

Report of the City Solicitor

Report to full Council

Date: 27th February 2013

Subject: Recommendations from General Purposes Committee - 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 and the General Purposes Committee. Full Council is asked to approve the changes as set out in the report and the attached documents.
2. On 11th January 2013, the Standards and Conduct Committee reviewed the local standards arrangements to ensure that they are operating effectively and are fit for purpose. 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.
3. These proposed amendments were considered by the General Purposes Committee on 12th February 2013, and the Committee resolved to recommend to full Council that the amendments are approved.

Recommendations

4. Full Council is asked to adopt 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 and the General Purposes Committee. Full Council is asked to approve the changes as set out in the report and the attached documents.

2 Background information

- 2.1 On 11th January, as a result of feedback received from Leeds City Councillors during training sessions and from officers involved in the complaints process, the Standards and Conduct Committee proposed some amendments to both the Members' Code of Conduct and the complaints procedure.
- 2.2 General Purposes Committee considered these proposed amendments on 12th February 2013 and resolved to recommend that full Council adopts the amended documents.

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:
- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 Both Committees consider 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 fewer rights than a member of the public.

- 3.1.5 Therefore it is recommended that only Members of the decision making body are required to leave the room when they have a disclosable pecuniary interest. The proposed amendments are in shown at paragraph 17 and new paragraph 18 of Appendix 1.
- 3.1.6 Secondly, it is recommended 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. This is because 'other significant interests' are imprecise and exceptionally difficult to regulate via a complaints process. Furthermore, it is difficult for the public to understand the category of 'other significant interest', particularly in circumstances where Members will the same or similar interests reach, for legitimate reasons, different conclusions regarding the need to declare the interest.
- 3.1.7 Finally a new paragraph 19 is proposed to the Code, setting out, for clarification for Members, the mechanism by which dispensations can be sought.
- 3.2 The proposed changes to the procedure for considering complaints are detailed at Appendix 2. A minor amendment is recommended 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". This will assist officers administering the complaints process in explaining to complainants why their complaint cannot be dealt with under the procedure.

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 11th 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 The General Purposes Committee were consulted on the proposed changes on 12th February 2013. The General Purposes Committee is responsible for considering proposals to amend the Constitution and make recommendations to full Council.
- 4.1.3 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 11th 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. The proposed amendments have been considered by the General Purposes Committee, and the Committee has resolved to recommend that full Council approves the proposed amendments.

6 Recommendations

- 6.1 Full Council is asked to adopt 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 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.