell;
P Harrand	-	Alwoodley;
H Hayden	-	Temple Newsam;
D Jenkins	-	Killingbeck and Seacroft;
J Lennox	-	Cross Gates and Whinmoor;
J Lewis (Chair)	-	Kippax and Methley;
J Pryor	-	Headingley and Hyde Park;
F Venner	-	Kirkstall;

Please do not attend the meeting in person if you have symptoms of Covid-19 and please follow current public health advice to avoid passing the virus onto other people.

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=696&MId=11442&Ver=4>

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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> <p>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.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>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>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE LAST MEETING</p> <p>To receive and approve the minutes of the meeting held on 11 February 2022</p>	5 - 6
7			<p>AMENDMENTS TO COUNCILLOR CODE OF CONDUCT</p> <p>To receive and consider the attached report of the City Solicitor</p>	7 - 34
8			<p>AMENDMENTS TO ARTICLE 15 OF THE CONSTITUTION - MONITORING OFFICER AUTHORISATION</p> <p>To receive and consider the attached report of the City Solicitor</p>	35 - 44
9			<p>INDEPENDENT PERSON</p> <p>To receive and consider the attached report of the City Solicitor.</p>	45 - 48

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p>THIRD PARTY RECORDING</p> <p>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.</p> <p>Use of Recordings by Third Parties– code of practice</p> <p>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.</p> <p>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.</p>	
2				
a)				
b)				

GENERAL PURPOSES COMMITTEE

FRIDAY, 11TH FEBRUARY, 2022

PRESENT: Councillor J Lewis in the Chair

Councillors S Arif, D Blackburn, D Cohen,
D Coupar, B Gettings, H Hayden,
D Jenkins, J Lennox, J Pryor, J Taylor and
F Venner

20 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

21 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

22 Late items

There were no late items.

23 Declaration of Interests

There were no declarations of interest.

24 Apologies for absence

There were no apologies for absence

25 Minutes of the last meeting

RESOLVED – That the minutes of the meeting held on the 25 October 2021 be approved as a correct record.

26 Approval of the 2022/23 Pay Policy Statement

The report of the Chief Officer (Human Resources) detailed information around the Council's Annual Pay Policy Statement (Appendix A) which is statutorily required to be approved before 31 March each year by Full Council. The Council Plan that was launched for 2020-25 included an updated People Strategy which kept inclusion and wellbeing at the centre of our organisation plans. An important part of the People Strategy was the commitment for a fair and sustainable pay structure. This links directly to the Council implementing a minimum wage which sought to mirror the Foundation Living Wage rate to ensure fair and sustainable pay for our low paid employees.

In addition, the report updated Members in relation to staff declarations of protected characteristics in the JNC cohort as well as providing comparative data in respect of regional median pay multiples.

The following were in attendance to present the report:

- Gemma Taskas, Deputy Chief Officer, Human Resources
- Jessica Dolphin, Human Resources Service Manager

RESOLVED –

- (1) That the content of the Pay Policy Statement 2022/23 at Appendix A and the content as set out in Appendix B be noted.
- (2) That it be recommended to Full Council that it:
 - (a) Approves the Pay Policy Statement for the 2022/23 financial year as attached in Appendix A.
 - (b) Delegates to the Chief Officer (HR), in consultation with the Chair of the General Purposes Committee, the approval of an Addendum to Pay policy Statement to include the updated pay multiple following the agreement of the 2022/23 pay award;
 - (c) Note the Chief Officer (HR) has existing delegated authority to make any necessary adjustments to the Council's pay scales arising from nationally agreed pay awards.

27 Date and Time of Next Meeting

Monday, 7 March 2022 at 3.30 p.m.

Amendments to Councillor Code of Conduct

Date: 16 May 2022

Report of: City Solicitor

Report to: General Purposes Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report presents to Members further amendments which have been made to the Local Government Association's Model Councillor Code of Conduct (LGA Model Code) for local councillors with a view to considering recommendations for adoption by the authority together with additional proposed amendments in response to unintended consequences that have arisen as a result of the adopted Code.
- The LGA Model Code was adopted¹ by Full Council in March 2021. The new Councillor Code of Conduct took effect on 20 May 2021.
- The Council became aware of amendments to the LGA Model Code after the Full Council decision in March 2021. The amendments add further clarification to the LGA Model Code.
- In addition, at the request of the Leader, the adopted Councillors Code of Conduct has been further reviewed to consider any unintended consequences that have arisen as a result of it.
- On 14 March 2022, the Standards and Conduct Committee resolved to recommend that General Purposes Committee recommend to Full Council that it adopts the proposed amendments to the Councillor Code of Conduct as set out in red in Appendix 1 to this report.
- Following the resolution of the Standards and Conduct Committee, further unintended effects, relating to Members' Other Registerable Interests were identified and further amendments, set out in blue in Appendix 1 to this report are proposed to address these.
- The Councillor Code of Conduct provides a framework compatible with the Council's Values of being open, honest and trusted and treating people fairly.

Recommendations

¹ Subject to the addition of the word "known" in paragraph 7 of Appendix B

General Purposes Committee is asked to:

- a) Note the resolution of the Standards and Conduct Committee dated 14 March 2022;
- b) Consider the proposed further LGA amendments to the adopted Councillor Code of Conduct as set out in Appendix 1 to this report;
- c) Consider the proposed additional amendments to the adopted Councillor Code of Conduct as set out in Appendix 1;
- d) Recommend to Full Council that it adopts all of the amendments to the Councillor Code of Conduct with effect from 26 May 2022.

Why is the proposal being put forward?

- 1 At its meeting on 15 March 2021 General Purposes Committee considered that there was considerable benefit to the Council from adopting in full the LGA's Model Code so the Council could play its part in achieving consistency across the Country in this important area. The LGA Model Code is a template for Local Authorities to adopt in whole and or with amendments to take into account local circumstances.
- 2 The Committee resolved to recommend the adoption of the LGA Model Code of Conduct by Full Council with effect from the Annual Council Meeting, subject to an amendment relating to the declaration requirements relating to family, friends and close associates.
- 3 Following the decision of Full Council in March 2021 to adopt the Code, the LGA made further amendments to its Model Code, meaning the Council's Code of Conduct no longer fully reflects the LGA Model Code.
- 4 The reason for the LGA amendments fall into three categories, (i) those required to insert missing text (ii) those required to add clarity to executive arrangements section and (iii) those required to reflect the guidance relating to Other Registrable Interests (ORIs).
- 5 In addition, at the request of the Leader, the adopted Code has been further reviewed to consider any unintended consequences that have arisen because of it. That review has led to two sets of additional proposed amendments in relation to Appendix B (Registering Interests) of the Code.
- 6 The first set, considered and recommended for approval by Standards and Conduct Committee (see paragraph 7 of Appendix 1) relate to the disapplication of the requirement to disclose ORIs where that interest is one which relates to a body of which a Councillor is a member or is in a position of general control or management and to which they were nominated or appointed by the Council.
- 7 The second set, identified following the Standards and Conduct Committee meeting on 14 March relate to Members ORIs that are not associated with a nomination or appointment by the Council. In these circumstances, the proposed amendments require a Member to continue to declare their interest but replace the current restriction on participating in decision making on a matter relating to the ORI, with the need to instead consider whether their participation is "prejudicial" to the public interest. Only if the interest was considered to be prejudicial to the public interest would a Member be restricted from speaking and voting on the matter.
- 8 Together the proposed amendments add more clarity and are less restrictive in respect of declaring interests and will maximise Member participation in matters for which they do not have a pecuniary interest. The amendments still require the consideration of whether a Member's participation in a matter is prejudicial to the public interest and therefore retains sufficient control over potential conflicts of interest.

- 9 For ease of reference, the amendments recommended by Standards and Conduct Committee have been inserted into the adopted Code of Conduct as red tracked changes and those proposed as outlined in paragraph 7 above in blue tracked changes. These are attached as Appendix 1 to this report. Appendix 2 to the report sets out the impact of these changes to Appendix B of the adopted Code.

What impact will this proposal have?

Wards affected:

Have ward members been consulted? Yes No

- 10 Officers have considered the impact these amendments will have on the Councillor Code of Conduct and are of the view they will positively enhance the clarity of the Code, specifically in respect of declaration of interests.
- 11 The proposed amendments disapply the need to disclose either an ORI where that interest is one which relates to any body of which a Councillor is a member or is in a position of general control or management and to which they are nominated or appointed by the Authority. In addition, they amend the requirements in respect of ORIs by removing the restriction on a Member to participate in decisions relating to their ORIs and replacing that restriction with the need to consider whether participation is prejudicial to the public interest.
- 12 The proposed amendments will maximise the ability of Members to participate in decision making as they provide a more permissive approach to that set out in the LGA Model Code.

What consultation and engagement has taken place?

- 13 The LGA consulted widely within the local government sector and with other stakeholders and the further amendments made to the LGA Model Code were in response to stakeholder feedback.
- 14 The Standards and Conduct Committee considered the amendments set out in red in Appendix 1 and recommend that GPC and Full Council approve them.
- 15 Group Leaders and the Chair of Standards and Conduct Committee have been consulted on all of the proposed amendments and are in agreement with them.

What are the resource implications?

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

What are the legal implications?

- 17 The amendments to the LGA Model Code are compliant with the requirement of the localism Act 2011 and adoption of the amendments would be compliant with the duties placed on the Council.

What are the key risks and how are they being managed?

18 There are no specific risk implications arising from this report. If the amendments are not adopted, the Code of Conduct would remain fit for purpose, however, the recommended amendments will provide greater clarity and participation in decision making and are likely to reduce the risk of potential confusion around declarations of interests.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

19 Good governance in decision making contributes to all three pillars.

Options, timescales and measuring success

What other options were considered?

20 Not adopting the further amendments to the LGA Model Code is an option, however, for the reasons described above, this would mean that Member participation in decision making which relates to their ORIs is restricted.

21 The option not to disapply disclosure requirements specified in paragraph 6 above and not to replace the requirements described in paragraph 7 above, would result in unintended consequences of the Code for some Members who have ORIs as it may lead to circumstances where they are restricted from speaking and voting on a matter.

How will success be measured?

22 Success will be measured by the adoption by Full Council of further amendments into the Council's Code of Conduct.

What is the timetable for implementation?

23 It is proposed that Full Council will consider the matter at its meeting on 26 May 2022.

Appendices

24 Appendix 1 – Adopted Councillor Code of Conduct including recommended amendments.

25 Appendix 2 – Proposed Appendix B to Councillor Code of Conduct

Background papers

26 None



Councillor Code of Conduct¹

¹ Adapted from the LGA Model Councillor Code of Conduct and effective from 20th May 2021

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”.

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 Standards and Conduct Committee 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; and
- 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.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

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 authority 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.~~

Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below”.

4. “Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
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 ~~Non Participation in case of disclosable pecuniary interest~~

5. Where a matter arises at a meeting which directly relates to 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. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
6. Where you have a disclosable pecuniary interest on a matter to be considered or which is being considered by you as an Executive Board member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

5.

7. Paragraphs 8 and 9 below do not apply where your interest is one which relates to any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.

~~6-8.~~ Where a matter arises at a meeting which directly relates to or affects the financial interest or wellbeing² of one of your Other Registerable Interests, (as set out in Table 2) 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 you must not take part in any discussion or vote on the matter and you 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.~~

~~7-9.~~ In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied:

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;

If the above test is not met you may remain in the meeting and take part in decision making.

If the above test is met, you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in any discussion or vote on the matter and you 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.

8. Disclosure of Non-Registerable Interests

² This does not apply to grant applications from community groups where the purpose of the grant is the provision of activities or facilities for local community benefit

~~Paragraph 12 below does not apply where your interest is one which relates to any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.~~

~~9.~~ 10. Where a matter arises at a meeting which directly relates to or affects your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a known 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 you must not take part in any discussion or vote on the matter and you 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.~~

~~10.~~ Where a matter arises at a meeting which affects—
a.c. _____ your own financial interest or well-being;
b.d. _____ a known financial interest or well-being of a friend, relative, close associate; or
c.e. a financial interest or wellbeing of a body included in those you need to disclose under Other Registrable Interests as set out in Table 2;

~~you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied.~~

~~Paragraph 12 below does not apply where your interest is one which relates to any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.~~

11. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied:

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

If the above test is not met you may remain in the meeting and take part in decision making.

If the above test is met, you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in

any discussion or vote on the matter and you 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.

~~11. —Where the matter (referred to in paragraph 10 above) affects the financial interest or well-being:
to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
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 you must not take part in any discussion or vote on the matter and you 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 that interest.~~

~~**12.** Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or which is being considered by you as an Executive Board member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.~~

~~12.~~

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 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 — (a) under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. '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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* '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

You must register as an Other Registerable Interest:

Details of:

- a) a) any unpaid directorship;
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
~~— of which you are in general control or management and to which you are nominated or appointed by your authority~~
- cb) any body of which you are a member or in a position of ~~in~~ general control or management which is
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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 Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below" .

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

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.

Non Participation in case of disclosable pecuniary interest

5. Where a matter arises at a meeting which directly relates to 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. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
6. Where you have a disclosable pecuniary interest on a matter to be considered or which is being considered by you as an Executive Board member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

7. Paragraphs 8 and 9 below do not apply where your interest is one which relates to any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
8. Where a matter arises at a meeting which directly relates to or affects the financial interest or wellbeing¹ of one of your Other Registerable Interests, (as set out in Table 2) you must declare the interest.
9. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied:

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;

If the above test is not met you may remain in the meeting and take part in decision making.

If the above test is met, you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in any discussion or vote on the matter and you 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.

Disclosure of Non-Registerable Interests

10. Where a matter arises at a meeting which directly relates to or affects your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a known financial interest or well-being of a relative or close associate you must declare the interest.
11. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied:

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

¹ This does not apply to grant applications from community groups where the purpose of the grant is the provision of activities or facilities for local community benefit

b, a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

If the above test is not met you may remain in the meeting and take part in decision making.

If the above test is met, you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in any discussion or vote on the matter and you 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.

12. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or which is being considered by you as an Executive Board member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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.
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 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 — (a) under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. '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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Appendix 2 – Proposed Code of Conduct Appendix B

<p>Corporate tenancies</p>	<p>Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (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>
<p>Securities</p>	<p>Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* '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.

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Amendments to Article 15 of the Constitution – Monitoring Officer authorisation

Date: 16 May 2022

Report of: City Solicitor

Report to: General Purposes Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report recommends an amendment to Article 15.2.3 of the Constitution following a review of the operation of the Constitution to ensure that the aims and principles of it are given full effect.
- The recommendations propose to grant the Monitoring Officer further authority to make changes to any Part of the Constitution to those already set out in Article 15.2.3.
- The recommendations are proposed having regard to the Leeds Best Council ambition to being an efficient, enterprising and healthy organisation and will reduce the resources and costs required to hold meetings to consider amendments to the Constitution where the Monitoring Officer is of the opinion such changes are de minimus and required for administrative or updating purposes only and for which there is unanimous agreement between the Leader of each political group.

Recommendations

General Purposes Committee is recommended to:

- a) Note the reasons for proposed amendments to Article 15.2.3 of the Constitution as set out in Appendix A of this report; and
- b) Recommend to Full Council that it approves those amendments.

Why is the proposal being put forward?

- 1 The proposal is being put forward to maximise efficiency and reduce resources and costs associated with amending the Council's Constitution.
- 2 The Monitoring Officer is required to monitor and review the operation of the Constitution to ensure the aims and principles of it are given full effect.

- 3 Article 15.2.3 of the Constitution authorises the Monitoring Officer to make changes to any Part of the Constitution which are required (i) as a result of legislative change or decisions of the Council or Executive to enable them to maintain it up to date; or (ii) for the purposes of clarification only.
- 4 In all other circumstances, in respect of Part 1 or 2 of the Constitution, Article 15.2 requires that changes will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.
- 5 In light of the above, General Purposes Committee and Full Council are required to consider changes to the Constitution which are considered to be de minimus and are administrative in nature. The current governance for such decision making in these circumstances is not considered to be efficient and can be resource intensive for both officers and Members and well as costly.
- 6 The recommendations therefore propose an amendment to the Monitoring Officer's authorisation to make changes to the Constitution by including authorisation for changes to be made where the Monitoring Officer is of the opinion such changes are de minimus and required for administrative or updating purposes only and for which there is unanimous agreement between the Leader of each political group.
- 7 The proposed amendments are set out in Appendix A to this report and shown by tracked changes.

What impact will this proposal have?

Wards affected:		
Have ward members been consulted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

- 8 The proposal will increase the circumstances in which the Monitoring Officer is authorised to make changes to the Constitution.
- 9 The proposal will increase efficiency in making to changes to the Constitution and will reduce the resources and cost associated with making such changes.

What consultation and engagement has taken place?

- 10 Consultation has taken place with the Leader of the Council and Leaders of each political group and all agree with the proposals.

What are the resource implications?

- 11 The recommendations will have a positive impact on resources.

What are the legal implications?

- 12 Full Council has authority to make changes to the Constitution which includes amending Article 15.2.3 to grant authorisation to the Monitoring Officer to make changes to the Constitution in certain circumstances.

What are the key risks and how are they being managed?

13 Any risk associated with expanding the authorisation granted to the Monitoring Officer is being managed by the requirement that circumstances in which changes can be made are subject to unanimous agreement of the Leaders of each political group.

Does this proposal support the council's three Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

14 N/A

Options, timescales and measuring success

What other options were considered?

15 The option of retaining Article 15 of the Constitution was considered, however this would not reflect the findings of the review and would not contribute towards reducing impact on resources and increasing efficiency when amending the Constitution in future.

How will success be measured?

16 Approval of the recommendations will enable, in specific circumstances outlined, the Constitution to be amended in a swift and efficient manner without the need for consideration by General Purposes Committee or Full Council.

What is the timetable for implementation?

17 Subject to General Purposes Committee approval, Full Council will be asked to approve the changes at its meeting on 23 March 2022. The Constitution will be immediately amended thereafter.

Appendices

18 Appendix 1 – Proposed amendments to Article 15 of the Constitution – as shown by tracked changes.

Background papers

19 None

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ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

15.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- **Protocol for monitoring and review of constitution**

15.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and/or
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 CHANGES TO THE CONSTITUTION¹

- **Approval**

15.2.1 Changes to Parts 1 and 2 of the Constitution will only be approved by the full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer, save that authority to make certain changes is delegated to the Monitoring Officer as detailed at 15.2.3 below. Changes to the Constitution may be made by simple majority.

15.2.2 Changes to Parts 3 to 7 of the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of full Council is required for such changes in Parts 3 to 5 of the Constitution, then they will only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Monitoring Officer.

15.2.3 The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- as a result of legislative change or decisions of the Council² or Executive³ to enable him/her to maintain it up to date;
- or for the purposes of clarification only; or
- where the Monitoring Officer is of the opinion such changes are de minimus and required for administrative or updating purposes only and for

¹ Each document in the constitution will be marked with the date on which it was last amended or approved.

² Including Council Committees and Officers acting under delegated authority.

³ Including Committees of the Executive and Officers acting under delegated authority.

Article 15 – Review and Revision of the Constitution

which there is unanimous agreement between the Leader⁴ of each political group.



15.2.4 All changes made by officers under delegated authority will be recorded as delegated decisions.

⁴ Or in their absence, their deputy or Group Whip

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 3 Section 1	Responsibility for Local Choice Functions	Full Council
Part 3 Section 2A	Functions of the Full Council	Full Council
Part 3 Section 2B	Council Committees' Terms of Reference	Full Council
Part 3 Section 2C	Officer Delegation Scheme (Council (Non-Executive) Functions)	Full Council
Part 3 Section 2D	Council (Non-Executive) Delegations to and from other authorities	Full Council
Part 3 Section 3A	Responsibility for Executive Functions	Leader of Council
Part 3 Section 3B(a)	Executive Member Portfolios	Leader of Council
Part 3 Section 3B(b)	Executive Members: Oversight of Officer Executive Delegations	Leader of Council
Part 3 Section 3B(c)	Support to Executive Members	Leader of Council
Part 3 Section 3C	Executive Committee and Advisory Committee Terms of Reference	Leader of Council
Part 3 Section 3D	Community Committee Executive Delegation Scheme	Executive Board
Part 3 Section 3E	Officer Delegation Scheme (Executive Functions)	Leader of Council
Part 3 Section 3F	Executive Delegations to Other Authorities	Leader of Council
Part 3 Section 4	Joint Arrangements	Full Council (in relation to Council Functions) Leader of Council (in relation to Executive Functions)
Part 4 a	Council Procedure Rules	Full Council
Part 4 b	Executive and Decision Making Procedure Rules	Executive Board (in relation to Executive Functions set out at Rules 1.1 to 1.4, 2.1 and 3.1) Full Council (all other)
Part 4 c	Scrutiny Board Procedure Rules	Full Council

Article 15 – Review and Revision of the Constitution

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 4 d	Community Committee Procedure Rules	Leader of Council (in relation to executive functions set out in section 3.1-3.5 and section 8) Full Council (all other)
Part 4 e	Budget and Policy Framework Procedure Rules	Full Council
Part 4 f	Access to Information Procedure Rules	City Solicitor
Part 4 g	Appointments to Outside Bodies Procedure Rules	Full Council
Part 4 h	Contracts Procedure Rules	Director of Resources
Part 4 i	Financial Regulations	Chief Finance Officer
Part 4 j	Officer Employment Procedure Rules	Director of Resources
Part 4 k	Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the Area of Leeds Metropolitan District Council	Full Council
Part 4 l	Licensing Procedure Rules	Licensing Committee
Part 5 a	Members Code of Conduct	Full Council
Part 5 b	Employee Code of Conduct	Director of Resources
Part 5 c	Protocol on Member/Officer Relations	Standards and Conduct Committee
Part 5 d	Protocol – Roles of Members and Officers in Decision Making	Executive Board
Part 5 e	Monitoring Officer Protocol	Standards and Conduct Committee
Part 5 f	Protocol for the Co-ordination of External Inspection Reports	Director of Resources
Part 5 g	Planning Code of Good Practice	Chief Planning Officer (In consultation with Joint meeting of the Plans Panels)
Part 5 h	Protocol for Public Speaking at Plans Panels	Chief Planning Officer (In consultation with Joint meeting of the Plans Panels)
Part 5 i	Code of Practice for Determining Licensing Matters	Licensing Committee

Article 15 – Review and Revision of the Constitution

Part of Constitution	Title of Document	Body/Person with authority to change the document
Part 5 j	Corporate Governance Code and Framework	Corporate Governance and Audit Committee
Part 5 k	Chief Finance Officer Protocol	Corporate Governance and Audit Committee
Part 5 l	Protocol for the Nomination of Honorary Aldermen/women	City Solicitor in consultation with Group Whips.
Part 6	Members' Allowances Scheme	Full Council

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Independent Person

Date: 16th May 2022

Report of: City Solicitor

Report to: General Purposes Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

This report seeks agreement to an extension to the term of office of the existing Independent Person and a proposal to recruit a new Independent Person.

Recommendations

Members are asked to consider and agree;

- a) That Mr Tollefson's term of office being extended by two years to July 2024.
- b) That a recruitment process be progressed to appoint a new (additional) Independent Person via a cross party Member Panel (chaired by the Executive Member for Resources and with representation drawn from the Standards and Conduct Committee) - with that Working Group making recommendations to the General Purposes Committee for appointment of a new Independent Person by full Council.
- c) That during his extended term Mr Tollefson supports the induction of the new Independent Person.

Why is the report being put forward?

- 1 Leeds has appointed one Independent Person, Mr Gordon Tollefson. His second term of office is due to expire in July 2022.

What impact will this report have?

Wards affected:

Have ward members been consulted?

Yes

No

- 2 The appointed Independent Person provides impartial advice to the authority and has quarterly briefing meetings with the Deputy Monitoring Officer(s) and is consulted on all complaints assessed under the Council's procedures.
- 3 By extending Mr Tollefson's term of office this will enable a newly appointed Independent Person to work alongside Mr Tollefson as part of their induction into the role.

What consultation and engagement has taken place?

- 4 Ahead of consideration by General Purposes Committee, the views of the Standards and Conduct Committee's views have been sought regarding the extension of the term of office of the existing Independent Person and a proposal to recruit a new Independent Person.
- 5 All Group Leaders have been consulted. The Leader of Council, Leader of the Opposition and the Leaders of the Green Group and the Morley Independent Group have all expressed their support for the proposals set out.
- 6 The Leader of the Garforth and Swillington Independent Group commented that he was supportive of proposals to recruit a new Independent Person.

What are the resource implications?

- 7 There are no resource implications arising from this report.

What are the legal implications?

- 8 A relevant authority **must appoint at least one** independent person—
 - whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and whose views may be sought
 - a) by the authority in relation to an allegation in circumstances not within paragraph 1),
 - b) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
 - c) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority

What are the key risks and how are they being managed?

- 9 The role of Independent Person is prescribed in the Localism Act to has impartial advice to Members and the Monitoring Officer.
- 10 Having a well-functioning ethical framework, including objective independently minded Independent Persons helps maintain confidence in the Council's governance arrangements.

Options, timescales and measuring success

What other options were considered?

- 11 An option to not renew the current Independent Person's term of office has been considered but discounted. This being because Mr Tollefson is well versed in the arrangements adopted in Leeds, has the confidence of Members from all Political Groups and has committed to continue to support the Council's Standards arrangements including supporting transition and appointment to a new Independent Person.

How will success be measured?

12 By considering reports from the Monitoring Officer the Standards and Conduct Committee ensure that the Council's Ethical Framework remains up-to-date and fit for purpose.

What is the timetable for implementation?

13 It is proposed that the extension of Mr Tollefson's term of office be implemented from July 2022 so that Mr Tollefson's extended term of office would cease in July 2024. The recruitment process for an additional/new Independent Member would commence as soon as reasonably practicable after the Annual Council meeting.

Appendices

14 None

Background papers

15 None.

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