



**Draft**

**Annual Report to Full Council**

**Standards and Conduct  
Committee**

**2020/21**

## **1. INTRODUCTION**

This is the Annual Report to Full Council relating to matters within the Standards and Conduct Committee's Terms of Reference. Council Procedure Rule 2.2 (f) stipulates that an Annual Report of the Standards and Conduct Committee must be referred to Full Council for consideration; this being to support the duty of the Authority to promote and maintain high standards of conducts by Members and co-opted Members of the Council.

## **2. TERMS OF REFERENCE**

The Terms of Reference for the Standards and Conduct Committee are reviewed each year to ensure they represent current regulations.

The functions of the Standards and Conduct Committee are:

- 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. COMMITTEE INFORMATION**

### **Committee Membership**

Councillor Elizabeth Nash (Chair) - Hunslet and Riverside;

Councillor Neil Dawson - Morley South;

Councillor Bob Gettings JP – Morley North;

Councillor Pauleen Grahame –Crossgates and Whinmoor;

Councillor Peter Harrand - Alwoodley;

Councillor Mark Harrison - Pudsey;

Councillor Andrew Scopes – Beeston and Holbeck;

Councillor Debbie Potter - Shadwell Parish Council;

## **4. Key Issues**

### **Progressing the Recommendations from the Committee on Standards in Public Life. (CSPL)**

Since the publication of the CSPL's report, the Ministry of Housing Communities and Local Government (MHCLG) has been engaging with a small number of local authority Monitoring Officers (Leeds included) to formulate the steps necessary to implement the CSPL recommendations. However, given continued constraints on parliamentary time little progress has been made by MHCLG in responding to the CSPL recommendations.

However in response to one recommendation, the Local Government Association has concluded a consultation exercise and approved a Model Members' Code of Conduct for local government.

Following consultation with Group Leaders and Whips the Standards and Conduct Committee have recommended adoption of the Code by full Council without amendment.

The CSPL secretariat also sought an update from each local authority on progress on recommendations that were specifically targeted at local authorities; the response from Leeds is attached at Appendix 1.

### **Training and Advice**

As the local elections in May 2020 were cancelled due to the Coronavirus Pandemic there has been no requirement for the Monitoring Officer to provide training for newly elected Members.

Advice and training has been provided to Members on request on a 1:1 basis in relation to specific issues that have emerged during the year; including:

- Registration and declaration of interests;
- Bias and Predetermination;
- Conflicts of Interests;
- Use of Social Media

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**

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 a change in the circumstance relating to such interests.

In addition regular reminders have been issued to elected members to review their registers of interests. Whilst some reminders have been general in nature, others have provided focussed advice with reminders in the past year including: gifts and hospitality; the need to register spousal interests; interests arising from employment, office, trade, profession or vocation; dual hatted interests; interests relating to consideration of the budget; and the provisions for Sensitive Interests.

## **Sensitive Interests**

Permission to withhold an interest may only be granted in cases where disclosure of the details of an interest could lead to a member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation – it is particularly relevant that that threat or potential threat would be substantially contributed to as a result of those interests appearing on the members' public register.

Thirty one (26 in 2019/20) permissions to withhold interests are in place (having been granted by the Monitoring Officer in respect of the 435 elected Leeds City Council and Parish and Town Council Members across the Leeds Metropolitan District, an increase of 5 on the previous year. Twenty four (20 in 2019/20) of these relate to Leeds City Councillors, a small increase from last year.

The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made (December 2017) by the Committee on Standards in Public Life. The Committee, in their report 'Intimidation in Public Life – A review by the Committee on Standards in Public Life', recommend that all Monitoring Officers '*Should ensure members required to declare pecuniary interest are aware of the sensitive interest provisions of the Localism Act 2011*'.

A recommendation to Government from the Committee to clarify that a councillor does not need to register their home address on an authority's public register of interests have not yet been responded to by Government.

## **Dispensations**

No alterations have been made to the Standards and Conduct Committee's conclusions regarding local prohibitions on councillor's involvement in decision making where they have a Disclosable Pecuniary Interest (DPI). Members will recall that 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's view was that this limitation placed an unjust discrimination upon councillors.

In light of this, and recognising the committee's views on this matter, subject to certain constraints, and the receipt of an application, the Head of Paid Service has continued to set aside these restrictions by way of the granting of a dispensation to newly elected members.

The dispensation allows 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.

The other active dispensation, granted to all Members, permits members to take part and vote in matters relating to:

- Any office held within Leeds City Council for which they receive a taxable income; and
- Any office held outside Leeds City Council (to which they have been appointed by Leeds City Council) for which they receive a taxable income.

Members will recall that in May 2018, following all out elections, both dispensations were granted until May 2022 reflecting the four year term of office to be served by one third of those councillors elected.

A new dispensation was granted in the same terms for those Members elected in 2019 lasting until May 2023 reflecting their term of office.

Subject to any legislative or policy change, and in consultation with the Chair of this Committee the Chief Executive will be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

## **Complaint handling**

In order to be considered under the Members Code of Conduct formal complaints process, complaints must be submitted in writing, must provide information to substantiate the claims made, and should outline what form of resolution the complainant is seeking.

Each complaint is assessed by either the Monitoring Officer (or one of her Deputies), in consultation with the Independent Person; it is the Monitoring Officer (or her nominated Deputy) that makes a decision as to whether it will be treated as a valid complaint or not. Where information is lacking, complainants are also offered the opportunity to provide further information to substantiate their complaint to enable an objective assessment to be undertaken.

### Complaints relating to Leeds City Councillors

In 2019/20 the Standards and Conduct Committee were advised that 13 complaints had been received in respect of Leeds City Council Members. All those complaints were assessed and concluded at Stage one of the complaints process.

From June 2020 (to date) there have been 41 complaints made against Leeds City Councillors. Whilst the number of total complaints has increased, this has largely been due to the number of multiple individuals raising concerns about the same issue/councillor. When the number of incidents of complaint are considered, 8 separate issues have generated a complaint when compared to ten reported last year. Social Media continues to be a primary source of complaints.

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 formal complaints of this nature have been received this year that have required referral to the Police.

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

In 19/20, the Monitoring Officer reported having received seven complaints relating to Parish or Town Councillors in the Leeds area. All those complaints were assessed and concluded at Stage one of the complaints process.

At the time of this report, in the 2020/21 Municipal Year the Monitoring Officer has received six complaints relating to Parish or Town Councillors in the Leeds area. All those complaints were assessed and concluded at Stage one of the complaints process

Analysis shows that one complaint fell out of the jurisdiction of Monitoring Officer and Standards and Conduct Committee, two complaints were submitted by the same individual and two further complaints related to Members of the same Parish Council.

## **Operation of the Complaints Process**

The provisional outcome of Assessment is shared with the Independent Person for his view in advance of that Assessment being concluded and communicated to the Complainant and Subject Member. That process has worked extremely well during the last year and as added further rigour and independence to the complaint process.

It is important that the focus of the complaints process is on matters that are serious such as corruption, bullying and misuse of power in public office. In that respect complaints must demonstrate that they have substance and raise a matter of public interest.

At the meeting of the Standards and Conduct Committee in February 2021 a number of amendments were recommended amendment to Complaints process – primarily these are to further assist the filtering out of those complaints that are trivial or which have little or no impact on the public. These will be considered by General Purposes in advance of consideration by Full Council.

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

There are 32 Parish and Town Councils with 303 Councillors within the District of Leeds. Parish and Town Councils continue with the greater responsibilities under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:

- promoting and maintaining high standards of conduct by their 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.

Under the previous standards and conduct legislation many of these responsibilities were carried out by the Standards Committee on behalf of Parish and Town Councils.

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.

## **Independent Person**

Following the amendment to the Procedure Rules, the Independent Person, Mr Tollefson, is now routinely consulted on draft complaint assessments. He also has regular briefing meetings with one of the Deputy Monitoring Officers and during the year has provided support to Members to help resolve issues.

## **Monitoring Officer**

The City Solicitor is appointed as the Council's Monitoring Officer. The Monitoring Officer is satisfied that the Authority continues to meet its statutory obligations for standards and conduct and has confirmed that she has designated an additional Head of Service to undertake the role of a second Deputy Monitoring Officer. The Monitoring Officer has confirmed that she has adequate resources to fulfil her statutory duties.