



**Draft
Annual Report to Full Council**

**Standards and Conduct
Committee
2019/20**

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 Committee must be referred to Full Council for consideration; this being to support the duty of the Authority to promote and maintain high standards of conducts by Members and co-opted Members of the Council.

2. TERMS OF REFERENCE

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

The functions of the Standards and Conduct Committee are:

- To promote and maintain high standards of conduct by members and co-opted members of the authority.
- To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- To consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the Leeds area has failed to comply with the parish council's code of conduct.
- Following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations on the form of action.
- To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority.

3. COMMITTEE INFORMATION

Committee Membership

Councillor Elizabeth Nash (Chair) - Hunslet and Riverside;

Councillor Neil Dawson - Morley South;

Councillor Bob Gettings JP – Morley North;

Councillor Pauleen Grahame –Crossgates and Whinmoor;

Councillor Peter Harrand - Alwoodley;

Councillor Mark Harrison - Pudsey;

Councillor Arif Hussain - Gipton and Harehills;

Councillor Debbie Potter - Shadwell Parish Council;

4. Key Issues

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

The Committee launched their findings at an event in Parliament on the 30th January 2019 to which the chair, Cllr Nash and the Deputy Monitoring Officer were invited by the Committee's secretariat.

Following recommendations made by the Standards and Conduct Committee, the Annual Council meeting approved enhancements of the ethical framework in Leeds – particularly relating to Bullying and Harassment provisions in the Code of Conduct, the involvement of the Independent Person at Stage 1 of the complaints process and to the guidance available to Members relating to Social Media.

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

However, in response to one recommendation, the Local Government Association are currently undertaking a consultation exercise on the content of a new draft Members' Code of Conduct – the intention being that a draft Code will be consulted upon at some point in the Spring with the LGA currently scheduled to consider a final document at their Annual Meeting in July 2020. Subject to this being approved, this will be available for adoption by Local Authorities.

Training

During 2019 10 members were newly elected. All Members received induction training on the requirements of the Code of Conduct and the specific requirements relating to the registration and declaration of interests. Members were also provided with the Monitoring Officer's guidance on Social Media.

In addition, as part of prescribed training for councillors who are members of Plans Panels, briefings have been provided on the legal framework concerning the avoidance of bias and predetermination.

In May 2019 all-out Parish and Town Council Elections took place.....<add in more detail re this when provided>

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 either their election or of a change in the circumstances 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 interests relating to consideration of the budget.

Sensitive Interests

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

The Monitoring Officer highlighted the Section 32 provisions to all new and returning members after the 2018 all-out elections and has also reviewed the previously granted permissions to ensure they remain necessary.

Twenty Six (12 in 2018/19) permissions to withhold interests are in place (having been granted by the Monitoring Officer in respect of the 435 elected Leeds City Council and Parish and Town Council Members across the Leeds Metropolitan District, an increase of 14 on the previous year.

Twenty (7 in 2018/19) of these relate to Leeds City Councillors, a substantial increase from last year. This reflects the trend nationally where elected representatives face increased threats and being targeted maliciously – often, although not exclusively, via Social Media.

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

Members attention is also drawn to the report from the Committee on Standards in Public Life, (reported to the Committee last year) into Local Government Standards Arrangements which 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. No progress has been made by Government in relation to this.

Dispensations

No alterations have been made to the Standards and Conduct Committee's conclusions regarding local prohibitions on councillor's involvement in decision making where they have a Disclosable Pecuniary Interest (DPI).

One of the two dispensations in place allows members (when they have a DPI) to make representations at a meeting where members of the public have the same entitlement – however those members must not otherwise be involved in the decision making of the decision making body. There have been no issues arising from this dispensation during the year.

The other active dispensation permits members to take part and vote in matters relating to:

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

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

Members will recall from last year's report that in May 2018, following all out elections, both dispensations were granted until May 2022 reflecting the four year term of office to be served by one third of those councillors elected. A new dispensation was granted in the same terms for those Members elected at the 2019 local election lasting until May 2023 reflecting their term of office, with a further dispensation being granted for the Member elected at the 2019 by-election also to expire in May 2023 at the end of her term of office.

Complaint handling

In order 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.

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

Complaints relating to Leeds City Councillors

From the commencement of this Municipal Year (to date) there have been 12 complaints made against Leeds City Councillors. This is the more than those reported in this report last year (6 complaints were reported to Council in March 2018 – although by the end of the last Municipal year a total of seven complaints had been received).

There have been no clear trends in relation to the types of complaints received, although four complaints relate to the same issues complained of by 4 different individuals – and related to the same Subject Member. Two further separate complaints (from different individuals) related to the same Subject Member

Complaints alleging a failure to register a disclosable pecuniary interest are matters for consideration by the West Yorkshire Police as the Localism Act 2011 has made such failures a criminal offence. No such complaints have been received this year.

Complaints relating to Parish and Town Councillors in Leeds

Last year, at the time the Full Council met, Members were advised that 2 complaints were received in respect of Parish and Town Council Members. No further complaints were received between the Full Council meeting and the end of the Municipal year. At the time of this report, in the 2019/20 Municipal Year the Monitoring Officer has received 7 complaints relating to Parish or Town Councillors in the Leeds area.

There have been no trends in relation to the complaints received, although 5 complaints related to the same issues complained of by 5 different individuals and related to the same Subject Member. Two complaints received were separate complaints but related (in part) to the same Subject Member.

Supporting Members of Parish and Town Councils

Parish and Town Councils continue with the greater responsibilities under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:

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

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

Leeds City Council also has a responsibility to collate the registers of interest completed by Parish and Town Councillors in Leeds and to publish these on the Council's website.

In May 2019, all-out elections took place for parish and town councillors across the Leeds district. Arrangements were put in place to provide guidance to parish and town council clerks in respect of these duties and bespoke training was offered to all clerks at three venues across the city.

Following the all-out Parish and Town Elections arrangements were made to receive and publish registers of interests from each town and parish council. The Monitoring Officer undertook careful tracking of the registration of interests by all town and parish councillors – there are 32 Parish and Town Councils with 303 Councillors. The Monitoring Officer has received the vast majority of these with a very small¹ number being in the process of being chased up with the clerks concerned.

Independent Person

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

Monitoring Officer

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

¹ Three registers have not been received since the elections in May 2019 – 2 from one Parish Council and 1 another (both with the same clerk). One further register is due from one Town Council as a result of a Town Councillor appointment in late January 2020.