



Chair's Annual Report to Full Council

**Standards and Conduct Committee
2022/23**

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 must be referred to Full Council for consideration; this being to support the duty of the Authority to promote and maintain high standards of conduct 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 Lisa Mulherin

Councillor Dan Cohen

Councillor Ryk Downes

Councillor Pauleen Grahame

Councillor Peter Harrand

Councillor Lisa Mulherin

Councillor Mark Swards

Councillor Andrew Scopes

Councillor Eileen Taylor

Councillor Dawn Seary

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 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 CSPL recommendations.

The response from Government was published during the year and the outcomes considered by the Standards and Conduct Committee.

Councillor Code of Conduct

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.

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.

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.

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.

Complaint Procedure

The provisional outcome of an assessment of a complaint is shared with the Independent Person for his view in advance of that assessment being concluded and communicated to the Complainant and subject Member. This process has continued to work extremely well 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.

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, following consultation with the Standards and Conduct Committee, some minor amendments for clarification have been made to the complaint procedure by the Monitoring Officer.

Training and Advice

The CSPL 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 revised 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 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 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. Government has yet to legislate for this.

Dispensations

No alterations have been made to the Standards and Conduct Committee's conclusions regarding local dispensations regarding 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 the committee, the Chief Executive continues to be invited to grant dispensations in similar terms following each local election, for a period reflecting the term of office of successful candidates.

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

Complaint handling

Complaints are considered under the Councillor Code of Conduct 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 or other nominee of suitable experience), in consultation with the Independent Person; it is the Monitoring Officer (or her nominee) that decides whether a complaint will be treated as a valid complaint or not. Where information is lacking, complainants are offered the opportunity to provide further information to substantiate their complaint to enable an objective assessment to be undertaken.

Complaints relating to Leeds City Council Members

Last year 11 complaints had been received in respect of Leeds City Council Members. During this Municipal Year, to date there have been 7 such complaints received. All have been considered and formally assessed by the Monitoring Officer as being invalid.

Complaints relating to Parish and Town Councillors in Leeds

Last year 9 complaints relating to Parish or Town Councillors in the Leeds area were received between. All were assessed as invalid. At the time of me making this report the Monitoring Officer has received 3 complaints relating to Parish or Town Councillors in the Leeds area.

Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests' are matters for West Yorkshire Police to consider - no formal complaints of this nature have been received this year by Police.

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).

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.

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, further amendments to enhance clarity will be made by the Monitoring Officer following recent consultation with the Committee.

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 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.

Also during the year, following the approval of General Purposes Committee, applications were invited an additional Independent Person to be appointed. Following an interview process Mrs Claire McManus was appointed by Council to commence her role on 1 April 2023.

Local Government Association Peer Challenge

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.

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 that 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.

Monitoring Officer

The City Solicitor is appointed as the Council's Monitoring Officer. The Monitoring Officer has confirmed to us that she is satisfied that the Authority continues to meet its statutory obligations for standards and conduct. The Monitoring Officer has also confirmed that she has adequate resources to fulfil her statutory duties.

Councillor Lisa Mulherin
Chair of the Standards and Conduct Committee

March 2023