

Self-assessment of Committee on Standards in Public Life Best Practice and Current Leeds City Council Arrangement

Best Practice Proposed by the Committee on Standards in Public Life in their Local Government Ethical Standards Report	Self-Assessment of Leeds City Council position and Monitoring Officer observations¹
<p>Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>Bullying and harassment is not included specifically in the Members' Code of Conduct.</p> <p>The Monitoring Officer is supportive of the authority adopting provisions on bullying and harassment into the Code of Conduct as doing so will provide greater clarity and rigour to the existing provisions of the Code.</p> <p>Members views are sought on whether a definition, based on the best practice set out in the Committee's report should be incorporated into the Members' Code of Conduct.</p>
<p>Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>The Members' Code of Conduct states that Members "must co-operate fully and honestly with any scrutiny appropriate to your office". The Monitoring Officer is of the view that existing provisions could benefit from being clarified by way of a definitive statement relating to co-operation with any formal standards investigation. Members' views are sought on whether this should be further clarified within the Code as per the best practice set out by CSPL.</p> <p>The Procedure for considering complaints contains criteria which invalidate certain complaints; one of those is that complaints which are malicious, politically motivated or tit for tat will be dismissed as invalid. The Monitoring Officer believes that the Code of Conduct could be amended to further emphasise that Councillors must not instigate complaints of a trivial or malicious nature.</p> <p>Members' views are sought on whether this procedural requirement should be further codified in the Members' Code of Conduct as per the recommendation by the CSPL.</p>

¹ Any recommendations for amendment of the Members' Code of Conduct will need to be considered by the General Purposes Committee prior to consideration by Full Council.

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<p>Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	<p>The Members' Code of Conduct is reviewed on an Annual basis in light of national guidance. No specific consultation takes place with the public or community organisations in reviewing the Code of Conduct – although the review is informed by trends in complaints locally. The proposal for the Local Government Association to consult widely on their drafting of the model Code of Conduct will presumably ensure that all stakeholder groups are consulted.</p> <p>More locally, regular engagement takes place between Monitoring Officers of authorities in West Yorkshire and York. This dialogue will continue, particularly in reviewing the model code being progressed by the Local Government Association. Regular dialogue also takes place with the Independent Person on the content of the code and the procedure by which complaints are considered.</p>
<p>Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.</p>	<p>The Code and complaints process is accessible on the Council's website and easily through search engines. In addition routes exist for there to be 'no wrong door' in accessing Council services and to that end the Customer Contact team are able to signpost Members of the Public to the appropriate complaints processes. That said the CSPL observations will though be brought to the attention of the Chief Officer Customer Access for further consideration.</p>
<p>Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>Leeds has a specific requirement in the Members' Code of Conduct for Members to register any gifts or hospitality over £50. CSPL have referenced the Leeds City Council approach, i.e. to link the financial threshold to the registration of gifts and donations during election campaigns as good practice. Leeds also has a requirement for notification to be made to the Monitoring Officer within 28 days of receipt and for the details to remain on the Member's register for a period of two years. However the suggestions of the CSPL in terms of the 'accessible format' do not mirror the arrangements in place. Members' views are sought as to whether a separate publication containing details of all Members' gifts and Hospitality should be collated and published in one place.</p>

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<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The CSPL recognise that the Monitoring Officer has a role in filtering complaints about councillor conduct and judging if complaints are trivial or vexatious, or whether they should proceed to full investigation.</p> <p>The procedure adopted in Leeds for considering complaints sets out a number of factors which invalidate complaints - having reviewed the commentary at Chapter 3 of the CSPL report against the arrangements in Leeds the Monitoring Officer feels there may be benefit from the following additions to the factors already listed at Paragraph 6 of the procedure for considering complaints (at Appendix 4);</p> <ol style="list-style-type: none"> 1. Adding to paragraph 6(h) an explanatory footnote to make clear that a timescale of 6 months is the timeframe anticipated by the phrase 'so long ago'; 2. Adding to paragraph 6(i) an explanatory footnote to make clear that trivial allegations are those where an investigation would be disproportionate or not in the public interest; 3. Adding a new paragraph 6(m) complaints which are not possible to investigate. <p>Members views are sought on whether incorporating these amendments into the procedure would add further clarity to the assessment process.</p>
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	<p>Leeds City Council has appointed one Independent Person. There has been no prejudice or disadvantage to the council or any other party in not having more Independent Persons.</p> <p>CSPL are making recommendations to Government on a number of matters relating to the role of the Independent Person (length of tenure, publication of the Independent Person's view relating to complaints, effective decision role on cases of potential suspension and provision of indemnities to Local authorities to those persons). The Monitoring Officer's view is to await the response from government prior to considering whether to increase the number of Independent Persons.</p>

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Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	<p>The procedure in Leeds does not require the involvement of the Independent Person at initial assessment or prior to any formal investigation being commissioned.</p> <p>The Monitoring Officer would have no objection to the Independent Person having an oversight role at initial assessment adding that this would bring additional impartiality/neutrality to the process.</p> <p>Members' views are whether the procedure for assessing complaints should incorporate a requirement to consult the Independent Person at these stages.</p>
Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	At the conclusion of any Stage three hearing the authority would issue a detailed minute and would set out the details recommended as Best Practice by the CSPL
Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	<p>The complaints procedure adopted by the Council is accessible on the Council's website and provides details of how to make a complaint and the expected timescales for Stage 2 (informal resolution) and Stage 3 (arrangement of a hearing following the conclusions of an investigation).</p> <p>No timescale is set out in relation to the Assessment Stage, routinely this stage is completed within the corporate timeframes for customer contact.</p>
Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	This is a Matter for Parish and Town Councils

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Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	These arrangements are in place in Leeds
Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	<p>There are no procedures in place that regulate how any such conflicts would be addressed.</p> <p>In Leeds the Deputy Monitoring Officer generally undertakes an initial assessment of all complaints. This leaves the Monitoring Officer able to undertake later elements of the complaints process unhindered by prior involvement.</p> <p>In the unlikely event that both the Monitoring Officer and her deputy are conflicted an eventuality would be resolved through existing reciprocal arrangements between the West Yorkshire Local Authorities. It is, however, worth noting that there have been no insuperable issues of this nature to deal with to date.</p>
Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	This issue will be raised with the Chair of the Corporate Governance and Audit Committee with advice from the Monitoring Officer and Section 151 Officer.

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Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Arrangements are in place where Standards matters can be raised with group leaders, whips and committee chairs by senior officers (and vice versa).