



Draft

Annual Report to Full Council

**Standards and Conduct
Committee**

2021/22

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 Elizabeth Nash (Chair)

Councillor Dan Cohen

Councillor Ryk Downes

Councillor Bob Gettings JP

Councillor Pauleen Grahame

Councillor Peter Harrand

Councillor Lisa Mulherin

Councillor Andrew Scopes

Councillor Eileen Taylor

Councillor Jonathon Taylor

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 CSPL's report, the Department for Levelling Up, Housing and Communities (DLUHC) has been engaging with a small number of local authority Monitoring Officers (Leeds included) to formulate the steps necessary to implement the CSPL recommendations. However, given continued constraints on parliamentary time little progress has been made by DLUHC in responding to the CSPL recommendations.

Councillor Code of Conduct

In response to one recommendation from CSPL, the Local Government Association (LGA) last year concluded a consultation exercise and approved a Model Councillor Code of Conduct for local government. Following cross party consultation full Council approved the adoption of a revised Councillor Code of Conduct for Leeds that is substantially based on the LGA model Code.

At the request of the Leader, the application of the new Code has been reviewed during the first year of operation. That review identified changes necessary to address in-year changes made by the LGA and in relation to the dis-application of some interest requirements where a Member is appointed by the authority to an Outside Body. Following the review, the committee has made recommendations to the General Purposes Committee for alterations to be made to the Code.

Protocol on Member Officer Relations and Monitoring Officer Protocol

The committee have considered and reviewed both the Protocol on Member Officer Relations and Monitoring Officer Protocol.

Training and Advice

The Committee on Standards in Public Life 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 Committee on Standards in Public Life (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.

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

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). 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.

During the year one additional dispensation was granted to an elected member relating to an interest arising from that Member's role as a Council appointed trustee of a local charity.

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, at the time the Committee met, Members were advised that 41 complaints (relating to eight separate issues) had been received in respect of Leeds City Council Members. Two additional complaints were received between the committee meeting in February and the end of May 2021, both were dismissed.

From June this year (to date) there have been 9 complaints made against Leeds City Councillors, this is a marked reduced from last year.

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

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 a failure a criminal offence. Paragraph 6 (k) of the complaints 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.

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

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. No further complaints were received between the committee meeting and the end of the Municipal year.

At the time of this report, in the 2021/22 Municipal Year, the Monitoring Officer has received 8 complaints relating to Parish or Town Councillors in the Leeds area. All but one of these complaints related to Members of the same Parish Council - with 6 of these being complaints made by parish councillors about fellow parish councillors.

General Complaint Inquiries

In addition to the formal complaints received, in the year to date 5 informal contacts (General Inquiries) were made through the councillorconduct@leeds.gov.uk email address (14 last year).

Each enquiry was responded to by providing a complaint form and details of the Code of Conduct Complaints process. Three did not result in a formal complaint being made, one was resolved through other informal mechanisms by a Group Whip and one was withdrawn by the complainant prior to Assessment being undertaken.

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, no further amendments are recommended this year by the Monitoring Officer.

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 one of 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.

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.