



STANDARDS AND CONDUCT COMMITTEE

Meeting to be held in Civic Hall on
Friday, 7th March, 2014
at 1.30 pm

MEMBERSHIP

Councillors

B Atha	C Campbell	P Harrand	B Gettings
J Harper			
E Nash (Chair)			
B Selby			

In attendance

Cllr. Paul Cook (Parish representative)
Gordon Tollefson – Independent Person

A G E N D A

Item No	Ward	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> 	

Item No	Ward	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 DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>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.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES - 29TH NOVEMBER 2013</p> <p>To confirm as a correct record the minutes of the meeting held on 29th November 2013.</p>	1 - 4
7			<p>UPDATE REPORT</p> <p>To receive a report of the City Solicitor to present the Standards and Conduct Committee with a summary of the complaints submitted to Leeds City Council regarding potential breaches of the Members' Code of Conduct since the last meeting of the Committee. This includes complaints against Leeds City Councillors and about Parish and Town Councillors in the Leeds area.</p> <p>(Report attached)</p>	5 - 8

Item No	Ward	Item Not Open		Page No
8			<p>DEFAMATION AND QUALIFIED PRIVILEGE</p> <p>To receive a report of the City Solicitor which provides an overview of the potential use of the defence of qualified privilege in any proceedings against a Member in relation to a claim of defamation. The report also considers the Council's indemnity for Members and officers in so far as it extends to the defence of an allegation of defamation.</p> <p>(Report attached)</p>	9 - 14
9			<p>ANNUAL REPORT OF THE STANDARDS AND CONDUCT COMMITTEE</p> <p>To receive a report of the City Solicitor which presents the draft annual report of the Standards and Conduct Committee. Members are asked to consider whether to refer the report to full Council for consideration so that full Council can receive assurances as to how the Authorities duty to promote and maintain high standards of conduct (by Members and co-opted Members of the Council) is being discharged.</p> <p>(Report attached)</p>	15 - 22

Agenda Item 6

STANDARDS AND CONDUCT COMMITTEE

FRIDAY, 29TH NOVEMBER, 2013

PRESENT: Councillor E Nash in the Chair

Councillors B Atha, C Campbell, B Selby,
B Gettings, J Hardy (as Substitute for J
Harper), and P Harrand

In attendance: Councillor Paul Cook (Parish representative)
Gordon Tollefson – Independent Person

Apologies: Councillor J Harper

47 Appeals against refusal of inspection of documents

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

48 Exempt Information - Possible exclusion of the press and public

There were no resolutions to exclude the public.

49 Late items

There were no late items.

50 Declaration of Disclosable Pecuniary and Other Interests

No declarations were made.

51 Apologies for absence

Apologies for absence were received from Councillor J Harper. Councillor J Hardy was in attendance as substitute.

52 Minutes 19th June 2013

The minutes of the meeting held on 19th June 2013 were confirmed as a correct record.

53 Matters Arising

Minute No. 8 – Update on recent Standards Issues

The Head of Governance Services confirmed that a letter had been sent to all Councillors which set out the Independent Persons role and contact details.

54 **Openness and Transparency on Personal Interests: A Guide for Councillors**

The City Solicitor submitted a report which considered the Members' Code of Conduct adopted by Leeds City Council in light of guidance released by DCLG in September 2013 and commentary available in relation to the same.

Members discussed guidance issued by the Secretary of State in relation to registration of trade union membership on Members' Registers of Interests. Members considered that being a Member of a trade union was no different to being a member of other organisations, such as the Institute of Directors or a local trades federation, and therefore, as the guidance was not statutory, the authority should not make it a mandatory requirement to register trades union membership. Further Members noted that the arrangements in Leeds do provide for such registrations to be made if Members wished to

Members also considered DCLG guidance relating to Members participation at budget meetings and whether, in light of the guidance, further dispensations would need to be sought. Members were satisfied that the guidance, which states that "Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest" provides sufficient comfort that no further dispensations on this matter are required.

The Committee agreed that Whips and Parish Councillors should be informed that a dispensation is no longer required to participate in setting the Council's budget.

RESOLVED – The Committee resolved to:

- (a) Agree that no amendments be made to the Members' Code of Conduct in relation to disclosing membership of trade unions;
- (b) Agree that Members should not seek a dispensations in relation to setting council tax in future years; and
- (c) Ask the Head of Governance Services to Whips and Parish Clerks informing them that that a dispensation is no longer required to participate in setting the Council's budget or the setting of a precept.

55 **Update Report**

The City Solicitor submitted a report which presented the Committee with a summary of the complaints submitted to the Council regarding potential breaches of the Members' Code of Conduct over the past municipal year. This included complaints against councillors and Parish and Town Councillors in the Leeds area.

It was confirmed that no complaints received had proceeded beyond past stage 1.

The Head of Governance Service summarised the nature of the complaints that had been received and the reasoning for not progressing past stage 1.

Draft minutes to be approved at the meeting
to be held on Friday, 7th March, 2014

RESOLVED – The Committee resolved to note the information set out in the report.

56 Committee on Standards in Public Life: Annual Report 2012-13

The City Solicitor submitted a report which presented the Committee with the Committee on standards in Public Life (CSPL) annual report for 2012/13.

Members discussed the conclusions of the CSPL relating to Local Government, particularly the view of the CSPL that sanctions available to local authorities if a Member is found in breach of the Council's Members Code of Conduct might be too limited. Members were of the view that Censure provided a powerful sanction and that when used in conjunction with internal group discipline arrangements, provided for arrangements that are proportionate.

Members discussed the arrangements for dealing with potential complaints concerning independent members. The Head of Governance Services provided assurance that existing complaints handling system is structured to enable those complaints to be dealt with.

Generally Members agreed that they were satisfied with the disciplinary procedures in Leeds and wished to convey this feeling to the Committee on Standards in Public Life.

RESOLVED – The Committee resolved to:

- (a) Note the information set out within the submitted report; and
- (b) Request that the Chair write to the Chair of the Committee on Standards in Public Life conveying the views expressed by the committee.

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Report of the City Solicitor

Report to the Standards and Conduct Committee

Date: 7th March 2014

Subject: Update Report

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible 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: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to present the Standards and Conduct Committee with a summary of the complaints submitted to Leeds City Council regarding potential breaches of the Members' Code of Conduct since these matters were last reported to committee in November. This includes complaints against Leeds City Councillors and about Parish and Town Councillors in the Leeds area.
2. The Monitoring Officer has received 1 complaint in this period. That complaint did not progress beyond stage 1 of the complaints procedure.

Recommendations

3. Members of the Standards and Conduct Committee are asked to note the information set out in this report.

1 Purpose of this report

- 1.1 The purpose of this report is to present the Standards and Conduct Committee with a summary of the complaints submitted to Leeds City Council regarding potential breaches of the Members' Code of Conduct over the past municipal year. This includes complaints against Leeds City Councillors and about Parish and Town Councillors in the Leeds area.

2 Background information

- 2.1 The Standards and Conduct Committee has a duty to promote and maintain high standards of conduct amongst Leeds City Councillors. Leeds City Council also has a duty to make arrangements to receive and consider complaints made against Leeds City Councillors and Parish and Town Councillors in the Leeds area.

3 Main issues

Complaints relating to Leeds City Councillors

- 3.1 The Monitoring Officer has received one complaint about Leeds City Councillors since the last data was reported to the committee in November 2013. The complaint was received was submitted by a member of the public and related to two councillors.
- 3.2 In order to be considered under the formal complaints process complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking. The complaint received was not further progressed as the complainant did not provide substantiated information in relation to the allegations made. In these cases the complainant is advised that, for the complaint to be considered further, additional information is necessary to substantiate the complaint made.

Complaints relating to Parish and Town Councillors in Leeds

- 3.3 The Monitoring Officer has received no complaints against Parish or Town Councillors in the Leeds area since the last report to the committee in November 2013.

Dispensations

- 3.4 No further dispensations have been requested since the last report.

Registers of Interest

- 3.5 Where a member or co-opted member of a relevant authority has a sensitive interest, which if disclosed could lead to that member being subject to violence or intimidation, section 32 of the Localism Act 2011 provides for the monitoring officer to consider requests and permit that those interests be withheld from the members register of interests.

3.6 Since the last report to committee, one such request has been received and granted by the Monitoring Officer.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 In all the cases mentioned above the complainant has been contacted and an explanation has been provided as to why the complaint is not being progressed.

4.1.2 In relation to all formal complaints the subject Member has also been informed of the complaint and the response to the complainant. This is for information only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no issues for equality and diversity or cohesion and integration.

4.3 Council policies and City Priorities

4.3.1 The Council's Code of Corporate Governance sets out that the Council will establish and keep under review a Members' Code of Conduct.

4.4 Resources and value for money

4.4.1 There are no resource implications arising from this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 It is the duty of the Standards and Conduct Committee to promote and maintain high standards of conduct amongst Leeds City Councillors. Receiving this information allows the Committee to consider whether additional training is required to assist Members in meeting their duties under the Members' Code of Conduct.

4.6 Risk Management

4.6.1 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.

5 Recommendations

5.1 Members of the Standards and Conduct Committee are asked to note the information set out in this report.

6 Background documents¹

6.1 None.

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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Report of the City Solicitor

Report to Standards and Conduct Committee

Date: 7th March 2014

Subject: Defamation and Qualified Privilege

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible 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 of main issues

1. This report considers the application of the law in relation to defamation to elected Members, and provides advice on how to minimise the risk of a successful claim of defamation.
2. The report also sets out details of the Council's indemnity for Members and officers which extends to the defence of an allegation of defamation made against them.

Recommendations

3. Standards and Conduct Committee are requested to note the contents of this report.

1 Purpose of this report

- 1.1 This report provides an overview of the potential use of the defence of qualified privilege in any proceedings against a Member in relation to a claim of defamation.
- 1.2 The report also considers the Council's indemnity for Members and officers in so far as it extends to the defence of an allegation of defamation.

2 Background information

- 2.1 Except in limited circumstances in which press and public can be excluded the Council conducts its meetings in public, and in the 2013/14 Municipal Year the Council has begun webcasting Full Council meetings. In addition, the Council is facing increasing requests from press and public to record meetings of Council, Executive Board and their committees.
- 2.2 With the increasing use of social media and the internet, statements made by Members in meetings of Full Council, Executive Board and their committees, are more likely to be drawn to the attention of an increasingly wide audience, with potentially limited reference to the context in which those statements have been made.

3 Main issues

- 3.1 The law of defamation, which includes both slander and libel, is intended to protect the reputation of individuals from statements (both spoken and written) or gestures which:-
 - Expose a person to hatred, ridicule or contempt; or
 - Cause him/her to be shunned or avoided; or
 - Has the effect of lowering his/her reputation in the estimation of right-thinking members of society generally; or
 - Injures him/her in their office, profession or trade.

In accordance with the Defamation Act 2013 a statement will only be defamatory if its publication has caused or is likely to cause 'serious harm' to the claimant's reputation. Where the claimant is a body trading for profit 'serious harm' means 'serious financial loss'.

- 3.2 There are a number of defences to a defamation claim, including:-
 - That the imputation is substantially true
 - Honest opinion – that the defendant made a statement of opinion, setting out the basis of that opinion, and that an honest person could hold that opinion based on established fact or fact asserted under privilege on a previous occasion.

- Publication on a matter of public interest - that the statement was, or was part of, a statement on a matter of public interest, and the defendant reasonably believed that publishing the statement was in the public interest.
- Unintentional defamation – where the defamation is made unintentionally and without negligence, a defendant may avoid damages if a reasonable correction and apology is published. If the matter is the subject of a claim before the apology is published the defendant may be liable for costs in these circumstances.
- Privilege – the comment was made on a privileged occasion and is not therefore subject to defamation proceedings.

3.3 Privilege can be absolute or qualified;

- Absolute Privilege, which is a complete defence, covers situations including trials and Parliamentary debates;
- Qualified Privilege, which is a limited defence, applies in a number of circumstances, some of which are set out in statute and some of which are established in common law, provided that it can be shown that the statement was not made with malice.

3.4 The defence of privilege is not automatic for Councillors but is usually argued under the common law. To do so it must be shown that the Member has a legal, social or moral duty to make the statement and the recipient (whether a fellow Councillor, officer or member of the public) has an interest in, or a duty to receive the information.

3.5 Qualified privilege is lost as a defence if it can be shown that the ‘dominant and improper motive’ for making the statement was malice. Malice may be inferred where the defendant was motivated by a purpose other than his interest or duty to make the statement, for example giving vent to personal spite or ill-will. Likewise the defence can be lost if the statement was made with recklessness or dishonesty on the part of the defendant as to the truth of the statement. However, so long as the person making the statement honestly believes the statement to be true it is not usually possible to infer malice.

3.6 Case law supports the proposition that Members should be able to “speak their minds freely on a matter of interest in the locality.” Lord Denning went on to say “They may be prejudiced and unreasonable. They may not get their facts right. They may give much offence to others. But so long as they are honest, they go clear”.¹ In addition, under the Human Rights Act 1998 political speech receives a high level of protection, although general statements criticising the public or a section of the public may not qualify as political speech and so may not provide a defence.

3.7 Whilst it is likely that the defence will apply to comments made in full Council or at committee meetings, and possible that it may apply to internal working groups, qualified privilege would be more difficult to extend to general interactions with the

¹ Horrocks v Lowe [1975]

public or third parties outside of those meetings. In addition it should be noted that the defence will only apply where the publication of the statement falls within the duty to make and receive the statement – where the statement is published to a wider audience than is necessary the defence may be lost². However, even if the defence of qualified privilege cannot be relied on in more general interactions, the “public interest” defence referred to in 3.2 above may still be available.

- 3.8 There are a number of questions which a Member should ask themselves if concerned that a statement they intend to make could be defamatory. These are set out in the checklist attached at Appendix 1 to this report.
- 3.9 The Council offers an indemnity to Members and officers which includes the defence of a claim for defamation. The indemnity, which is supported under the Council’s insurance cover, provides up to £1 million cover, to defend claims made against Members in relation to statements made whilst acting in their capacity as a Member and carrying out the business of the Council.
- 3.10 Members should be aware that statements made other than in good faith may not be covered by the indemnity, which would leave them responsible for their own legal costs.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 There are no implications for this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and City Priorities

- 4.3.1 The public nature of the Council’s meetings, the live streaming of Full Council and the increasing openness to the recording of public meetings is in line with the Council’s value of being open, honest and trusted.

4.4 Resources and value for money

- 4.4.1 There are no implications in relation to this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report contains a summary of the law of defamation so far as it relates to elected Members. However it should be noted that the defence of qualified privilege described is as established in common law and it is therefore impossible to provide any categorical assurance to Members that particular situations or statements would be subject to the defence.

4.6 Risk Management

² De Buse v McCarthy [1942]

- 4.6.1 Whilst the Council's insurance covers the defence of defamation proceedings up to £1 million, the first £500k of any claim is payable by the Council. This is an accepted risk and is in line with the council's insurance of liability risk across the board.

5 Conclusions

- 5.1 The defence of Qualified Privilege applies to statements made by elected Members whether in meetings of full Council, committees and internal working groups, and this defence and/or the "public interest" defence may be available to Members in their general interactions with the public and third parties outside of those meetings.
- 5.2 The defence of qualified privilege may extend to statements made in meetings, where there is an existing legal, social or moral duty to make the statement, and a corresponding duty on the part of its recipient, so long as the statement is made in the honest belief that it is true and that the motivation for making the statement is not improper or malicious. The "public interest" defence, and the "serious harm" requirement for defamatory statements in the 2013 Act, should also afford considerable protection for Members both in relation to statements made in formal meetings, and in relation to their informal interactions with the public and third parties.
- 5.3 The checklist attached at Appendix 1 to this report may assist Members in determining whether a statement that they intend to make could be considered defamatory. However, where there is doubt Members are encouraged to seek advice from Legal Services in the first instance.
- 5.4 The Council extends an indemnity to its Members and officers which includes the defence of an allegation of defamation.

6 Recommendations

- 6.1 Standards and Conduct Committee are requested to note the contents of this report.

7 Background documents³

- 7.1 None

³ 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.

Checklist Of Questions To Ask If A Statement May Be Defamatory

Before making any statement which may be defamatory:-

- Check your facts;
- Examine your motives;
- Remain courteous – even under provocation; and
- If in doubt take legal advice.

It may help to ask yourself the following questions:-

1. Do I have an interest in or duty to make the statement?
2. Is there a corresponding interest or duty on the part of:-
 - a. other Members; or
 - b. the press and publicto receive it?
3. Do I reasonably believe in the truth of the comment that I am about to make?
4. Am I motivated to make the statement only by my interest or duty to make it?
5. Will the statement cause serious harm to someone's reputation?
6. Is the statement on a matter of public interest?
7. Do I believe that making the statement is in the public interest, and is it reasonable for me to believe this?

Report of the City Solicitor

Report to Standards and Conduct Committee

Date: 7th March 2014

Subject: Annual Report of the Standards and Conduct Committee

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible 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: n/a Appendix number: n/a	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to present to the committee its draft annual report. In previous years the Committee has resolved to refer the annual report to full Council for consideration; this being because the Authority as a whole has the duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council.

2. The annual report summarises the work carried out by the Committee throughout the year, in particular the work to embed and improve the Council's new standards arrangements.

Recommendations

3. Members are asked to agree this annual report of the Standards and Conduct Committee and refer to full Council for consideration.

1 Purpose of this report

- 1.1 The purpose of this report is to present the draft annual report of the Standards and Conduct Committee. Members are asked to consider whether to refer the report to full Council for consideration so that full Council can receive assurances as to how the Authorities duty to promote and maintain high standards of conduct (by Members and co-opted Members of the Council) is being discharged.

2 Annual Report

- 2.1 The Standards and Conduct Committee draft annual report presents the work carried out by the Committee throughout the year and demonstrates the ways in which the Authority has fulfilled its statutory duty to promote and maintain high standards of conduct.

3 Main issues

- 3.1 The Standards and Conduct Committee has the following terms of reference:

- 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.

- 3.2 The Committee has met three times during the 2013/14 municipal year. These meetings have particularly concentrated on receiving assurances from the City Solicitor around the effectiveness of the standards framework approved by Council in response to the Localism Act 2011.

Dispensations

- 3.3 If a Member wishes to apply for a dispensation to allow them to take part in a meeting with a disclosable pecuniary interest they must submit a written application to the Monitoring Officer.

- 3.4 Applications are then decided by the Head of Paid Service. However, in deciding whether to grant a dispensation the Head of Paid Service must consult with the Chair of the Standards and Conduct Committee.
- 3.5 During the year the committee has considered local prohibitions on Member's involvement in decision making where they have a Disclosable Pecuniary Interest (DPI). In particular 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 concluded that this limitation places unjust discrimination upon Members. The committee agreed that, subject to certain constraints, that this restriction be set aside by way of a dispensation.
- 3.6 The Chief Executive has now granted a dispensation (to those members who have requested it) to allow a Member (who has 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.
- 3.7 In February 2013 all Members applied for a dispensation to allow them to take part in the decision to approve the Council's budget. However, following advice issued by the Department for Communities and Local Government (which made clear that under that new standards framework no such dispensations are necessary) the committee issued advice to group whips that no further dispensations were required on this issue.
- 3.8 As a result only two dispensations for members are currently 'active' the other being the dispensation granted in May 2013 (for a period of 4 years) permitting members to take part and vote in matters relating to bodies on which they receive a basic or special responsibility allowance. No further dispensations have been applied for or granted during 2013/14.

Reviewing the Members' Code of Conduct and the arrangements for dealing with complaints

- 3.9 No amendments have been made to the Members' Code of Conduct or the Procedure for Consideration Complaints during the year and no amendments are currently planned.

Complaint handling

- 3.10 Leeds City Council has a responsibility for making arrangements to receive and consider complaints against Leeds City Councillors 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.

- 3.11 The Standards and Conduct Committee have received regular updates on the number of complaints received under the Members' Code of Conduct and how these have been resolved. The number and types of complaints received during municipal year are listed below.
- 3.12 So far, all complaints have been resolved either before or at Stage 1 of the complaints procedure meaning that there have been no findings of a failure by Leeds City Councillors or Parish and Town Councillors in Leeds to comply with the relevant Code of Conduct.

Complaints relating to Leeds City Councillors

- 3.13 Acting under delegated powers from the Monitoring Officer, the Deputy Monitoring Officer has received 10 complaints about Leeds City Councillors. This compares with 8 last year. All of these complaints were submitted by members of the public. There are no specific trends in terms of the subject Members specified in complaints.
- 3.14 In order to be considered under the formal complaints process complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking.
- 3.15 The Deputy Monitoring Officer considers each complaint and makes a decision as to whether it will be treated as a valid complaint or not. All 10 were rejected because they either related to a Members' personal or private life (1 complaint), did not relate to the Members' Code of Conduct (2 complaints; one relating to legitimate casework undertaken by the member and the other related to an interest that was not required to be registered), did not provide substantiated information (7 complaints).
- 3.16 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 failures a criminal offence. No such complaints have been received this year.
- 3.17 The complaints submitted about Leeds City Councillors related to the following matters:

Complaints relating to Parish and Town Councillors in Leeds

- 3.18 The Deputy Monitoring Officer has received 2 complaints against Parish or Town Councillors in the Leeds area. This compares with 6 last year. Both of the complaints were submitted by members of the public. These complaints involved the same Parish and Town Council. The complaints submitted concerned alleged defamation which is a matter beyond the jurisdiction of the code of conduct complaints process.

Independent Person

- 3.19 The Standards and Conduct Committee have supported the Independent Person 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.

- 3.20 The Independent Person also has quarterly briefing meetings with the Deputy Monitoring Officer.
- 3.21 At their meeting in June the Committee agreed that the Chair write to all Members of Council and the clerks of Parish and Town Councils to outline the role and purpose of the Independent Member and the circumstances where advice and support might be offered.

Supporting Members and Co-opted Members of Leeds City Council

- 3.22 The Standards and Conduct Committee have received regular updates on the number of Members who have received training on the new standards arrangements.
- 3.23 All elected Members and voting co-opted Members of Leeds City Council have also completed their register of disclosable pecuniary interests which are published on the Council's website.

Supporting Members of Parish and Town Councils

- 3.24 Parish and Town Councils now have greater responsibility under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:
- promoting and maintaining high standards of conduct by its own Members;
 - formally adopting a Code of Conduct that is consistent with the requirements of the Localism Act and publicising that adoption;
 - completing a register of disclosable pecuniary interests and ensuring that information about this register is available on the Parish or Town Council's own website (if it has one);
 - putting in place arrangements for Members to apply for and be granted a dispensation; and
 - ensuring that arrangements are in place for the Parish or Town Council to consider any complaints referred to it by Leeds City Council and to decide on any appropriate action against the subject Member.
- 3.25 Under the previous regime many of these responsibilities were carried out by the Standards Committee on behalf of Parish and Town Councils.
- 3.26 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. The Deputy Monitoring Officer has provided written guidance for Members on how to complete the document and has advised Parish and Town Council Clerks were necessary.
- 3.27 Leeds City Council also has responsibility for receiving and considering complaints made against Parish and Town Councillors.

- 3.28 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 Sub-Committee meeting.
- 3.29 The Parish Member is not be entitled to vote at the meeting, but would be entitled to speak at the discretion of the Chair. The co-opted Parish Member is also invited to attend all Standards and Conduct Committee meetings to observe the proceedings.

Qualified Privilege

- 3.30 With the introduction of new legal requirements for allowing 3rd party recording of committee proceedings - the Standards and Conduct Committee has been instrumental in securing advice for Members on the extent of protections provided to members by way of qualified privilege. This now has been incorporated briefings provided to Members – particularly briefings in respect of Planning and Licensing.

Committee on Standards in Public Life

- 3.31 The committee considered the Committee on Standards in Public Life's annual report for 2012/13 and provided comment back to the Chairman of the Committee relating to their conclusions on the Local Government Sector. The chair subsequently received a response thanking the committee for their input to the national debate on the standards framework.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In providing an oversight of local codes and protocols and the Members' Code of Conduct the Committee have considered comments and feedback from the relevant Committees and from other Leeds City Councillors.
- 4.1.2 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, for information only.
- 4.1.3 The committee has engaged, through correspondence with the Committee on Standards in Public Life, in the national debate on the standards and conduct framework.

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 City Priorities

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 According to the Localism Act 2011 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.

4.4 Resources and value for money

4.4.1 There are no resource implications arising from this report.

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 There are no implications for access to information or call in arising from this report.

4.6 Risk Management

4.6.1 Without the work undertaken by the Committee, there is a risk that the local standards arrangements could become out of date and no longer fit for purpose.

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.

5 Conclusions

5.1 The Committee has met three times during the 2013/14 municipal year, and these meetings have particularly concentrated on efforts to embed and improve the Council's new standards arrangements.

6 Recommendations

6.1 Members are asked to agree this annual report of the Standards and Conduct Committee and refer to full Council for consideration.

7 Background documents¹

7.1 None.

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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