

STANDARDS AND CONDUCT COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Friday, 10th March, 2023 at 10.00 am

MEMBERSHIP

Councillors

D Cohen	Alwoodley
R Downes	Otley & Yeadon
P Grahame	Crossgates & Whinmoor
P Harrand	Alwoodley
L Mulherin	Ardsley & Robin Hood (Chair)
A Scopes	Beeston & Holbeck
D Seary	Pudsey
M Swards	Farnley & Wortley
E Taylor	Chapel Allerton

Co-opted Parish Council Member

Councillor Debbie Potter – Shadwell Parish Councillor

Independent Person/s

Gordon Tollefson
Claire McManus¹

To note: Please do not attend the meeting in person if you have symptoms of Covid-19 and please follow current public health advice to avoid passing the virus onto other people.

Note to observers of the meeting: To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CIId=924&MIId=11987&Ver=4>

¹ Following the approval of General Purposes Committee, applications were invited an additional Independent Person to be appointed. Following an interview process Mrs Claire McManus was appointed by Council to commence her role on 1 April 2023.

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <ol style="list-style-type: none"> 1. To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2. To consider whether or not to accept the officers recommendation in respect of the above information. 3. If so, to formally pass the following resolution:- <p style="margin-left: 40px;">RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> 	

3

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration.

(The special circumstances shall be specified in the minutes.)

4

DECLARATION OF INTERESTS

To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.

5

APOLOGIES FOR ABSENCE

To receive any apologies for absence from the meeting.

6

MINUTES OF THE PREVIOUS MEETING - 14 MARCH 2022

7 - 12

To approve the minutes of the previous meeting held Monday, 14th March 2022.

7

ANNUAL REPORT OF THE MONITORING OFFICER TO THE STANDARDS AND CONDUCT COMMITTEE

13 - 46

To receive and consider the attached report of the City Solicitor that summaries an annual update on the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.

8

ANNUAL REPORT OF THE STANDARDS AND CONDUCT COMMITTEE

47 - 56

To receive and consider the attached report of the City Solicitor that presents an annual report of the Standards and Conduct Committee relating to matters within the committee's terms of reference.

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties – code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

STANDARDS AND CONDUCT COMMITTEE

MONDAY, 14TH MARCH, 2022

PRESENT: Councillor E Nash in the Chair

Councillors D Cohen, R Downes,
P Grahame, P Harrand, L Mulherin,
A Scopes and E Taylor

Independent Person – Mr G Tollefson

Co-opted Parish Council Member – Councillor D Potter

- 1 Appeals against refusal of inspection of documents**
There were no appeals against refusal of inspection of documents received.
- 2 Exempt Information - Possible exclusion of the press and public**
There was no information designated as being exempt from publication for consideration at the meeting.
- 3 Late items**
There were no formal late items of business submitted for consideration, however, Committee Members were in receipt of supplementary information in the form of Leeds' Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct, which had been provided for the Committee's information.
- 4 Declaration of Interests**
No declarations of interest were made at the meeting.
- 5 Apologies for Absence**
Councillor J Taylor had submitted his apologies for absence from the meeting.
- 6 Minutes of Previous Meeting and Matters Arising**
RESOLVED – That the minutes of the previous meeting held Friday, 5th February 2021, be approved as an accurate record.

Matters Arising

Minute No. 6 – 'Matters Arising' – Recommendation of the Committee on Standards in Public Life regarding Publication of Elected Member's Address as a Registerable Interest

Responding to an enquiry, the Committee received an update from the Head of Democratic Services regarding the recommendation of the Committee on Standards in Public Life that there should not be a requirement for an Elected Member to have their home address published as a registerable interest under the Disclosable Pecuniary Interest procedures, with it being noted that a Government response on this was still awaited.

Draft minutes to be approved at the next meeting

7 Annual Report of the Monitoring Officer to the Standards and Conduct Committee

The City Solicitor submitted a report that presented an overview of the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.

The Head of Democratic Services introduced the report, highlighting the following key areas:-

- It was noted that following the tragic death of Sir David Amess MP, the Monitoring Officer had taken the decision to withhold details of Members' home addresses from the publicly accessible register of interests, under the 'sensitive interest' provisions, and as was their prerogative, some Members had requested that their addresses be made public again. It was also noted that Leeds had led the way with this action, with other Local Authorities mirroring this approach;
- That an additional dispensation had been granted during the course of the year arising from a Member's role as a Council appointed trustee of a local charity, with it being noted that at the request of the Leader, a subsequent review into this area of the Code had taken place, resulting in proposed amendments to the Code to avoid specific unintended consequences which had been identified, as detailed within the report of the City Solicitor found at agenda item 8 (Minute No. 8 refers);
- A brief summary was provided regarding the Leeds City Council Member complaints and Parish & Town Council Member complaints received over the course of the year;
- On behalf of the Monitoring Officer, thanks were extended to the Council's Independent Person, Mr. Gordon Tollefson, for his valued contributions throughout the year, which continued to help the Monitoring Officer and Deputy Monitoring Officers deal with the complaints submitted in a timely and effective way.

Members discussed a number of matters, including:-

- Responding to enquiries, the Committee received an update on the general trends regarding the volume of City Councillor and Parish and Town Councillor complaints which had been received when compared to the previous year;
- It was noted that although there was no formal timeframe by which complaints needed to be responded to, the aim was that each complaint was responded to within 4 weeks of being received, with it being noted this target was routinely met, although it was acknowledged that there had been exceptions when dealing with particularly complex cases.

RESOLVED – That the contents of the submitted report together with the comments arising from the Committee's discussion, be noted.

(During the consideration of this item Councillor D Cohen and Councillor L Mulherin joined the meeting)

8 Local Government Association Model Councillor Code of Conduct

The City Solicitor submitted a report that presented further amendments which had been made to the Local Government Association's (LGA) Model Councillor Code of Conduct for local Councillors, with a view to considering recommendations for adoption by the Authority.

The report also set out proposed amendments arising from a review undertaken at the request of the Leader which specifically related to the disapplication of the requirement to disclose both Other Registerable Interests and Non-Registerable interests where that interest was one relating to any body of which a Councillor was a member or in a position of general control or management and to which they had been nominated or appointed by the Council, in order to avoid specific unintended consequences of the Code which had been identified.

In presenting the report, the Head of Legal Services provided an overview of the proposed amendments to the Code and responded to Members' enquiries, with it being noted that all Group leaders had been consulted on the proposals and were supportive of them.

RESOLVED –

- a) That the contents of the submitted report; the proposed further LGA amendments to the adopted Councillor Code of Conduct as set out in Appendix 1; together with the proposed additional amendments to the adopted Councillor Code of Conduct, as set out in paragraphs 7 and 11 of Appendix 1, be noted;
- b) That agreement be given to refer the matter to the General Purposes Committee (GPC) for consideration with a recommendation that GPC refers the matter to full Council and recommends to full Council that the proposed amendments to the Councillor Code of Conduct, as detailed within the submitted report, be adopted.

9 Annual Review of Protocols

The City Solicitor submitted a report that presented the conclusions of the annual review of the Monitoring Officer Protocol and the review of the Member Officer Relations Protocol, with a recommendation that the minor amendments detailed within the report be approved.

In presenting the report, the Head of Legal Services confirmed that following the reviews which had been undertaken into the two protocols, both protocols remained fit for purpose, however, it was noted that both required minor amendments, as detailed in the report, to reflect current circumstances.

RESOLVED – That the proposed minor amendments to the Monitoring Officer Protocol and the Member Officer Relations Protocol, as set out within appendices 1 and 2 to the submitted report respectively, be approved.

10 Annual Report of the Standards and Conduct Committee

The City Solicitor submitted a report presenting for Members' consideration the Annual Report of the Standards and Conduct Committee which provided an overview of the key areas of activity which had been undertaken over the past year from within the Committee's terms of reference.

In presenting the report, the Head of Democratic Services highlighted that following consideration and approval by the Committee, the Annual Report would be submitted to full Council for consideration as required.

RESOLVED – That the draft Annual Report of the Standards and Conduct Committee, as presented at Appendix 1 to the submitted report, be approved.

11 The Independent Person

The City Solicitor submitted a report that sought the Standards and Conduct Committee's views on the extension of the term of office of the existing Independent Person and a proposal to recruit a new, additional Independent Person.

By way of introduction to the report, on behalf of the Committee the Chair extended her thanks to Mr Tollefson, Independent Person, for his continued commitment and support for the work of the Committee and the Monitoring Officer.

The Head of Democratic Services provided a summary of the key points detailed in the report, and set out the proposed next steps in terms of the proposal to extend Mr Tollefson's term of office, together with the proposed recruitment of a new, additional Independent Person, should the Committee be agreeable with the recommendations in the report.

RESOLVED – That the following be recommended to the General Purposes Committee for its consideration:-

- a) That Mr Gordon Tollefson's term of office be extended by two years to July 2024;
- b) That a recruitment process be progressed to appoint a new (additional) Independent Person via a cross party Member Panel (chaired by the Executive Member for Resources and with representation drawn from the Standards and Conduct Committee) – with that Working Group making recommendations to the General Purposes Committee for appointment on a new Independent Person by full Council;
- c) That during his extended term, Mr Tollefson supports the induction of the new Independent Person.

(Prior to the consideration of this agenda item, Mr Gordon Tollefson, Independent Person, left the meeting)

12 Any Other Business

The Chair invited any Member comments, which had not already been raised and which fell within the Committee's terms of reference:

Responding to a Member's enquiry, the Committee received information regarding the level of complaints Leeds received when compared to other Local Authorities, with it being noted that generally Leeds received fewer complaints than comparative Authorities, such as Core Cities.

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Annual Report of the Monitoring Officer to the Standards and Conduct Committee

Date: 10th March 2023

Report of: City Solicitor

Report to: Standards and Conduct Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

This annual report to the Standards and Conduct Committee summarises the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.

Recommendations

- a) Members are asked to consider the matters set out in the Monitoring Officer's Annual report and agree the proposed recommendations for amending the Complaints Procedure .

Why is the report being put forward?

- 1 The report from the Monitoring Officer is attached at Appendix 1 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.

What impact will this report have?

Wards affected:

Have ward members been consulted? Yes No

- 2 The Council's ethical framework for elected members is a key component of the Council's Values and Behaviours; of being open, honest and trusted and treating people fairly.
- 3 Our Local Code of Corporate Governance commits the Council to have clear and enforced Codes of Conduct for Members.
- 4 The work undertaken by the Monitoring Officer and her staff, and by this committee, ensures that these arrangements remain up to date and fit for purpose and that the risk of breaching the statutory requirements is minimised.

- 5 In relation to complaints against councillors, the Monitoring Officer 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 additional training.
- 6 In managing risks to Members' personal safety, the Monitoring Officer has continued the arrangements whereby permission has been granted for Members' Home addresses to be withheld from the Public Register of Interests.

What consultation and engagement has taken place?

- 7 The Monitoring Officer's report contains proposed changes for clarification to the process for handling Code of Conduct Complaints in relation to which the committee's views are sought.
- 8 In relation to complaints against Councillors, in all cases referred to in the Monitoring Officer's report: -
 - a) The subject member was informed of the complaint and invited to provide information to assist in the assessment of it.
 - b) The Independent Person was consulted and invited to comment in advance of all Assessments being completed.
 - c) the Complainant was contacted, and an explanation provided as to the outcome of their complaint.

What are the resource implications?

- 9 There are no resource implications arising from this report the Monitoring Officer advises that she is satisfied with both the capacity and resilience of resources available.

What are the legal implications?

- 10 The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority.

What are the key risks and how are they being managed?

- 11 The arrangements described within this report provide assurance that the authority, parish and town councils, individual councillors and the Monitoring Officer are complying with the requirements set out in the Localism Act 2011.

Does this report support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 12 Having a well-functioning ethical framework helps maintain confidence in the governance arrangements of the authority and thereby of the Council's objectives.

Options, timescales and measuring success

What other options were considered?

- 13 This a factual report detailing the operation of the ethical framework in place at Leeds City Council.

How will success be measured?

- 14 The Monitoring Officer will continue to ensure that arrangements are in place for the registration and declaration of Interests and gifts and hospitality. The Monitoring Officer will also support the Council in its duty to adopt and keep under review a Code of Conduct.
- 15 The Monitoring Officer will support all elected Members in complying with their statutory obligations relating to the registration and declaration of interests and any application for, and use of, dispensations.

What is the timetable for implementation?

- 16 Other than statutory requirements on relating to the registration of interests there are no required timescales for implementation.

Appendices

- 17 Appendix 1 Annual Report of the Monitoring Officer

Background papers

- 18 None.

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ANNUAL REPORT OF THE MONITORING OFFICER

- 1 This annual report to the Standards and Conduct Committee summarises the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.
- 2 This report covers the period from the last report to the committee in February 2021 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 The adopted Councillor Code of Conduct was further reviewed and amended at the Annual Council meeting in May 2022. Two sets of amendments were made, the first in relation Registering Interests related to the disapplication of the requirement to disclose Other Registerable Interests (ORIs) where that interest is one which relates to a body of which a Councillor is a member or is in a position of general control or management and to which they were nominated or appointed by the Council.
- 4 The second set related to Members ORIs that are not associated with a nomination or appointment by the Council. In these circumstances, the amendment placed a requirement on a Member to continue to declare their interest but replace the restriction on participating in decision making with the need to instead consider whether their participation is “prejudicial” to the public interest.
- 5 Only if the interest was considered to be prejudicial to the public interest would a Member then be restricted from speaking and voting on the matter.
- 6 Together the amendments added more clarity and are less restrictive in respect of declaring interests and helped to maximise Member participation in matters for which they do not have a pecuniary interest. The amendments still require the consideration of whether a Member’s participation in a matter is prejudicial to the public interest and therefore retains sufficient control over potential conflicts of interest.

Training & Advice

- 7 The Committee on Standards in Public Life has stressed that Training for Members should not be simply compliance focused but should also set out the rationale for high standards in public life and be scenario based so that councillors can engage with concrete examples and see the relevance of standards to different areas of activity in which they might be involved.

- 8 Following the adoption of the new Councillor Code of Conduct a series of on-line classroom led training sessions were provided to enable all Members to acquaint themselves with the new Code provisions and how they will impact on Members' roles. These were well attended by Members from all Political Groups and those unable to attend were signposted to on-line resources to support their learning.
- 9 Following the local elections in May 2022 the Monitoring Officer also arranged training for all newly elected Members.
- 10 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
- 11 Advice and training has again 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 and gifts and hospitality.
 - Bias and Predetermination.
 - Conflicts of Interests.
 - Social Media.

Register of Interests

- 12 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.
- 13 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.
- 14 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 gifts and hospitality; the need to register spousal interests; interests arising from employment, office, trade, profession or vocation; dual hatted interests; and the provisions for Sensitive Interests.

Sensitive Interests

- 15 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.

- 16 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 withholding¹ details of Members' home addresses from the publicly accessible register of interest. This approach was mirrored by authorities regionally and nationally.
- 17 The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made by the Committee on Standards in Public Life
- 18 Members will recall that the report from the Committee on Standards in Public Life, into Local Government Standards arrangements (published in January 2019) made a recommendation to Government to clarify that a councillor does not need to register their home address on an authority's register of interests (See Annex 2 Recommendation 2 for the Government's response on this matters).

Dispensations

- 19 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.
- 20 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.
- 21 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.
- 22 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.
- 23 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.

¹ Subject to Members having the option of having these details reinstated at their request

- 24 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 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.
- 25 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

- 26 Leeds City Council has responsibility for making arrangements to receive and consider complaints against Leeds City Council Members and parish and town councillors in Leeds. At Stage 2 of the complaint 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.
- 27 If a complaint was to reach Stage 3 of the complaint procedure, 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.
- 28 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.
- 29 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. Members subject of the complaint are also invited to provide comments as part of the assessment.

Complaints relating to Leeds City Councillors.

- 30 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 in February and the end of May 2021, all were found to be invalid.
- 31 During the Municipal Year there have been 7 complaints made against Leeds City Councillors.

Leeds City Council Member Complaints Summary

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Complaint Ref	Nature of Complaint	Assessment Outcome
1	Member support to a Planning Application which the complaint objected to.	Invalid under paragraph 6(l) of the procedure
2	Harassment/defamation	Invalid under Paragraph 6(l) of the Procedure
3	Views expressed by the subject Member in response to correspondence from the complainant.	Invalid under Paragraph 6(l) of the Procedure
4	Not responding to query from constituent.	Invalid under Paragraph 6(d) & (l) of Procedure
5	Alleged failure in meeting obligations of code relating to openness and honesty	Invalid under Paragraph 6(i) of Procedure
6	Content of Street Letter	Invalid under Paragraph 6(l) of the Procedure
7	Alleged bullying /harassment; Failure to provide information	Invalid complaint – No further action Paragraph 6(l) of the Procedure

- 33 There are no trends or issues of concern raised from the complaints which require intervention from the committee.
- 34 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.
- 35 Paragraph 6 (k) 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.
- 36 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

- 37 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.
- 38 At the time of this report the Monitoring Officer has received 3 complaints relating to Parish or Town Councillors in the Leeds area.
- 39 This is summarised in the table below.

Parish and Town Council Member Complaints Summary

40

Complaint Ref	Nature of Complaint	Assessment Outcome
a	Accuracy and content of minutes	Invalid under Paragraph 6(l) of the Procedure
b	Various issues concerning interaction with local councillors	Invalid under Paragraph 6(f) of the Procedure
c	Inappropriate comments	Invalid under Paragraph 6(j) of procedure

- 41 All these complaints related to Members of the different Parish Councils.
- 41 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 (5 last year).
- 42 Each enquiry was responded to by providing a complaint form and details of the Code of Conduct Complaints process. Of these 2 formal complaints were submitted but were subsequently withdrawn prior to Assessment commencing - both related to the same Parish Councillor.

Monitoring Officer Observations and Recommendations on the Operation of the Complaints Process

- 43 Members will recall that at Stage 1 of the complaint procedure 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.
- 44 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 Mr Tollefson for his diligence and expertise in undertaking this role.
- 45 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.

46 Following changes made to the procedure last year and consideration of the procedure in practice, some minor amendments for clarification are proposed to the Procedure set out at Annex 1 - subject to members comments these proposed amendments will be approved by the Monitoring Officer under delegated powers. Following the review last year, no further changes are recommended to the Protocol on Member Officer Relations or the Monitoring Officer Protocol.

Supporting Members of Parish and Town Councils

47 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.

48 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.

49 As set out earlier, Leeds City Council also has responsibility for receiving and considering complaints made against parish and town councillors.

50 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.

51 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.

Independent Person

52 The Standards and Conduct Committee has 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 Councillors' Code of Conduct.

53 Following the amendment to the procedure rules, Mr Tollefson is routinely consulted on draft complaint assessments. He also has regular briefing meetings with the Deputy Monitoring Officers and during the year has provided support to Members to help resolve issues. By way of this report, the Committee are invited to extend thanks to Mr Tollefson for his continued service as Independent Person this year.

54 Committee is also asked to note the resolution of the Annual Council meeting which extended Mr Tollefson's term of office to July 2024 with an option to extend by a further two years, subject to agreement between the Council and Mr Tollefson.

55 Also during the year applications were invited for an additional Independent Person to be appointed. Following an interview process and recommendation by General Purposes Committee, full Council has appointed Mrs Clare McManus who will commence in her role on 1st April 2023.

Progressing the Recommendations from the Committee on Standards in Public Life.

56 Since the publication of the report, the Department for Levelling Up, Housing and Communities has continued to engage with a number of local authority Monitoring Officers (Leeds included) to formulate the steps necessary to implement the Committee on Standards in Public Life recommendations.

57 The response from Government is attached at Annex 2 to this report along with officer commentary provided (in text boxes).

Local Government Association Peer Challenge

58 The LGA's Corporate Peer Challenge (CPC) brings together political and managerial leadership (through the use of member and officer peers) and provides robust, and strategic challenge and support to councils.

59 It is expected that all councils will receive a CPC at least every five years; the most recent Challenge for Leeds took place in November 2022 and the extract below of the external feedback received is of relevance to the assurances the committee seek on the Council's ethical framework.

Extract Feedback report - LGA Corporate Peer Challenge Leeds City Council 1st - 4th November 2022

4.3. Governance and culture

There are positive working relationships across the council. This is led from the top and is reflected in the council's structure, with the inclusion of the two main opposition party leaders on the council's Executive Board. Political differences are openly aired and respected across the council's membership, cross party working is normalised and is a strength, and councillors work to high standards of behaviour and conduct. This is complemented by low numbers of complaints about councillors through formal and informal channels.

Working relationships between councillors and officers are mature, transparent and constructive. The council was an early adopter of the LGA's Model Code of Conduct, and a cross-party working group has amended the code to fit local circumstance and the culture of the organisation and how it makes decisions. This includes further amendments to the Leeds code in light of updates to the LGA Model, particularly to provide clarity for councillors on expectations about declarations of interest.

The Member-Officer protocol was refreshed in February 2022, although officers describe few occasions when there is a need to refer to the code and what is expected, as this seems to be widely understood and adhered to, not least due to the visible values the council promotes and has embedded.

Catherine Witham
Monitoring Officer
March 2023

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PROCEDURE FOR CONSIDERING COMPLAINTS ALLEGING A FAILURE TO COMPLY WITH A MEMBERS' CODE OF CONDUCT WITHIN THE AREA OF LEEDS METROPOLITAN DISTRICT COUNCIL

Introduction

1. This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Leeds City Council and the Parish and Town Councils in the Leeds area.
2. The Members' Code of Conduct applies to elected Members and voting co-opted members when they are acting in that capacity **and this procedure relates to all complaints relating to allegations that a Member or Co-opted Member has failed in their obligations under the Code of Conduct adopted by the relevant Authority,**
 - a) Complaints which relate to a failure to comply with the rules about 'Disclosable Pecuniary Interests' **will not be accepted and** should be directed **by the Complainant** to the West Yorkshire Police for their consideration.
 - b) **Complaints relating to an employee or which relate wholly to a service related issue, will not be accepted by the Monitoring Officer under this procedure but instead the complainant will be referred to the relevant service in order for them to respond to the complainant directly.**
3. The Monitoring Officer may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

Stage 1 - Initial assessment by the Monitoring Officer

4. Complaints must be submitted in writing¹, must provide substantiated information to evidence the issue complained of, and should outline what form of resolution the complainant is seeking, otherwise the Monitoring Officer shall ask the complainant to resubmit their complaint or provide further information. Ideally the complainant should use the complaint form to submit their complaint, but other written complaints will be accepted so long as they contain the relevant information.
5. The Monitoring Officer will acknowledge receipt of the complaint and provide the complainant with a copy of this procedure. They will then assess the complaint² in consultation with the Independent Person. The Council will 'Take No Further Action' where a complaint appears to be intended to cause annoyance, frustration or worry (vexatious), is intended to do harm (malicious), or where it is apparent that a complaint has little or no substance (frivolous), particularly in terms of value or importance to the wider Public Interest (i.e. trivial complaints) or are politically motivated or tit-for-tat. For any other complaint, the Monitoring Officer will assess the complaint and make a decision as to whether it is valid and whether it should be

¹ Complaints about the conduct of a parish or town councillor towards a clerk should be made by the chair or the by the parish or town council as a whole, rather than by the clerk in all but exceptional circumstances.

² Including seeking and reviewing any readily obtainable information (including observations and recollections from the Subject Member).

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

upheld and where the complaint is upheld, whether further action would be proportionate and/or in the public interest.

6. The following types of complaint³ will not be considered as 'valid complaints' under this procedure and will result in No Further Action being taken:
- a. Complaints which are submitted anonymously⁴⁵;
 - b. Complaints which do not identify a subject Member;
 - c. Complaints which relate to a Member's personal or private life;
 - d. Complaints concerning a failure to respond to a request from a constituent or other individual;
 - e. Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees;
 - f. Complaints which relate to a decision of an employee or a Committee;
 - g. Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
 - h. Complaints which refer to alleged incidents which happened so long ago⁶ that there would be little benefit in taking action now;
 - i. Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests'⁷
 - j. Complaints containing trivial allegations, cause annoyance, frustration or worry (vexatious), or intended to do harm (malicious), or where it is apparent that a complaint has little or no substance (frivolous), particularly in terms of value or importance to the wider Public Interest (i.e. trivial complaints), are politically motivated or tit-for-tat ;

The following types of complaint will not be upheld:

- k. Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action, or are more suited for resolution through alternative means;

k6;

³ Specified in sub-paragraph (a) – (j)

⁴ Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

⁵ Anonymous complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Council's adopted Whistle blowing Policy.

⁶ In general terms complaints should be submitted within 6 months of the alleged incident

⁷ Such complaints ~~will~~ **should** be redirected **by the complainant** to the West Yorkshire Police **the Monitoring Officer will provide contact details to the Complainant subject to the complainant's agreement**

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- i. Complaints which do not evidence a failure to comply with obligations under the Members' Code of Conduct or otherwise do not relate to the Members' Code of Conduct;
 - m. Complaints where it is not possible to investigate, or in relation to which there is no action which could be taken which would achieve an outcome sought by the complainant in the circumstances of the case.
7. In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint⁸ and the name of the complainant⁹ and invited to comment.

~~If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly.~~

8. In any case where the Monitoring Officer decides that the complaint cannot be progressed further under the procedure, they will write to the complainant explaining why.. There is no Council appeal process for decisions taken by the Monitoring Officer at this stage, however complainants will be advised of their right to contact the Local Government and Social Care Ombudsman.

Stage 2 - Informal resolution

9. If, following assessment, the Monitoring Officer decides that the complaint should be upheld they will write to the complainant and explain that the matter is to be referred to the subject Member for the Member to seek to resolve the issue in accordance with this procedure.
10. At the same time, the Monitoring Officer will refer the matter to the subject Member¹⁰ and the relevant Group Whip¹¹ for their consideration. The Monitoring Officer will provide the subject Member with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 28 days) and will provide the subject Member with the contact details for the Independent Person¹².
11. Types of informal resolution might include:
- a. An explanation by the subject Member of the circumstances surrounding the complaint;
 - b. An apology from the subject Member;
 - c. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;

⁸ Information shared will include details of the complainant and their complaint. The Subject Member will receive this information as a data controller in their own right and all usual data protection controls will apply.

⁹ Except where the Monitoring Officer is satisfied the complainant should remain anonymous.

¹⁰ Information shared will include details of the complainant and their complaint. The Subject Member will receive this information as a data controller in their own right and all usual data protection controls will apply.

¹¹ If the subject Member is the Group Whip, the complaint will be copied to their Group Leader. In the case of a Parish or Town Council without structured political groups, the Monitoring Officer could consider involving the Chairperson of the Council.

¹² See Annex 1 for a summary of the role of the Independent Person.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- d. Offering to engage in a process of mediation or conciliation between the subject Member and the complainant; or
 - e. Any other action capable of resolving the complaint.
12. Before deciding upon a course of action the subject Member may seek guidance from a Group Whip, the Independent Person, and/or the Monitoring Officer or an appropriate senior person nominated by them. It may also be appropriate for the Monitoring Officer¹³ to seek the view of the complainant to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.
 13. The Independent Person is available to the subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards and Conduct Committee about the complaint at a later stage.
 14. At the end of the period given to resolve the complaint, the Monitoring Officer will, in consultation with the Chair of the Standards and Conduct Committee and the Independent Person, seek to establish whether the subject Member (or Group Whip) has appropriately addressed matters which have been raised by the complainant.
 15. Where the subject Member has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Member of this decision.
 16. Where, in the opinion of the Monitoring Officer in consultation with the Independent person, it has not been possible to appropriately address matters, the complaint will be referred to the Standards and Conduct Committee for consideration. The Monitoring Officer will notify both the complainant and the subject Member of this decision and will provide the subject Member with information regarding the Council's insurance arrangements (and how legal representation may be accessed).
 17. There will be no appeal process for decisions taken by the Monitoring Officer and the Chair of the Standards and Conduct Committee at this stage.

Stage 3 – Standards and Conduct Committee

18. The Monitoring Officer will commission a report of the complaint for consideration by the Standards and Conduct Committee. This report will include readily obtainable information, a summary of the complaint, the Monitoring Officer's assessment of it and the efforts made to resolve the matter informally.

¹³ Or other suitable senior person as appropriate (including that Members' Whip)

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19. The Monitoring Officer must arrange for a meeting of the Standards and Conduct Committee (or the relevant Sub-Committee¹⁴)¹⁵ to be convened to consider the report. Wherever possible the meeting will take place within 28 days of the report being finalised.
20. If the complaint relates to a Parish or Town Councillor, one of the co-opted Parish Members will be invited to attend the Committee meeting. The Parish Member will not be entitled to vote at the meeting but will be entitled to speak, at the discretion of the Chair.
21. The following people will also be invited to attend the Committee meeting:
 - a. The complainant;
 - b. The subject Member;
 - c. The Group Whip (if relevant); and
 - d. The Independent Person.

If the complainant or the subject Member are unable to attend the meeting they will be asked for a written statement for consideration by the Committee.

22. The Monitoring Officer will attend the meeting in order to advise the Committee.
23. At the beginning of the meeting the Committee will be asked to resolve whether the complaint should be considered in private in accordance with the provisions of Rule 10 of the Access to Information Procedure Rules relating to exempt information. If the meeting is to be held in private the press and public will be excluded¹⁶.
24. After initial consideration of the commissioned report, the Committee may ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.
25. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.
26. If the Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Committee should consider whether the information will be readily available to the Monitoring Officer.
27. Once the Committee is satisfied with the information before it, it must decide on the balance of probabilities whether the subject Member has failed to comply with the Members' Code of Conduct and if so,

¹⁴ Such Sub-Committee will be made up of three Members of the Standards and Conduct Committee, one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members will be from the same political group. The Chair will be elected from among the membership at the beginning of the meeting, but cannot be from the same political group as the subject Member.

¹⁵ References to the Committee in rules 21 to 36 below shall be read as references to the Sub-Committee if such sub-committee has been appointed and is convened to hear the complaint.

¹⁶ The Committee may invite people to remain in the meeting if it is considered that they could provide information relevant to the complaint.

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

- a. Whether further action is warranted; and
 - b. What form of action might be appropriate; and
 - c. Whether to make any other general recommendation to the authority.
28. If the Committee concludes that the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.
29. If the Committee concludes that the subject Member has failed to comply with the Members' Code of Conduct, the Committee must consider whether further action is warranted in respect of the subject Member, and recommend what form of action might be appropriate.
- 30 The recommendations available to the Committee include but are not limited to:
- a. A formal letter to the subject Member from the Chair of the Standards and Conduct Committee setting out the conclusions of the Committee;
 - b. Formal censure by a motion of full Council; or
 - c. Removal by the authority of the Member from a relevant Committee(s) subject to statutory and constitutional requirements.
- The Committee has no authority to disqualify or suspend the subject Member as a Councillor.
31. The Committee may make a recommendation in relation to one or more of the above to full Council or, if appropriate, the Town or Parish Council, the Group Whip or the Chair of the Standards and Conduct Committee.
32. The Committee may also make general recommendations to the relevant authority¹⁸ with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.
33. Within five working days of the Committee meeting, the Chair of the Committee will write to the complainant and the subject Member explaining the final decision of the Committee and detailing any recommendations made.
34. There will be no right of appeal against a decision of the Committee.

ANNEX 1 - ROLE OF THE 'INDEPENDENT PERSON'

¹⁸ Which shall be Leeds City Council and / or the Town or Parish Council concerned as appropriate

Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct

Role of the Independent Person

The role of the independent person is set out in Section 28 of the Localism Act 2011.

As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The independent person's views **will** be sought, and taken into account, by the authority before:-

- Making a decision at Stage 1 of this procedure;
- Making a decision as to whether the subject Member has appropriately addressed matters raised by the complainant by way of informal resolution at Stage 2 of this procedure;
- Making a decision on an allegation that it has decided to investigate under Stage 3 of this procedure.

A member or co-opted member of the authority (or of a parish council in the area) **may** seek the Independent Person's views on an allegation made against them.

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Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

Recommendation 1

The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.¹¹ Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Leeds City Council Commentary

Leeds City Council was an early adopter of the LGA Model Code. Amendments have been made since that adoption to better reflect local arrangements, particularly in relation to registration and declaration of non-Pecuniary interests.

¹ References to councillors in this document also should be deemed to include elected mayors.

Recommendation 2

The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will 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.

Leeds City Council Commentary

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 and prior to that, the murder of Jo Cox, the Monitoring Officer took steps to help safeguard the physical well-being of Members. That approach was similarly adopted by authorities both regionally and nationally.

The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made by the Committee on Standards in Public Life and is also an approach adopted by authorities regionally and nationally.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: ‘It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive’: a point that the Government has recognised in a Department for Education policy paper². But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.’

It is important to recognise that there is a boundary between an elected representative’s public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

Leeds City Council Commentary

This is captured in the local code adopted by Leeds City Council.

Recommendation 4

Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their own suggested code of conduct to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Leeds City Council Commentary

This is captured in the local code adopted by Leeds City Council.

² Higher education: free speech and academic freedom Feb 2021
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

Recommendation 5

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Leeds City Council Commentary

This is captured in the local code adopted by Leeds City Council. Where a matter arises at a meeting which directly relates to or affects the financial interest or wellbeing of one of a Councillor's Other Registerable Interests, the interest must be declared - however, this does not apply to grant applications from community groups where the purpose of the grant is the provision of activities or facilities for local community benefit.

Recommendation 6

Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Leeds City Council Commentary

The £50 value is captured in the local code adopted by Leeds City Council. Any gift or hospitality with an estimated value of at least £50 must be registered within 28 days of its receipt. The cumulative figures of £100 from a single source is not. Members may or may not wish to consider whether such a provision should be incorporated into the Leeds Code.

Recommendation 7

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter”.

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor’s spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee’s report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor’s spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Leeds City Council Commentary

The intent behind the Committee on Standards in Public Life recommendation is captured in the local code adopted by Leeds City Council - specifically in relation to the Disclosure of Non-Registerable Interests.

Recommendation 8

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government’s view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution “fresh” and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

Leeds City Council Commentary

Leeds currently has one Independent Person formally appointed - the term for whom is two years with scope for that to be extended by a further two years by joint agreement. An additional Independent Person is being sought.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils’ minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Leeds City Council Commentary

The independent person’s views is sought, and taken into account, by the authority before:-

- Making a decision at Stage 1 of this procedure
- Making a decision as to whether the subject Member has appropriately addressed matters raised by the complainant by way of informal resolution at Stage 2 of this procedure
- Making a decision on an allegation that it has decided to investigate under Stage 3 of this procedure.

The complaint procedures does not require publication of the Independent Person’s view.

Recommendation 10

A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12

Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13

Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14

The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16

Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime.

The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Leeds City Council Commentary

The responsibility for responding to these matters and determining the policy/legal framework is wholly for government.

Recommendation 11

Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

Leeds City Council Commentary

It is not wholly evident that local authorities have the legal powers to provide Independent Persons with Indemnity in these circumstances. Further enquiries are being made of Government.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Leeds City Council Commentary

This has been part of the routine annual reporting in place in Leeds for a number of years and that continues to be the case.

Recommendation 17

The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Leeds City Council Commentary

We await a further and fuller response and clarification from Government on this matter.

Recommendation 18

The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Leeds City Council Commentary

There appears to be no changes imminent to the arrangements relating to Disclosable Pecuniary Interests. In relation to Leeds City Council and Parish and Town Councils in the Leeds area no complaints of this nature have been considered by West Yorkshire Police.

Recommendation 20

Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

Leeds City Council Commentary

Whilst helpful to have consistency across the district for all councils the matter is for each council themselves to determine. The Leeds Code is shared widely with clerks to Parish and Town Council's to encourage this.

Recommendation 21

Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Leeds City Council Commentary

This is a matter for Government at a policy level.

Recommendation 22

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

Leeds City Council Commentary

Leeds City Council welcome the further consideration of these matters by Government

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency³. The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

Leeds City Council Commentary

The Leeds City Council Whistleblowing Policy provides a contact telephone number for the appointed auditor but no named contact.

Recommendation 24

Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

Leeds City Council Commentary

Leeds City Council awaits consideration of these matters by Government.

³ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>

Annual Report of the Standards and Conduct Committee

Date: 10th March 2023

Report of: City Solicitor

Report to: Standards and Conduct Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

The purpose of this report is to present to the committee an annual report of the Standards and Conduct Committee relating to matters within the committee's terms of reference.

Recommendations

- a) Members are requested to consider and approve the draft Annual Report (attached at Appendix 1) and determine whether any additional commentary is required.

Why is the report being put forward?

- 1 Council Procedure Rule 2.2 (f) stipulates that an annual report of the committee must be referred to full Council for consideration.

What impact will this report have?

Wards affected:

Have ward members been consulted? Yes No

- 2 The Council's ethical framework for elected members is a key component of the Council's Values of being open, honest and trusted and treating people fairly. The Standards and Conduct Committee reporting to Full Council annually supports the duty of the Authority to promote and maintain high standards of conducts by Members and co-opted Members of the Council.

What consultation and engagement has taken place?

- 3 The purpose of the report being before the committee is to seek comments, amendments and subsequent approval of the Annual Report

What are the resource implications?

- 4 There are no resource implications arising from this report.

What are the legal implications?

- 5 The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority, reporting in this way to Full Council supports the discharge of that duty.

What are the key risks and how are they being managed?

- 6 The arrangements described within this report provide assurance that the authority, parish and town councils, individual councillors and the Monitoring Officer are complying with the requirements set out in the Localism Act 2011.

Does this report support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 7 Having a well-functioning ethical framework helps maintain confidence in the governance arrangements of the authority and thereby of the Council's objectives.

Options, timescales and measuring success

What other options were considered?

- 8 This a factual report detailing the operation of the ethical framework in place at Leeds City Council.

How will success be measured?

- 9 By considering reports from the Monitoring Officer the Standards and Conduct Committee ensure that the Council's Ethical Framework remains up-to-date and fit for purpose.

What is the timetable for implementation?

- 10 There are no required timescales for implementation.

Appendices

- 11 Appendix 1 Draft Annual Report of the Standards and Conduct Committee

Background papers

- 12 None.



Draft

Annual Report to Full Council

**Standards and Conduct
Committee**

2022/23

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 Lisa Mulherin

Councillor Dan Cohen

Councillor Ryk Downes

Councillor Pauleen Grahame

Councillor Peter Harrand

Councillor Lisa Mulherin

Councillor Andrew Scopes

Councillor Eileen Taylor

Councillor Dawn Seary

Councillor Debbie Potter - Parish and Town Council representative

Gordon Tollefson - Independent Person

4. Key Issues

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

Since the publication of the report, the Department for Levelling Up, Housing and Communities has continued to engage with a number of local authority Monitoring Officers (Leeds included) to formulate the steps necessary to implement the CSPL recommendations.

The response from Government was published during the year and the outcomes considered by the Standards and Conduct Committee.

Councillor Code of Conduct

The adopted Councillor Code of Conduct was further reviewed and amended at the Annual Council meeting in May 2022. Two sets of amendments were made, the first in relation Registering Interests related to the disapplication of the requirement to disclose Other Registerable Interests (ORIs) where that interest is one which relates to a body of which a Councillor is a member or is in a position of general control or management and to which they were nominated or appointed by the Council.

The second set related to Members ORIs that are not associated with a nomination or appointment by the Council. In these circumstances, the amendment placed a requirement on a Member to continue to declare their interest but replace the restriction on participating in decision making with the need to instead consider whether their participation is “prejudicial” to the public interest.

Only if the interest was considered to be prejudicial to the public interest would a Member then be restricted from speaking and voting on the matter.

Together the amendments added more clarity and are less restrictive in respect of declaring interests and helped to maximise Member participation in matters for which they do not have a pecuniary interest. The amendments still require the consideration of whether a Member’s participation in a matter is prejudicial to the public interest and therefore retains sufficient control over potential conflicts of interest.

Complaint Procedure

The provisional outcome of an assessment of a complaint is shared with the Independent Person for his view in advance of that assessment being concluded and communicated to the Complainant and subject Member. This process has continued to work extremely well and has added further rigour and independence to the complaints process. The Monitoring Officer would like to place on record her thanks to Mr Tollefson for his diligence and expertise in undertaking this role.

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.

Following changes made to the procedure last year and consideration of the procedure in practice, following consultation with the Standards and Conduct Committee, some minor amendments for clarification have been made to the complaint procedure by the Monitoring Officer.

Training and Advice

The CSPL has stressed that Training for Members should not be simple compliance focused but should also set out the rationale for high standards in public life and should be scenario based so that Councillors can engage with concrete examples and see the relevance of standards to different areas of activity in which they might be involved.

Following the adoption of the new Councillor Code of Conduct a series of on-line classroom led training sessions were provided to enable all Members to acquaint themselves with the new Code provisions and how they will impact on Members' roles. These were well attended by Members from all Political Groups and those unable to attend were signposted to on-line resources to support their learning.

Following the local elections in May 2021 the Monitoring Officer also arranged training for all newly elected Members.

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.
- Use of social media.

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; and the provisions for Sensitive Interests.

Sensitive Interests

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.

In response to concerns raised by a large number of Elected Members about instances of harassment, intimidation and vulnerability, which were particularly intensified following the tragic death of Sir David Amess, the Monitoring Officer took the step of withholding¹ details of Members' home addresses from the register of interests accessible by the public. This approach was mirrored by authorities regionally and nationally.

The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made by the Committee on Standards in Public Life and is also an approach adopted by authorities regionally and nationally.

Members will recall that the report from the CSPL, into Local Government Standards arrangements (published in January 2019) made a recommendation to Government to clarify that a councillor does not need to register their home address on an authority's register of interests. Government has yet to legislate for this.

Dispensations

No alterations have been made to the Standards and Conduct Committee's conclusions regarding local dispensations regarding 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 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 process.

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.

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.

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.

¹ Subject to Members having the option of having these details reinstated at their request

Complaint handling

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 decides 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

Last year 11 complaints had been received in respect of Leeds City Council Members. During the Municipal Year to date there have been 7 complaints received against Leeds City Councillors. All have been assessed as being invalid.

Complaints relating to Parish and Town Councillors in Leeds

Last year 9 complaints relating to Parish or Town Councillors in the Leeds area were received between. All were assessed as invalid.

At the time of this report the Monitoring Officer has received 3 complaints relating to Parish or Town Councillors in the Leeds area.

Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests' are matters for West Yorkshire Police to consider - no formal complaints of this nature have been received this year by Police.

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 (5 last year).

Each enquiry was responded to by providing a complaint form and details of the Code of Conduct Complaints process. . Of these 2 formal complaints were submitted but were subsequently withdrawn prior to Assessment commencing. Both related to the same Parish Councillor.

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.

The Committee is grateful to Mr Tollefson for his advice, service and dedication through the year.

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. Following changes made to the procedure last year and consideration of the procedure in practice, further amendments to enhance clarity have been made by the Monitoring Officer following consultation with the Committee .

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 Monitoring Officer/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 routinely consulted on draft complaint assessments. He also has regular briefing meetings with the Deputy Monitoring Officers and during the year has provided support to Members to help resolve issues.

The Committee has been consulted on proposals to extend Mr Tollefson's term of Office and to also seek to recruit an additional Independent Person to work with Mr Tollefson.

Also during the year, following the approval of General Purposes Committee, applications were invited an additional Independent Person to be appointed. Following an interview process Mrs Claire McManus was appointed by Council to commence her role on 1 April 2023.

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. The Monitoring Officer has confirmed that she has adequate resources to fulfil her statutory duties.

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