

ANNUAL REPORT OF THE MONITORING OFFICER

- 1 This annual report to the Standards and Conduct Committee summarises the work carried out by the Monitoring Officer and her staff to support the Committee throughout the year.
- 2 This report covers the period from the last report to the committee in February 2021 to date and provides assurances in respect of work undertaken to;
 - Ensure registers of interests and dispensations were correctly administered.
 - Deal with any sensitive interests.
 - Assess and respond to complaints.
 - Appoint an additional Independent Person
 - Support Parish and Town Councils.

Councillor Code of Conduct

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

Training & Advice

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

- 8 Following the adoption of the new Councillor Code of Conduct a series of on-line classroom led training sessions were provided to enable all Members to acquaint themselves with the new Code provisions and how they will impact on Members' roles. These were well attended by Members from all Political Groups and those unable to attend were signposted to on-line resources to support their learning.
- 9 Following the local elections in May 2022 the Monitoring Officer also arranged training for all newly elected Members.
- 10 As part of prescribed training for councillors who are Members of Plans Panels and Licensing Committee, briefings have been provided on the legal framework concerning the avoidance of bias and predetermination
- 11 Advice and training has again been provided to Members on request on a 1:1 basis in relation to specific issues that have emerged during the year, including: -
 - Registration and declaration of interests and gifts and hospitality.
 - Bias and Predetermination.
 - Conflicts of Interests.
 - Social Media.

Register of Interests

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

Sensitive Interests

- 15 Section 32 (2) of the Localism Act 2011 allows for interests which are considered to be sensitive to be withheld from a Member's Register of Interests. The decision as to whether to withhold such an interest from the public register is made by the Monitoring Officer. Permission to withhold an interest is granted in cases where disclosure of the details of an interest could lead to a Member or co-opted Member, or a person connected with the Member or co-opted Member, being subject to violence or intimidation – it is particularly relevant that that threat or potential threat would be substantially contributed to because of those interests appearing on the Members' public register.

- 16 Considering concerns raised by a large number of elected Members about instances of harassment, intimidation and vulnerability, which were particularly intensified following the murder of Sir David Amess, the Monitoring Officer took the step of withholding¹ details of Members' home addresses from the publicly accessible register of interest. This approach was mirrored by authorities regionally and nationally.
- 17 The actions taken by the Monitoring Officer in Leeds in relation to Sensitive Interests mirrors a recommendation recently made by the Committee on Standards in Public Life
- 18 Members will recall that the report from the Committee on Standards in Public Life, into Local Government Standards arrangements (published in January 2019) made a recommendation to Government to clarify that a councillor does not need to register their home address on an authority's register of interests (See Annex 2 Recommendation 2 for the Government's response on this matters).

Dispensations

- 19 If a councillor wishes to apply for a dispensation to allow them to take part in a meeting considering a matter in which they have a disclosable pecuniary interest, they must submit a written application to the Monitoring Officer.
- 20 Applications are then decided by the Head of Paid Service. However, in deciding whether to grant a dispensation the Head of Paid Service must have regard to s.33(2) Localism Act 2011 and, (as per arrangements established in Leeds), consult with the Chair of the Standards and Conduct Committee.
- 21 No alterations have been made to the Standards and Conduct Committee's conclusions regarding local dispensations on councillor's involvement in decision making where they have a Disclosable Pecuniary Interest (DPI). Members will recall that the circumstances where a Member of the public has rights to attend and make representations – for example, in relation to a personal planning application - the committee's view was that this limitation placed an unjust limitation upon councillors.
- 22 Considering this, and recognising the committee's views on this matter, subject to certain constraints, and the receipt of an application, the Head of Paid Service has continued to set aside these restrictions by way of the granting of a dispensation to newly elected Members.
- 23 The dispensation allows Members (when they have a DPI) to make representations at a meeting where Members of the public have the same entitlement – however those Members must not otherwise be involved in the decision-making process.

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

- 24 The other active dispensation, granted to all Members, permits Members to take part and vote in matters relating to:
- Any office held within Leeds City Council for which they receive taxable income; and
 - Any office held outside Leeds City Council (to which they have been appointed by Leeds City Council) for which they receive a taxable income.
- 25 Subject to any legislative or policy change, and in consultation with the Chair of this Committee, the Head of Paid Service will be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

Complaint Handling

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

Complaints relating to Leeds City Councillors.

- 30 Last year, at the time the committee met, Members were advised that 9 complaints had been received in respect of Leeds City Council Members. Three additional complaints were received between the committee meeting in February and the end of May 2021, all were found to be invalid.
- 31 During the Municipal Year there have been 7 complaints made against Leeds City Councillors.

Leeds City Council Member Complaints Summary

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

- 33 There are no trends or issues of concern raised from the complaints which require intervention from the committee.
- 34 As Members will recall, complaints alleging a failure to register a disclosable pecuniary interest are matters for consideration by the West Yorkshire Police as per the Localism Act 2011 has made such a failure a criminal offence.
- 35 Paragraph 6 (k) of the complaint procedure references this stating that complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests' are invalid –this clause is further referenced by way of footnote stating that "Such complaints will be redirected to the West Yorkshire Police, subject to the complainant's agreement.
- 36 No formal complaints of this nature have been received this year that have required referral to the Police.

Complaints relating to Parish and Town Councillors in Leeds

- 37 Last year at the time of this annual report, the Monitoring Officer reported having received seven complaints relating to Parish or Town Councillors in the Leeds area. Two further complaints were received between the committee meeting and the end of the Municipal Year. Both were assessed as invalid.
- 38 At the time of this report the Monitoring Officer has received 3 complaints relating to Parish or Town Councillors in the Leeds area.
- 39 This is summarised in the table below.

Parish and Town Council Member Complaints Summary

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

- 41 All these complaints related to Members of the different Parish Councils.
- 41 In addition to the formal complaints received, assessed and reported on above - in the year to date 12 General Inquiries were made through the councillorconduct@leeds.gov.uk email address (5 last year).
- 42 Each enquiry was responded to by providing a complaint form and details of the Code of Conduct Complaints process. Of these 2 formal complaints were submitted but were subsequently withdrawn prior to Assessment commencing - both related to the same Parish Councillor.

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

- 43 Members will recall that at Stage 1 of the complaint procedure the provisional outcome of assessment is shared with the Independent Person for his view in advance of that Assessment being concluded and communicated to the Complainant and subject Member.
- 44 That process has again worked extremely well during and has added further rigour and independence to the complaints process. The Monitoring Officer would like to place on record her thanks to Mr Tollefson for his diligence and expertise in undertaking this role.
- 45 It remains important that the focus of the complaints process is on matters that are serious, such as corruption, bullying and misuse of power in public office.

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

Supporting Members of Parish and Town Councils

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

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

48 The Monitoring Officer of Leeds City Council has a responsibility to collate the registers of interest completed by parish and town councillors in Leeds and to publish these on the council's website.

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

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

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

Independent Person

52 The Standards and Conduct Committee has supported the Independent Person in his role by inviting him to attend meetings of the committee as an observer and ensuring that he has undertaken training on the Councillors' Code of Conduct.

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

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

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

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

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

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

Local Government Association Peer Challenge

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

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

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

4.3. Governance and culture

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

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

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

Catherine Witham
Monitoring Officer
March 2023