

**Report of the City Solicitor**

**Report to General Purposes Committee**

**Date: 12<sup>th</sup> February 2013**

**Subject: Proposed changes to the 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. This report sets out some proposed changes to the Members' Code of Conduct and the procedure for considering complaints which have been endorsed by the Standards and Conduct Committee. General Purposes Committee is asked to consider these proposals and make recommendations to full Council as set out in the report.
2. On 11<sup>th</sup> January 2013, the Standards and Conduct Committee reviewed the local standards arrangements to ensure that they are operating effectively and are fit for purpose.
3. As a result of feedback received from Leeds City Councillors during training sessions and officers involved in the complaints process, the Standards and Conduct Committee resolved to recommend some amendments to both the Code of Conduct and the complaints procedure.

**Recommendations**

4. General Purposes Committee is asked to recommend that full Council adopts the revised versions of the Members' Code of Conduct (attached as Appendix 1) and the procedure for considering complaints (attached as Appendix 2).

## **1 Purpose of this report**

- 1.1 This report sets out some proposed changes to the Members' Code of Conduct and the procedure for considering complaints which have been endorsed by the Standards and Conduct Committee.

## **2 Background information**

- 2.1 When the new local standards arrangements were being developed in Leeds Members commented that it would be sensible to review the arrangements after a period of operation to ensure that they are operating effectively and are fit for purpose.
- 2.2 On 11<sup>th</sup> January, the Standards and Conduct Committee considered a report outlining the number of complaints received and how these have been concluded, the extent and take up of training on the new standards arrangements, and a comparison of the Leeds City Council Code of Conduct against the Core Cities.
- 2.3 The Committee concluded that the current arrangements in Leeds are operating effectively and are fit for purpose. That said the Committee, as a result of feedback received from Leeds City Councillors during training sessions and from officers involved in the complaints process, has proposed some amendments to both the Members' Code of Conduct and the complaints procedure.

## **3 Main issues**

- 3.1 The proposed changes to the Members' Code of Conduct are as follows, and are presented as tracked changes in Appendix 1.
- 3.2 The Localism Act 2011 states that any Member who is present at a meeting of the Council and who has a disclosable pecuniary interest relating to any business to be considered at the meeting, must not:
- Participate in any discussion of the business at the meeting, or
  - Participate in any vote taken on the matter at the meeting.
- 3.3 These restrictions apply to all Members who are present, regardless of whether they are a member of the decision making body, or attending simply to observe the meeting. The guidance from the Department for Communities and Local Government also sets out that these prohibitions apply to any form of participation, including speaking as a member of the public.
- 3.4 However, the Localism Act does not require a Member to leave the room if they have a disclosable pecuniary interest in an item being considered. This is a local addition to the Leeds City Council Code of Conduct.
- 3.5 Some Members have commented that although it is reasonable for a member of the decision making body to leave the room when they have a disclosable pecuniary interest in the item being considered, it appears onerous and disproportionate to apply the same rules to a Member who is attending the

meeting in another capacity. An example might be a Member who has submitted a planning application currently cannot remain in the meeting room to observe the discussion and vote on their application, and therefore has less rights than a member of the public.

- 3.6 The Standards and Conduct Committee took account of the potential for a perception of a Member unduly influencing the decision making body by remaining in the room, but on balance concluded that Members attending the meeting to observe should have the right to do so, and it should be a personal choice whether they leave the room or not.
- 3.7 The proposed amendments are in shown at paragraph 17 and new paragraph 18 of Appendix 1.
- 3.8 Secondly, the Committee considered feedback from Leeds City Councillors that the rules regarding interests in Part 2 of the Code of Conduct should be restricted to the requirements set out in the Localism Act 2011 in order to avoid any confusion for Members and for the public. This was of particular concern given that a failure to comply with the legislative requirements relating to disclosable pecuniary interests would be a potential criminal offence, whereas the locally adopted category of 'other significant interest' is by its very nature less precise and therefore exceptionally difficult to regulate via a complaints process.
- 3.9 The Committee noted that it is difficult for the public to understand the category of 'other significant interest', particularly in circumstances where Members with the same or similar interests reach, for legitimate reasons, different conclusions regarding the need to declare the interest.
- 3.10 The Committee concluded that the category of 'other significant interest' should be removed from Part 2 of the Members' Code of Conduct and instead to create a footnote to the principle of 'honesty and integrity' in Part 1 of the Code of Conduct to explain that Members may make a declaration of a significant and relevant interest if they wish.
- 3.11 Finally a new paragraph 19 is proposed to the Code, setting out, for clarification for Members, the mechanism by which dispensations can be sought.
- 3.12 The proposed changes to the procedure for considering complaints are detailed at Appendix 2.
- 3.13 The Standards and Conduct Committee considered feedback from officers about the list of criteria against which each complaint is assessed during Stage 1 of the procedure. In particular, officers advised that the list of criteria needed to be specifically expanded to cover complaints which otherwise do not fall under the Members' Code of Conduct in order to assist officers in preparing the response to the complainant, and will also assist the complainant in understanding why their complaint has not been progressed.
- 3.14 The Committee was supportive of a minor amendment to the list of criteria in paragraph 6 of the complaints handling procedure through the addition of clause: "complaints that do not relate to the Members' Code of Conduct".

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The Standards and Conduct Committee were consulted on the proposed changes to the current standards arrangements at the meeting on 11<sup>th</sup> January 2013. The Standards and Conduct Committee is responsible for advising the authority in relation to the adoption, revision or replacement of the Members' Code of Conduct. The Committee is also responsible for considering and determining written allegations that a Member has failed to comply with the Code of Conduct.
- 4.1.2 Some Members have provided feedback on the Code of Conduct and the complaints process through training sessions. All Leeds City Councillors have now been trained on the standards arrangements.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no implications for equality and diversity or cohesion and integration.

### **4.3 Council policies and City Priorities**

- 4.3.1 Principle 3 of the Council's Code of Corporate Governance states that the Council will establish and keep under review a Member Code of Conduct.

### **4.4 Resources and value for money**

- 4.4.1 There are no implications for resources or value for money arising from this report.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The proposed changes to the Members' Code of Conduct and the complaints process are compatible with the Localism Act 2011 and the relevant regulations.
- 4.5.2 There are no implications for access to information or call in.

### **4.6 Risk Management**

- 4.6.1 The Code of Conduct has been amended during the year to reflect the guidance issued by the Department for Communities and Local Government, so is already up to date.

## **5 Conclusions**

- 5.1 On 11<sup>th</sup> January 2013, the Standards and Conduct Committee reviewed the local standards arrangements to ensure that they are operating effectively and are fit for purpose.
- 5.2 As a result of feedback received from Leeds City Councillors during training sessions and officers involved in the complaints process, the Standards and Conduct Committee resolved to recommend some amendments to both the Code of Conduct and the complaints procedure.

## **6 Recommendations**

- 6.1 General Purposes Committee is asked to recommend that full Council adopts the revised versions of the Members' Code of Conduct (attached as Appendix 1) and the procedure for considering complaints (attached as Appendix 2).

## **7 Background documents<sup>1</sup>**

- 7.1 None.

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<sup>1</sup> 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.