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**Report of the City Solicitor**

**Report to Standards and Conduct Committee**

**Date: 6<sup>th</sup> March 2015**

**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

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**Summary of main issues**

1. The purpose of this report is to present to the committee an annual report relating to matters within the committee's terms of reference. 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 by the Monitoring Officer and her staff to support the Committee throughout the year.

**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 to the committee an annual report relating to matters within the committee's terms of reference. 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. 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 Monitoring Officer and her staff to support the Committee throughout the year. The report also demonstrates the ways in which the Authority has fulfilled its statutory duty to promote and maintain high standards of conduct.

## **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 In 2013/14 the Committee resolved to meet annually, or at other frequencies that circumstances required. Regular briefings have taken place with the Chair of the committee and with the Council's appointed Independent Member.

## **Training**

- 3.3 All newly elected members have received training in respect of the code of conduct and the specific requirements relating to the registration and declaration of interests.
- 3.4 In addition, as part of prescribed training for Councillors who are members of Plans Panels, briefings have been provided on the legal framework concerning the avoidance of bias and predetermination.

## **Register of Interests**

- 3.5 The Localism Act 2011 places a duty on the Monitoring Officer of a relevant authority to establish and maintain a register of interest of members and co-opted members of the authority. These requirements have been met during the year.
- 3.6 Similarly the Monitoring Officer has supported Members of the authority (and of Parish and Town Councils) in meeting their obligations to notify any disclosable pecuniary interest within 28 days of either their election or of a change in the circumstances relating to such interests.

## **Dispensations**

- 3.7 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.
- 3.8 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.
- 3.9 Last year the committee 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.
- 3.10 The Chief Executive has now also granted dispensation to newly elected members who have requested it to allow those members (when they have a DPI) to make representations at a meeting where members of the public have the same entitlement – however those Members must not otherwise be involved in the decision making of the decision making body. There have been no issues
- 3.11 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. Other than granting existing dispensations to newly elected members, no further dispensations have been applied for or granted during 2014/15.

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

- 3.12 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**

- 3.13 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.
- 3.14 As part of their regular briefings (with the Deputy Monitoring Officer) the Chair and the Independent Person have been appraised with a summary of the complaints that have been received (whilst maintaining the anonymity of the subject member) together with an outline of how those complaints have been assessed and concluded.
- 3.15 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

- 3.16 Acting under delegated powers from the Monitoring Officer, the Deputy Monitoring Officer has received 11 complaints about Leeds City Councillors. This is the same as last year. All but one of these complaints was submitted by members of the public; remaining one being submitted by a council employee. There are no specific trends in terms of the subject Members specified in complaints.
- 3.17 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.
- 3.18 The Deputy Monitoring Officer considered each complaint and made a decision as to whether it will be treated as a valid complaint or not.

## Complaints Summary

Complaint	Nature of Complaint	Outcome
1	Members objection to a planning application and request that it be considered by a plans panel was discriminatory	Not progressed beyond Stage 1, complaint did not relate to the Code of Conduct. Councillors are entitled to make requests for matters to be determined by Plans Panel.
2	Allegation that content of letters relating to a local issue were misleading and inaccurate	Not progressed beyond Stage 1: no information was provided to accompany the complaint that substantiated the allegation that had been made.
3	Failure of the subject Member to respond to correspondence	Not progressed beyond Stage 1: complaints procedure and Members Code make clear that a failure to respond to a constituents correspondence does not amount to a failure to comply with the Code, rather these matters are 'ballot box' issues.
4	Concerns raised regarding an unnamed councillor texting and eating sandwiches during a committee meeting	Not progressed beyond Stage 1: as no Member identified (in any event, if a subject member had been identified this would not have progressed beyond stage 1). Issues relating to texting referred to the Chair of the Committee.
5	Failure to respond to emails or calls	Not progressed beyond Stage 1: In the case in question the Member had entered into extensive correspondence with the complainant – the complaint was therefore not substantiated. In any event complaints procedure and Members Code make clear that a failure to respond to a constituents correspondence does not amount to a failure to comply with the Code, rather these matters are 'ballot box' issues.
6	Claim that the subject member did not have the correct knowledge or information to comment on Licensing issues	Not progressed beyond Stage 1: lack of any information to substantiate the claims being made.

Complaint	Nature of Complaint	Outcome
7	Request for subject member to be disciplined for not supporting their request for a traffic violation to be rescinded	Not progressed beyond Stage 1: allegation does not relate to the code.
8	Failure to properly answer questions and suggestion of behaving in a biased way by campaigning for one group of residents above another.	Not progressed beyond Stage 1: No evidence to substantiate claims made.
9	Claim that comments in the press had defamed the complainant	Not progressed beyond Stage 1: Defamation claims not capable of being resolved via the code of conduct.
10	Complaint that subject member should not participate in a Plans Panel matter having been named as a party to an objection to it.	Not progressed beyond Stage 1: Member concerned made clear to the Plans Panel that whilst predisposed to a particular view, they still had an open mind (as provided for by Section 25 of the Localism Act 2011) and had not predetermined the matter
11	Allegation that member spoke in an inappropriate way	Not progressed beyond Stage 1: complaint had already been the subject of an investigation or some form of action

3.19 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.

Complaints relating to Parish and Town Councillors in Leeds

3.20 The Deputy Monitoring Officer has not received any complaints against Parish or Town Councillors in the Leeds area. This compares with 2 last year.

## **Independent Person**

- 3.21 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.
- 3.22 The Independent Person also has quarterly briefing meetings with the Deputy Monitoring Officer.

## **Supporting Members of Parish and Town Councils**

- 3.23 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.
- 3.24 Under the previous regime many of these responsibilities were carried out by the Standards Committee on behalf of Parish and Town Councils.
- 3.25 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.
- 3.26 Leeds City Council also has responsibility for receiving and considering complaints made against Parish and Town Councillors.
- 3.27 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.

- 3.28 The Parish Member is not entitled to vote at the meeting, but would be entitled to speak at the discretion of the Chair. During the year arrangements have been made to co-opt three Parish Members with Councillor Debbie Potter (from Shadwell Parish Council), Councillor John Eveleigh (from Otley Town Council) and Councillor Martin Hughes (from Horsforth Town Council) accepting to join a pool of parish and town council members that the authority can call upon as needed. The co-opted Parish Members are also invited to attend Standards and Conduct Committee meetings to observe the proceedings.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.3 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.

- 4.1.4 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.

### **4.2 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 Monitoring Officer and her staff, and by this 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 Recommendations**

- 5.1 Members are asked to consider the matters set out in this annual report and resolve whether or not to refer the report to full Council for consideration.
- 5.2 Members are also asked to consider whether any amendments, to either the Members' Code of Conduct or the procedures for considering complaints, are required.

## **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.