

CSPL local government ethical standards 15 best practice recommendations

Name of local authority: **LEEDS CITY COUNCIL**

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress:

Bullying and harassment was not previously included in the Members' Code of Conduct.

The Monitoring Officer was supportive of the authority adopting provisions on bullying and harassment into the Code of Conduct as doing so provides greater clarity and rigour to the existing provisions of the Code.

Under the Leeds Code bullying is characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment is characterised as: unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

The Council has adopted a Protocol on Member/Officer relations and this makes clear that robust challenge is important in ensuring policies and service performance are meeting the Council's strategic objectives. Whilst the Members' Code of Conduct fully addresses bullying and harassment it is not intended to stop Members reasonably and robustly holding officers to account for decisions made under delegated powers.

Following consideration by our Standards and Conduct Committee amendments were made by Full Council on 22nd May 2019 to ensure the best practice set out in the Committee's report were incorporated into the Members' Code of Conduct.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress:

The Members' Code of Conduct stated that Members "must co-operate fully and honestly with any scrutiny appropriate to your office". The Monitoring Officer recommended that existing provisions could benefit from being clarified by way of a definitive statement relating to co-operation with any formal standards investigation.

The Procedure for considering complaints contained criteria which invalidate certain complaints; one of those is that complaints which are malicious, politically motivated or tit for tat will be dismissed as invalid. The Monitoring Officer recommended that the Code of Conduct could be amended to further emphasise that Councillors must not instigate complaints of a trivial or malicious nature.

Following consideration by our Standards and Conduct Committee amendments were made by Full Council on 22nd May 2019 to ensure the best practice set out in the Committee's report were incorporated into the Members' Code of Conduct.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress:

The Members' Code of Conduct is reviewed on an annual basis in light of national guidance and any issues that have arisen during the year. No specific consultation takes place with the public or community organisations in reviewing the Code of Conduct – although the review is informed by trends in complaints locally. The Local Government Association have consulted widely on their drafting of the model Code of Conduct and this has presumably ensured that all stakeholder groups are consulted.

More locally, regular engagement takes place between Monitoring Officers of authorities in West Yorkshire and York and nationally, between the Monitoring Officers in the Core Cities. Regular dialogue also takes place with the Independent Person on the content of the code and the procedure by which complaints are considered.

4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Progress:

The Code and complaints process is accessible on the Council's website and easily through search engines. In addition, arrangements are in place so there is 'no wrong door' in accessing Council services and to that end the Customer Contact team are able to signpost Members of the Public to the appropriate complaints processes.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress:

Leeds has a specific requirement in the Members' Code of Conduct for Members to register any gifts or hospitality over £50. CSPL have referenced the Leeds City Council approach, i.e. to link the financial threshold to the registration of gifts and donations during election campaigns, as good practice. Leeds also has a requirement for notification to be made to the Monitoring Officer within 28 days of receipt and for the details to remain on the Member's register for a period of two years. Steps to implement the suggestion of the CSPL in terms of the 'accessible format' are being actively pursued with a view to implementation by the end of the 2020/21 Municipal Year.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress:

The CSPL recognise that the Monitoring Officer has a role in filtering complaints about councillor conduct and judging if complaints are trivial or vexatious, or whether they should proceed to full investigation.

The procedure adopted in Leeds for considering complaints sets out a number of factors which invalidate complaints - having reviewed the commentary at Chapter 3 of the CSPL report against the arrangements in Leeds, on 22nd May 2019 Full Council agreed the following additions to the factors listed:

1. Adding an explanatory footnote to make clear that a timescale of 6 months is the timeframe anticipated by the phrase 'so long ago';
 2. Adding an explanatory footnote to make clear that trivial allegations are those where an investigation would be disproportionate or not in the public interest;
 3. Adding a new paragraph invalidating complaints which are not possible to investigate.
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7: Local authorities should have access to at least two Independent Persons.

Progress:

Leeds City Council has appointed one Independent Person¹. Since the creation of the role of Independent Person by the Localism Act there has been no prejudice or disadvantage to the Council or any other party by not having more Independent Persons.

CSPL are making recommendations to Government on a number of matters relating to the role of the Independent Person (length of tenure, publication of the Independent Person's view relating to complaints, effective decision role on cases of potential suspension and provision of indemnities to Local authorities to those persons).

Leeds City Council's view has been to await the response from Government prior to considering whether to increase the number of Independent Persons.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress:

The procedure in Leeds did not require the involvement of the Independent Person at initial assessment or prior to any formal investigation being commissioned.

In light of the recommendations from CSPL, on 22nd May 2019 Full Council made amendments to the Council's complaint procedure in to require that the Independent Person has an oversight role at initial assessment to bring additional impartiality/neutrality to the process.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress:

At the conclusion of any Stage three hearing the authority would issue a detailed minute and would set out the details recommended as Best Practice by the CSPL.

¹ Annual Allowance of £2665

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress:

The complaints procedure adopted by the Council is accessible on the Council's website and provides details of how to make a complaint and the expected timescales for Stage 2 (informal resolution) and Stage 3 (arrangement of a hearing following the conclusions of an investigation).

No timescale is set out in relation to the Assessment Stage although routinely this stage is completed within the corporate timeframes for customer contact. Future Annual Reports to the Standards and Conduct Committee will include details of the length of time taken to conclude Assessment at Stage 1 and inform any decision that Members might wish to consider to introduce an indicative timescale.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress:

The complaints procedure includes a provision whereby a complaint 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.

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress:

These arrangements are in place in Leeds.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress:

There are no formal procedures in place that regulate how any such conflicts would be addressed.

However in Leeds 2 Deputy Monitoring Officers have been designated, one of whom undertakes an initial assessment of complaints. This leaves the Monitoring Officer able to undertake later elements of the complaints process unhindered by prior involvement.

In the unlikely event that both the Monitoring Officer and the deputies are conflicted, such an eventuality would be resolved through existing reciprocal arrangements between the West Yorkshire Local Authorities. It is, however, worth noting that there have been no insuperable issues of this nature to deal with to date, although conflicts have occasionally arisen.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress:

Our Annual Governance Statement – reported on through our Corporate Governance and Audit Committee – includes the Monitoring and review of partnership governance arrangements.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress:

Arrangements are in place where Standards matters can be raised with group leaders, whips and committee chairs by senior officers (and vice versa). It is also important for regular discussions to take place with the Chair of the Standards and Conduct Committee (and the Independent Person) which is the case in Leeds.
