

Report of the City Solicitor

Report to the Standards and Conduct Committee

Date: 19th October 2012

Subject: Implementation of the new standards and conduct arrangements

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to update Members of the Standards and Conduct Committee on the progress made towards implementing the new standards regime in Leeds. This includes providing training and guidance on the Members' Code of Conduct and publishing the register of interests for both Leeds City Councillors and Parish and Town Councillors in Leeds.
2. Significant progress has been made towards implementing the new standards regime, although further work is required in terms of providing training to Leeds City Councillors, and assisting the Parish and Town Councils.

Recommendations

3. Members of the Standards and Conduct Committee are asked to note the contents of this report and to provide suggestions regarding what further steps can be taken to assist the Parish and Town Councils in Leeds.
4. Members are also asked to comment on the draft briefing note on bias and predetermination (attached as Appendix 1).

1 Purpose of this report

- 1.1 The purpose of this report is to update Members of the Standards and Conduct Committee on the progress made towards implementing the new standards regime in Leeds. This includes providing training and guidance on the Members' Code of Conduct and publishing the register of interests for both Leeds City Councillors and Parish and Town Councillors in Leeds.

2 Background information

- 2.1 The new standards and conduct regime was introduced on 1st July 2012. The new regime includes:
- A new Members' Code of Conduct based around the general principles of public life and incorporating the new rules regarding disclosable pecuniary interests;
 - A register of disclosable pecuniary and other interests which includes the interests of a Members' spouse or civil partner, or person with whom they are living as if they were their spouse or civil partner, and which is published on the Council's website;
 - A new Standards and Conduct Committee with responsibility for overseeing the operation of the Code of Conduct and for promoting high standards of conduct; and
 - A new complaints process providing for complaints made under the general principles to be considered by the Standards and Conduct Committee, and complaints made about disclosable pecuniary interests being referred to the Police.
- 2.2 In relation to Parish and Town Councils in Leeds, the Localism Act makes Leeds City Council responsible for dealing with complaints against Parish and Town Councillors and for ensuring that their registers of interest are published on the Council's website.

3 Main issues

Guidance and training on the Members' Code of Conduct

- 3.1 The new Members' Code of Conduct was initially adopted by full Council on 21st May 2012 (to come into force on 1st July 2012), and was since updated on 11th July 2012 (to insert the definition of a disclosable pecuniary interest), and on 12th September 2012. This last amendment removed the provision for Members to speak at a meeting on an item of business in which they had a disclosable pecuniary interest, since it was made clear in guidance released by the Department for Communities and Local Government that this would not be acceptable.

- 3.2 Guidance notes were circulated to all Members regarding disclosable pecuniary interests and meetings as soon as the new regime came into force. These have since been revised following the amendments to the Code of Conduct.
- 3.3 Since the beginning of July training has been offered to Members of Leeds City Council on the new standards arrangements, focussing particularly on the Code of Conduct and disclosable pecuniary interests.
- 3.4 To date 55 Members (and the Independent Person) have attended the training sessions, leaving 44 Leeds City Councillors and four voting co-opted members of the Children and Families Scrutiny Board to be trained.
- 3.5 Overall five training sessions were arranged at various times, including an evening session. These training sessions were well received by the Members attending. Efforts have been made to arrange further training sessions, including one to one training sessions. The next training session is proposed to take place on Wednesday 31st October 2012.

Progress in Reviewing Codes and Protocols

- 3.6 Members will recall that at the July meeting, the Committee resolved that the Licensing Committee and Joint Plans Panel be asked to review the two Codes of Practice relating to determining Licensing and Planning matters. The review has commenced and in particular the approach being advocated is to remove additional conduct requirements implicit in the two codes of practice (which appears to be an unreasonable additional burden on those Members who serve on Planning and Licensing Committees) whilst refocusing the codes as guidance in ensuring that risks to the decision making process (i.e. potential areas of challenge) are minimised.
- 3.7 Since the last meeting a draft briefing note has been prepared on the subject of bias and predetermination. The briefing note is attached as Appendix 1 to this report. Members are invited to consider the draft and provide feedback. The note will also be considered by the Joint Plans Panel and the Licensing Committee alongside the revised Codes of Practice for the Determination of Planning and Licensing Matters over the coming weeks, with a report back to this Committee in January 2013.

Register of Interests for Members

- 3.8 All Leeds City Councillors completed their Register of Interests by 10th August 2012. The Head of Scrutiny Support is assisting in ensuring all voting co-opted Members of Scrutiny Boards have submitted their completed form.
- 3.9 All completed registers have been published on the Leeds City Council website. The Deputy Monitoring Officer has provided feedback to Group Whips on the completion/return of registers in each Group.

- 3.10 In relation to the Parish and Town Councillors in Leeds, 81% of completed register entries have now been received and are published on the Council's website. There remain some Parish Councils who have not yet provided register returns.
- 3.11 Further feedback is being provided to Parish and Town Council clerks on the statutory obligations under the new conduct regime.

Complaints process

- 3.12 Members of the public are able to access details about the complaints process and a complaints form on the Council's website. To date there have been enquiries regarding the complaints process, but no complaints made against Leeds City Councillors or Parish and Town Councillors in Leeds.

Dispensations

- 3.13 Following the publication of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the procedure for Members seeking dispensations has been amended. Although written requests must still be made to the Monitoring Officer, applications will now be decided by the Head of Paid Service in consultation with the Chair of the Standards and Conduct Committee.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 No consultation has taken place on the training for Members or the arrangements for the register of interests. However, the feedback received from Members who have attended the training course has been positive.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

4.3 Council policies and City Priorities

- 4.3.1 Principle 3 of the Code of Corporate Governance in Part 5 of the Constitution is good conduct and behaviour. Consideration of the issues highlighted in this report contributes towards this principle, as well as the Council's legal obligation to promote and maintain high standards of conduct.

4.4 Resources and value for money

- 4.4.1 There are no resource implications.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Standards and Conduct Committee is responsible for promoting and maintaining high standards of conduct amongst Members of Leeds City Council.

4.5.2 There are no implications for access to information or call-in.

4.6 Risk Management

4.6.1 For individual Members there are risks associated with not submitting their disclosable pecuniary interests for publication. According to the Localism Act, it is a criminal offence if a Member (without reasonable excuse) fails to submit their completed notification form listing their disclosable pecuniary interests within 28 days of your election or appointment to the Council, or fails to add a new disclosable pecuniary interest to their register within 28 days of a meeting where they declared that interest. Such matters would be dealt with by the Police rather than the Council.

4.6.2 There is also a risk that if Members do not attend training on the new Members' Code of Conduct they will be unaware of their responsibilities both under the general obligations and the rules regarding disclosable pecuniary interests. This risk has been mitigated by distributing briefing notes and the course materials to Members who have not attended the training.

5 Conclusions

5.1 Significant progress has been made towards implementing the new standards regime, although further work is required in terms of providing training to Leeds City Councillors, and assisting the Parish and Town Councils.

6 Recommendations

6.1 Members of the Standards and Conduct Committee are asked to note the contents of this report and to provide suggestions regarding what further steps can be taken to assist the Parish and Town Councils in Leeds.

6.2 Members are also asked to comment on the draft briefing note on bias and predetermination (attached as Appendix 1).

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.