



STANDARDS AND CONDUCT COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Friday, 8th March, 2024 at 10.00 am

MEMBERSHIP

P Alderson - Guisley and Rawdon
R Downes - Otley and Yeadon
J Dowson (Chair) - Chapel Allerton
B Gettings JP - Morley North
P Grahame - Crossgates and Whinmoor
A Scopes - Beeston and Holbeck
M Swards - Farnley and Wortley
R Stephenson - Harewood

Independent Persons

Gordon Tollefson
Claire McManus

Co-opted Parish Council Member

Councillor Debbie Potter, Shadwell Parish Councillor

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?CId=924&MId=12247&Ver=4>

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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

5 - 14

To receive and approve the attached minutes from the meeting held on Monday, 14th March 2022 and to receive and note the attached notes of the consultative meeting held on Friday, 10th March 2023.

7

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

15 - 26

To receive and consider the attached report of the City Solicitor that summarises the work carried out by the Monitoring Officer and her staff and the Council's ethical framework, to support the Committee throughout the year.

8

ANNUAL REPORT OF THE STANDARDS AND CONDUCT COMMITTEE

27 - 34

To receive and consider the attached report of the City Solicitor which seeks the committee's approval of the Annual Report of the Standards and Conduct Committee and supporting the Chair in presenting the Annual Report to Full Council.

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.

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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CONSULTATIVE MEETING OF MEMBERS OF THE STANDARDS AND CONDUCT COMMITTEE

FRIDAY, 10TH MARCH, 2023

PRESENT: Councillor L Mulherin in the Chair

Councillors D Cohen, P Harrand,
A Scopes, D Seary, M Swards, and
E Taylor

Independent Person – Mr G Tollefson

Co-opted Parish Council Member – Councillor D Potter

STATUS OF MEETING

With the agreement of the Chair and due to severe weather conditions, the meeting took place as a remote consultative meeting rather than a physical meeting. As such, it was noted that the consultative nature of the meeting did not allow for formal decisions to be made but did allow for the committee to make recommendations on the agenda items as contained within the published agenda pack.

1 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

2 Exempt Information - Possible exclusion of the press and public

There were no exempt items.

3 Late items

There were no formal late items.

4 Declaration of Interests

Members did not declare any interests.

5 Apologies for absence

Apologies were received on behalf of Councillor R Downes and Councillor P Grahame. The Head of Democratic Services also conveyed the City Solicitor's apologies to the meeting.

6 Minutes of the Previous Meeting - 14 March 2022

RECOMMENDED – That the minutes of the previous meeting held Monday, 14th March 2022 be approved at a future meeting as an accurate record.

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

The Head of Democratic Services presented the report of the City Solicitor with a summary of the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.

Appended (Appendix 1) to the report included a copy of the report from the Monitoring Officer.

The Head of Democratic Services introduced the report and provided members with an update on the following:

- Summary of changes to the Councillor Code of Conduct following the Annual Council meeting in May 2022.
- All Members of the authority and of Parish and Town Councils met their obligation to notify any disclosable pecuniary interests within 28 days of election.
- All out parish council elections taking place in May 2023 will be a significant undertaking for officers.
- Sensitive interests. The Monitoring Officer has facilitated all requests from Members for home address details to be redacted from the public register of interests.
- Summary of complaints. 7 complaints assessed with officers compared to 12 from the previous year. 3 parish and town council complaints compared with 7 from the previous year. The Monitoring Officer has recommended minor changes to the complaints procedure (as detailed in Annex 1)
- The newly appointed Independent Person Claire McManus commences her role from 1st April 2023.
- Local Government Association (LGA) Peer Review positive in respect of the council's arrangements.

In response to a query regarding signposting following a complaint, it was confirmed that cases are determined on a case by case basis and complainants may be directed to other routes.

The Chair referred to the LGA Peer Review and commended the council on the Peer Review's findings about the strength of cross party working, the high standards of behaviour and conduct embedded across the council and about the "mature, transparent and constructive" relationship between councillors and officers.

Additionally, in terms of Recommendation 6, the Chair suggested that a cumulative or individual figure be referenced in relation to the requirement to record gifts and hospitality received. The Committee broadly supported this approach in acknowledging the benefits of identifying an individual figure for the year. Members were informed that suggestions to amend the Code of Conduct need to be considered at General Purposes Committee before being

agreed at a Full Council meeting. The Chair suggested that this be something for the successor Committee to consider and determine.

RECOMMENDED – To note the contents of the report, together with the comments arising from the Committee’s discussion and that the amendments for clarification to the Complaint Procedure as recommended by the City Solicitor be supported.

8 Annual Report of the Standards and Conduct Committee

The report of the City Solicitor presented the annual report of the Standards and Conduct Committee relating to matters within the committee’s terms of reference.

Appended (Appendix 1) to the report included the draft annual report of the Standards and Conduct Committee.

The Head of Democratic Services explained that due to the meeting changing to a remote meeting, members are provided with the opportunity to consult on the annual report and the Chair of the Standards and Conduct Committee will present the report on behalf of the Committee at the upcoming Council meeting.

Further to the annual report under the sub-heading ‘Complaints relating to Leeds City Councillors’, a member suggested that the term for elected members be referred to as either ‘City Councillors’ or ‘Council Members’ as this may come across as confusing. Additionally, it was requested that additional details on who assesses complaints be included.

The Chair reiterated the positive position in terms of the number of complaints received as well as welcoming the new Independent Person, Claire McManus to commence her role on 1 April 2023.

Gordon Tollefson also highlighted the positive work across the city and limited number of complaints received in comparison to many smaller local authorities, reflecting the work of councillors and officers. Gordon thanked the Committee and commented on the support he will provide Claire when she commences her role as Independent Person.

RECOMMENDED –

- a) To note the Annual Report of the Standards and Conduct Committee, and amendments suggested by Members.
- b) To support the Chair in presenting the Annual Report as amended on behalf of the committee at the Council meeting.

(The meeting concluded at 10:32)

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

Date: 8th March 2024

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 in relation to standards and conduct matters throughout the year.

Recommendations

- a) Members are asked to consider the matters set out in the Monitoring Officer's Annual report.

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 failure to act in accordance with 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 This year the Monitoring Officer's report contains no changes to the process for handling Code of Conduct Complaints.
- 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 OFFICER¹

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

Councillor Code of Conduct

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

Training & Advice

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

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

² the last amendments made in May 2022

circulated to all Members in the Autumn of 2023.

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

Register of Interests

- 9 The Localism Act 2011 places a duty on the Monitoring Officer of a relevant authority to establish and maintain a register of interests of Members and co-opted Members of the authority.
- 10 The Monitoring Officer has supported Members of the authority (and of Parish and Town Councils) in meeting their obligations to notify any disclosable pecuniary interest within 28 days of a change in the circumstance relating to such interests.
- 11 In addition, regular reminders have been issued to elected Members to review their register of interests. Whilst some reminders have been general in nature, others have provided focussed advice with reminders in the past year including the need to register spousal interests; interests arising from employment, office, trade, profession or vocation; dual hatted interests; and the provisions regarding sensitive Interests. Reminders have also been sent concerning the need to register gifts and hospitality.

Sensitive Interests

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

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

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

Dispensations

- 14 If a councillor wishes to apply for a dispensation to allow them to take part in a meeting considering a matter in which they have a disclosable pecuniary interest, they must submit a written application to the Monitoring Officer.
- 15 Applications are then decided by the Head of Paid Service. However, in deciding whether to grant a dispensation the Head of Paid Service must have regard to s.33(2) Localism Act 2011 and, (as per arrangements established in Leeds), consult with the Chair of the Standards and Conduct Committee.
- 16 No alterations have been made to the Standards and Conduct Committee's conclusions regarding local dispensations on councillor's involvement in decision making where they have a Disclosable Pecuniary Interest (DPI). Members will recall that the circumstances where a Member of the public has rights to attend and make representations – for example, in relation to a personal planning application - the committee's view was that this limitation placed an unjust limitation upon councillors.
- 17 Considering this, and recognising the committee's views on this matter, subject to certain constraints, and the receipt of an application, the Head of Paid Service has continued to set aside these restrictions by way of the granting of a dispensation to newly elected Members.
- 18 The dispensation allows Members (when they have a DPI) to make representations at a meeting where Members of the public have the same entitlement – however those Members must not otherwise be involved in the decision-making process.
- 19 The other active dispensation, granted to all Members, permit Members to attend and vote in matters relating to:
 - Any office held within Leeds City Council for which they receive taxable income; and
 - Any office held outside Leeds City Council (to which they have been appointed by Leeds City Council) for which they receive a taxable income.
- 20 Subject to any legislative or policy change, and in consultation with the Chair of this Committee, the Head of Paid Service will be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

Complaint Handling

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

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

- 22 Leeds City Council has responsibility for deciding the arrangements whereby complaints against Leeds City Council Members and parish and town councillors in Leeds are received and considered.
- 23 At Stage 1 complaints are assessed by the Monitoring Officer (or an officer nominated by her) to determine whether the complaint is valid or not.
- 24 For complaints that proceed to Stage 2, the Chair of the Standards and Conduct Committee must be consulted by the Monitoring Officer in deciding whether the matters raised by the complainant have been appropriately addressed by the subject Member.
- 25 If a complaint reaches Stage 3, the Standards and Conduct Committee would need to meet to consider the complaint and decide whether the Code of Conduct had been breached and what action to recommend.
- 26 To be considered under the formal complaints process, complaints must be submitted in writing, must provide information to substantiate the claims made, and should outline what form of resolution the complainant is seeking.
- 27 Each complaint is assessed by either the Monitoring Officer (or one of her nominees) in consultation with the Independent Person; it is the Monitoring Officer (or her nominee) that makes a decision as to whether it will be treated as a valid complaint or not. Where information is lacking, complainants are also offered the opportunity to provide further information to substantiate their complaint to enable an objective assessment to be undertaken. Members subject of the complaint are also invited to provide comments as part of the assessment.

Complaints relating to Leeds City Councillors.

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

Leeds City Council Member Complaints Summary

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

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

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

Complaints relating to Parish and Town Councillors in Leeds

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

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

Parish and Town Council Member Complaints Summary

34

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

35 Under Stage 3 of the complaint procedure the Standards and Conduct Committee have made specific arrangements for complaints against parish and town councillors. Although such complaints would still be decided by the Consideration Sub-Committee, a co-opted parish Member would also be invited to attend the subcommittee meeting.

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

Disclosable Pecuniary Interest Complaints referred to West Yorkshire Police

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

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

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

General Enquiries

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

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

Monitoring Officer Observations

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

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

44 It remains important that the focus of the complaints process is on matters that are serious, such as corruption, bullying and misuse of power in public office.

Supporting Members of Parish and Town Councils

45 Parish and Town Councils have responsibilities under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:-

- promoting and maintaining high standards of conduct by their own Members.
- formally adopting a Code of Conduct that is consistent with the requirements of the Localism Act and publicising that adoption.
- completing a register of disclosable pecuniary interests and ensuring that information about this register is available on the parish or town council's own website (if it has one).
- putting in place arrangements for Members to apply for and be granted a dispensation; and
- ensuring that arrangements are in place for the parish or town council to consider any complaints referred to it by Leeds City Council and to decide on any appropriate action against the subject Member.

46 The Monitoring Officer of Leeds City Council has a responsibility to collate the registers of interest completed by parish and town councillors in Leeds and to publish these on the council's website. This was a substantial task following the all-out Parish and Town Council elections (in May 2023) but was completed within 28 days.

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

48 Potential engagement activity in the new financial year includes:

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

Independent Person

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

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

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

Catherine Witham
Monitoring Officer
March 2024

Annual Report of the Standards and Conduct Committee

Date: 8th March 2024

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 the draft Annual Report of the Standards and Conduct Committee (relating to matters within the committee's terms of reference) for approval.

Recommendations

Members are requested to,

- a) consider and approve the draft Annual Report (attached at Appendix 1) and
- b) support the Chair in presenting the Annual Report to full Council.

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**

2023/24

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 Paul Alderson

Councillor Ryk Downes

Councillor Jane Dowson Chair

Councillor Bob Gettings JP

Councillor Pauleen Grahame

Councillor Andrew Scopes

Councillor Mark Swards

Councillor Ryan Stephenson

Councillor Debbie Potter - Parish and Town Council representative

Gordon Tollefson - Independent Person

Claire McManus – Independent Person

4. Key Issues

Councillor Code of Conduct

Following review by the Monitoring Officer, no amendments have been proposed to the adopted Councillor Code of Conduct following the last amendments made in May 2022.

Complaint Procedure

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.

The provisional outcome of an assessment of a complaint continues to be shared with one of the Independent Persons for their view in advance of that assessment being concluded and communicated to the complainant and subject Member.

This process provides rigour and independence to the complaints process. Following changes made to the procedure in 2022 and [2023](#) and consideration of the procedure in practice, no further amendments have been proposed to the complaint procedure by the Monitoring Officer.

Training and Advice

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.

Following the local elections in May 2023 the Monitoring Officer arranged training for all newly elected Members. These sessions were delivered by a leading independent figure in the field of local authority standards and conduct.

This impartial and bespoke approach has been developed over the last three years and provides Members with access to the very latest case-studies and thinking whilst also being couched, and delivered, within the direct reference to, and context of, Leeds' local ethical framework arrangements.

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.

The guidance for Members on engagement with social media has also been reviewed and updated by the Monitoring Officer during the year with the amended guidance circulated to all Members in the Autumn of 2023.

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 register of interests. Whilst some reminders have been general in nature, others have provided focused advice with including on the need to register spousal interests; interests arising from employment, office, trade, profession or vocation; dual hatted interests; and the provisions regarding sensitive Interests. Reminders have also been sent concerning the need to register gifts and hospitality.

Sensitive Interests

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 murders of both Jo Cox and Sir David Amess we are grateful to the Monitoring Officer who took the step of withholding¹ details of Members' home addresses from the register of interests accessible by the public.

Instances of harassment and intimidation unfortunately continue and reinforce the steps taken by the Monitoring Officer and which are supported by both the recommendation made by the Committee on Standards in Public Life² and approaches adopted in other local authorities.

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 remains that this limitation placed an unjust discrimination upon councillors.

The other active dispensations, granted to all Members, permits members to attend and vote in matters relating to:

- Any office held within Leeds City Council for which they receive a taxable income; and

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

² 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 has undertaken to engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

- 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 Chief Executive will be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

Complaint handling

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.

We are grateful to the Monitoring Officer and her staff who assess complaints and liaise with complainants, subject members and the Independent Persons.

Complaints relating to Leeds City Councillors

Last year 9 complaints had been received in respect of Leeds City Council Members. During the Municipal Year to date there have been 5 complaints received against Leeds City Councillors. All that been assessed as being invalid.

Complaints relating to Parish and Town Councillors in Leeds

In relation to Parish and Town Councillors, last year 7 complaints, were received. This year 1 complaint has been received and was assessed as invalid.

Referrals to West Yorkshire Police

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 complaints of this nature have been received this year by Police.

General Inquiries

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

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

Operation of the Complaints Process

The provisional outcome of Assessment is shared with the Independent Person for their view in advance of that Assessment being concluded and communicated to the Complainant and Subject Member.

That process has again worked extremely well during and adds rigour and independence to the complaints process. It remains important that the focus of the complaints process is on matters that are serious, such as corruption, bullying and misuse of power in public office.

Supporting Members of Parish and Town Councils

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.

The Monitoring Officer of Leeds City Council has a responsibility to collate the registers of interest completed by parish and town councillors in Leeds and to publish these on the council's website. This was a substantial task following the all-out Parish and Town Council elections (in May 2023) but was completed within 28 days.

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

Potential engagement activity in the new Municipal year includes:

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

Independent Person

By way of this report, the Committee wishes to extend thanks to both Mr Tollefson and Ms McManus for their service this year.

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

Monitoring Officer Assurance

The committee, via this report is also able to report to Council that the Monitoring Officer also confirmed that she is satisfied that the Authority continues to meet its statutory obligations relating to standards and conduct and that she has adequate resources to fulfil her statutory duties.