

**Report of the City Solicitor**

**Report to the Standards and Conduct Committee**

**Date: 29<sup>th</sup> November 2013**

**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 June. This includes complaints against Leeds City Councillors and about Parish and Town Councillors in the Leeds area.
2. The Monitoring Officer has received 9 complaints in this period. No complaints have progressed beyond stage 1 of the complaints. In addition one potential complaint, in relation to a Parish and Town Councillor, was resolved informally following the chair of the Town Council seeking advice from the Deputy Monitoring Officer and resolving the matter informally with the Parish Councillor concerned.
3. Members attention is drawn to a recent dispensation granted to allow members to take part in the discussion of a matter (in which they have a disclosable pecuniary interest) by allowing them to make representations at a meeting where members of the public have the same entitlement.

**Recommendations**

4. 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 nine complaints about Leeds City Councillors since the last data was reported to the committee in June 2013. All complaints received were submitted by members of the public. Of those nine complaints three related to the same subject.
- 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. Of the complaints received six were 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. In all five cases no further communication was received from the complainant.
- 3.3 When a written complaint is submitted which provides the relevant information, the Deputy Monitoring Officer considers the complaint and makes a decision as to whether it will be treated as a valid complaint or not. Three complaints were treated as formal complaints and assessed against the criteria set out in the complaints procedure. All three were rejected because they either related to a Members' personal or private life, or did not otherwise relate to the Members' Code of Conduct (i.e. the issues complained of were appropriate in relation to the members duties as a councillor).

### Complaints relating to Parish and Town Councillors in Leeds

- 3.4 The Monitoring Officer has received two complaints against Parish or Town Councillors in the Leeds area since the last report to the committee in June 2013. The complaints were similar in nature and both were lodged against the whole of a Parish Council. Both were rejected as the matters could not be dealt with and resolved through the Standards & Conduct Committee or the procedures established to support the Members' Code of Conduct.

- 3.5 Committee's attention is also drawn to a potential complaint that was resolved by the proactive intervention by the Chair of a Town Council. A number of town councillors and the clerk to the Town Council raised concerns with the Chair of the Town Council about the behaviour of a fellow councillor that was having a detrimental impact on relations within the Council. The Chair raised these concerns with the Deputy Monitoring Officer and sought advice on how best to resolve the situation.
- 3.6 The Chair met with the subject member, setting out the concerns that had been raised and the impact that this was having on the positive work that the Town Council was undertaking. The subject member had not been aware of the impact that his behaviour was having and apologised for his actions. The chair confirmed the issues raised and outcome of the discussions by letter to the subject member.

### Dispensations

- 3.7 The prohibition on Members involvement in decision making, where they have a disclosable pecuniary interest (DPI), prevents their participation under any circumstances. This includes circumstances where any other Member of the public would have the right to attend a committee in order to make representations for example in relation to a planning application which they are making or to which they wish to object, or in relation to a licensing matter.
- 3.8 Some local authorities (Manchester being a recent example) have suggested that this limitation places unjust discrimination upon Members because they hold public office, and that as such it would be appropriate to set this limitation aside, in the form of a dispensation, in order to permit Members to make representations where appropriate and where the public hold the same rights.
- 3.9 Where granted such a dispensation should not extend to giving Members the right to vote in relation to matters in which they have a disclosable pecuniary interest as the public do not share this right.
- 3.10 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 (e.g. to allow a Councillor who is making an application for planning permission to attend to make representations at a meeting of the Council's Planning Committee which is to hear the matter in the same way as a member of the public).

## **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 documents<sup>1</sup>**

6.1 None.

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<sup>1</sup> 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.