

**Report of the City Solicitor**

**Report to Standards and Conduct Committee**

**Date: 7<sup>th</sup> 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 3<sup>rd</sup> 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 documents<sup>1</sup>**

7.1 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.