

ANNUAL REPORT OF THE MONITORING OFFICER¹

- 1 This Annual Report to the Standards and Conduct Committee summarises the work carried out to support the Council's Ethical Framework, discharge the statutory responsibilities of the Monitoring Officer and support the Committee throughout the year.
- 2 This report covers the period from the last report to the committee in March 2023 to date and provides assurances in respect of work undertaken to;
 - Ensure registers of interests and dispensations were correctly administered.
 - Deal with any sensitive interests.
 - Assess and respond to complaints.
 - Appoint an additional Independent Person
 - Support Parish and Town Councils.

Councillor Code of Conduct

- 3 Following review, no changes have been made by the Local Government Association to the model Code of Conduct and so the arrangements in Leeds remain fit for purpose with no changes proposed to the adopted Councillor Code of Conduct².

Training & Advice

- 4 Following the local elections in May 2023 training has been provided to all newly elected Members. These sessions were delivered by a leading independent figure in the field of local authority standards and conduct.
- 5 This impartial and bespoke approach has been developed over the last three years and provides Members with access to the very latest case-studies and thinking whilst also being couched, and delivered, within the direct reference to and context of Leeds local ethical framework arrangements.
- 6 Advice and training have also 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.
- 7 The guidance for Members on engagement with social media has also been reviewed and updated with the amended guidance (at Annex 1)

¹ The City Solicitor is designated as the Council's Monitoring Officer

² the last amendments made in May 2022

circulated to all Members in the Autumn of 2023.

- 8 As part of prescribed training for councillors who are Members of Plans Panels and Licensing Committee, briefings have been provided on the legal framework concerning the avoidance of bias and predetermination.

Register of Interests

- 9 The Localism Act 2011 places a duty on the Monitoring Officer of a relevant authority to establish and maintain a register of interests of Members and co-opted Members of the authority.
- 10 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.
- 11 In addition, regular reminders have been issued to elected Members to review their register of interests. Whilst some reminders have been general in nature, others have provided focussed advice with reminders in the past year including the need to register spousal interests; interests arising from employment, office, trade, profession or vocation; dual hatted interests; and the provisions regarding sensitive Interests. Reminders have also been sent concerning the need to register gifts and hospitality.

Sensitive Interests

- 12 Section 32 (2) of the Localism Act 2011 allows for interests which are considered to be sensitive to be withheld from a Member's Register of Interests. The decision as to whether to withhold such an interest from the public register is made by the Monitoring Officer. Permission to withhold an interest is 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 because of those interests appearing on the Members' public register.
- 13 Considering concerns raised by a large number of Elected Members about instances of harassment, intimidation and vulnerability, which were particularly intensified following the murder of Sir David Amess, the Monitoring Officer took the step of withholding³ details of Members' home addresses from the publicly accessible register of interest. This approach was mirrored by authorities regionally and nationally. Instances of harassment and intimidation continue and reinforce the steps taken and which are supported by both the recommendation made by the Committee on Standards in Public Life⁴ and approaches in other local authorities.

³ Subject to Members having the option of having these details reinstated at their request

⁴ The Government agrees with the principle behind this recommendation – which safeguards elected

Dispensations

- 14 If a councillor wishes to apply for a dispensation to allow them to take part in a meeting considering a matter in which they have a disclosable pecuniary interest, they must submit a written application to the Monitoring Officer.
- 15 Applications are then decided by the Head of Paid Service. However, in deciding whether to grant a dispensation the Head of Paid Service must have regard to s.33(2) Localism Act 2011 and, (as per arrangements established in Leeds), consult with the Chair of the Standards and Conduct Committee.
- 16 No alterations have been made to the Standards and Conduct Committee's conclusions regarding local dispensations 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 limitation upon councillors.
- 17 Considering 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.
- 18 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 process.
- 19 The other active dispensation, granted to all Members, permit Members to attend and vote in matters relating to:
 - Any office held within Leeds City Council for which they receive 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.
- 20 Subject to any legislative or policy change, and in consultation with the Chair of this Committee, the Head of Paid Service 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

- 21 Following consultation with Members of the Committee in March 2023 amendments were made to the [complaint procedure for clarification](#). No further changes are proposed this year.

representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it. The Government has undertaken to engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

- 22 Leeds City Council has responsibility for deciding the arrangements whereby complaints against Leeds City Council Members and parish and town councillors in Leeds are received and considered.
- 23 At Stage 1 complaints are assessed by the Monitoring Officer (or an officer nominated by her) to determine whether the complaint is valid or not.
- 24 For complaints that proceed to Stage 2, 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.
- 25 If a complaint reaches Stage 3, 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.
- 26 To be considered under the 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.
- 27 Each complaint is assessed by either the Monitoring Officer (or one of her nominees) in consultation with the Independent Person; it is the Monitoring Officer (or her nominee) 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. Members subject of the complaint are also invited to provide comments as part of the assessment.

Complaints relating to Leeds City Councillors.

- 28 Last year, at the time the committee met, Members were advised that 9 complaints had been received in respect of Leeds City Council Members. Three additional complaints were received between the committee meeting and the end of May 2023, all assessed complaint were found to be invalid.
- 29 This Municipal Year there have been 5 complaints made against Leeds City Councillors as set out in the table below.

Leeds City Council Member Complaints Summary

Complaint Ref	Nature of Complaint	Assessment Outcome
1	Source – Member of the Public Nature - Use of language on social media for protected characteristic.	Outcome - Not upheld and no further action – paragraph 6(l) of the complaint procedure
2	Source – Member of the Public Nature – Words used at Full Council meeting.	Outcome – Not upheld and no further action – paragraph 6(l) of the complaint procedure

Complaint Ref	Nature of Complaint	Assessment Outcome
3	Source – Member of the Public Nature – Social Media Posts and interaction with public/local residents on a planning matter by Cllr and use of social media.	Outcome – Not upheld and no further action – paragraph 6(l) of the complaint procedure
4	Source – Member of the Public Nature of Complaint - Planning matter – difference of view	Outcome - Not upheld and no further action - paragraph 6(l) of the complaint procedure.
5	Source – Member of the Public Alleged statements about the complainant and approach/handling of casework from residents	Outcome - Not upheld and no further action - Paragraph 6(l) of the complaint procedure.

31 There are no trends or issues of concern raised from the complaints which require intervention from the committee.

Complaints relating to Parish and Town Councillors in Leeds

32 Last year at the time of this annual report, the Monitoring Officer reported having received seven complaints relating to Parish or Town Councillors in the Leeds area. Two further complaints were received between the committee meeting and the end of the Municipal Year. Both were assessed as invalid.

33 At the time of this report the Monitoring Officer has received 1 complaint relating to Parish or Town Councillors in the Leeds area as summarised in the table below.

Parish and Town Council Member Complaints Summary

34

Complaint Ref	Nature of Complaint	Assessment Outcome
a	Source – Member of the Public Nature - Member comment in Parish Meeting regarding play facilities for older children and subsequent social media posts	Invalid and no further action paragraphs 6 c and 6 l of the complaint procedure

35 Under Stage 3 of the complaint 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 subcommittee meeting.

36 A parish Member is not entitled to vote at the meeting but would be entitled to speak at the discretion of the Chair. One parish Member remains co-opted to the committee - Councillor Debbie Potter (from Shadwell Parish Council). Co-opted parish Members are also invited to attend Standards and Conduct Committee meetings to observe the proceedings.

Disclosable Pecuniary Interest Complaints referred to West Yorkshire Police

37 As Members will recall, complaints alleging a failure to register a disclosable pecuniary interest are matters for consideration by the West Yorkshire Police as per the Localism Act 2011 has made such a failure a criminal offence.

38 Paragraph 6 (i) of the complaint procedure references this stating that complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests' are invalid –this clause is further referenced by way of footnote stating that “Such complaints will be redirected to the West Yorkshire Police, subject to the complainant’s agreement.

39 No formal complaints of this nature have been received this year that have required referral to the Police.

General Enquiries

40 In addition to the formal complaints received, assessed and reported on above - in the year to date 12 General Inquiries were made through the councillorconduct@leeds.gov.uk email address (12 last year).

41 Each enquiry was responded to by providing a complaint form and details of the Code of Conduct Complaints process and, depending on the circumstances, support in resolving the concern through the whip or group office. Two formal complaints were subsequently submitted.

Monitoring Officer Observations

42 Members will recall that at Stage 1 of the complaint procedure the provisional outcome of assessment is shared with the Independent Person for their view in advance of that Assessment being concluded and communicated to the Complainant and subject Member.

43 That process has again worked extremely well during and has added further rigour and independence to the complaints process. The Monitoring Officer would like to place on record her thanks to the appointed Independent Persons for their diligence and expertise in undertaking this role.

44 It remains 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.

Supporting Members of Parish and Town Councils

45 Parish and Town Councils have 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.

46 The Monitoring Officer of Leeds City Council 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. This was a substantial task following the all-out Parish and Town Council elections (in May 2023) but was completed within 28 days.

47 Liaison meetings have commenced during the year with the Yorkshire Local Council's Association. The Association has knowledge of the parish sector across Yorkshire that is helpful to principal authorities.

48 Potential engagement activity in the new financial year includes:

- Training sessions for councillors to learn about parish sector authorities – including the key functions of parishes, what they are, what they can do, their administration and the legislation set down for them to work within.
- Potential access to certain parts of the YLCA website, which has a wealth of information about the parish sector.

Independent Person

49 The Standards and Conduct Committee has supported the Independent Person(s) in their role by inviting them to attend meetings of the committee as an observer and ensuring that they have undertaken training on the Councillors' Code of Conduct.

50 Mr Tollefson and Ms McManus are consulted on draft complaint assessments. Both Independent Persons have attended briefings during the year and provided support to Members to help resolve issues. By way of this report, the Committee are invited to extend thanks to both Mr Tollefson and Ms McManus for their service as Independent Persons this year.

51 Committee is also asked to note that, following consultation with the Leader, Executive Members, Chair of the Standards & Conduct Committee and the Leader of the Opposition, Mr Tollefson's term of office has been extended to July 2026.

Catherine Witham
Monitoring Officer
March 2024