

Report of the City Solicitor

Report to the Standards and Conduct Committee

Date: 19th June 2013

Subject: Standards and Conduct Committee arrangements for 2013/14

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<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 establish the arrangements for the Standards and Conduct Committee during the 2013/14 municipal year.
2. At the Annual Council Meeting on Monday 20th May 2013 full Council decided to reappoint the Standards and Conduct Committee with the terms of reference as set out in Appendix 1 to this report.
3. The Standards and Conduct Committee must now establish a Consideration Sub-Committee to consider any complaints against Members which progress of Stage 3 of the complaints process.

Recommendations

4. Members of the Standards and Conduct Committee are asked to:
 - Note the terms of reference for the Committee as agreed by full Council set out in Appendix 1 to this report;
 - Establish the Consideration Sub-Committee with the terms of reference as set out in Appendix 2 to this report; and
 - Agree the future meeting dates and work programme for the 2013/14 municipal year as set out in Appendix 3 to this report.

1 Purpose of this report

- 1.1 The purpose of this report is to establish the arrangements for the Standards and Conduct Committee during the 2013/14 municipal year.

2 Background information

- 2.1 At each Annual Council Meeting full Council establishes the Council Committees for the municipal year, and decides the size and terms of reference for those Committees. In turn, each Committee must establish its own sub-committee and approve its terms of reference prior to the sub-committee meeting for the first time.
- 2.2 As set out in the Council Procedure Rules in relation to Standards and Conduct Committee, the Council shall appoint substitute members via nominations from group Whips. Each Whip shall nominate one substitute for each member that sits on the Committee. A nominated member shall be entitled to attend meetings in place of a regular member, subject to the substitute member having received appropriate training.

3 Main issues

Terms of Reference

- 3.1 Full Council has approved terms of reference for the Standards and Conduct Committee as set out as Appendix 1 to this report. The terms of reference were approved at the Annual Council Meeting on 20th May 2013 and have not been amended since the last municipal year.

Consideration Sub-Committee

- 3.2 As Members will recall if a complaint against a Member progresses to Stage 3 of the complaints process, then the matter will be dealt with by a Sub-Committee of the Standards and Conduct Committee.
- 3.3 This Sub-Committee will be made up of three Members of the Standards and Conduct Committee, one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members will be from the same political group. The Chair will be elected from among the membership at the beginning of the meeting, but cannot be from the same political group as the subject Member.
- 3.4 If the complaint relates to a Parish or Town Councillor, the co-opted Parish Members will be invited to attend the Sub-Committee meeting. The Parish Member will not be entitled to vote at the meeting, but will be entitled to speak at the discretion of the Chair. At the Annual Meeting full Council appointed Councillor Paul Cook (Morley Town Council) to the Committee in this capacity. As Members may recall Councillor Mrs Pat Walker retired from her position as a Pool-in-Wharfedale Parish Councillor in January 2013 so is no longer eligible to undertake the position of a co-opted Parish Member. There are no current plans to replace Mrs Walker.

- 3.5 As was agreed in 2012, it is proposed that no membership is set for the Sub-Committee and the membership for each Sub-Committee meeting will be based on availability and compliance with the rules set out above.
- 3.6 The proposed terms of reference for the Sub-Committee are set out at Appendix 2 to this report, and have not been amended since they were approved in June 2012. The powers of the Sub-Committee differ depending on whether the complaint relates to a Leeds City Councillor or a Parish or Town Councillor. This is because it will be up to the Parish or Town Council to decide whether to impose a sanction on the subject Member, and therefore the Sub-Committee can only reach a finding about whether there has been a breach.
- 3.7 The Sub-Committee also has no authority to deal with complaints about a failure to comply with the rules regarding disclosable pecuniary interests, as such matters are dealt with by the Police as potential criminal offences.

Substitute arrangements

- 3.8 Council Procedure Rules provide that one substitute member shall be nominated by Group Whips for each member that sits on the Committee, with that nominated member being entitled to attend meetings in place of a regular member having received appropriate training.
- 3.9 All Group Whips have been approached for their nominees and these will be confirmed at the Committee meeting.

Future meetings of the Committee

- 3.10 It is proposed that the Standards and Conduct Committee meets a further two times during the 2013/14 municipal year in November and again in March.
- 3.11 The proposed dates for these meetings and the items to be discussed are set out in the draft work programme attached as Appendix 3 to this report.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Chair of the Standards and Conduct Committee has been consulted on the proposed dates for the remaining meetings in the 2013/14 and the proposed agenda items for these meetings.

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 The arrangements set out in this report are in accordance with the rules set out in the Council Procedure Rules and the Procedure for Considering Complaints Alleging a Failure to Comply with a Members' Code of Conduct within the area of

Leeds Metropolitan District Council, both of which are contained in Part 4 of the Council's Constitution.

4.4 Resources and value for money

4.4.1 There are no resource implications arising from this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The terms of reference for the Standards and Conduct Committee and the proposed terms of reference for the Consideration Sub-Committee reflect the functions set out in the relevant sections of the Localism Act 2011.

4.6 Risk Management

4.6.1 There is a risk that if the Consideration Sub-Committee is not established as soon as possible following the Annual Council Meeting, this may cause a delay if a complaint does progress to Stage 3 of the complaints process.

5 Conclusions

5.1 Full Council has established the Standards and Conduct Committee at the Annual Council Meeting on Monday 20th May with the terms of reference as set out in Appendix 1 to this report. The Standards and Conduct Committee must now establish the Consideration Sub-Committee with the terms of reference set out in Appendix 2 to this report.

6 Recommendations

6.1 Members of the Standards and Conduct Committee are asked to:

- Note the terms of reference for the Committee as agreed by full Council set out in Appendix 1 to this report;
- Establish the Consideration Sub-Committee with the terms of reference as set out in Appendix 2 to this report; and
- Agree the future meeting dates and work programme for the 2013/14 municipal year as set out in Appendix 3 to this report.

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.