



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 15th October 2009

Subject: Compulsory Training for Members of Standards Committee

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The Standards Committee has a statutory responsibility for the assessment and review, consideration, hearing and determination of complaints against Members of Leeds City Council and Members of the Town and Parish Councils in the Leeds Area.
2. Following a recommendation of Corporate Governance and Audit Committee, Member Management Committee has been consulted in relation to the proposal that all Members of the Standards Committee should receive compulsory training in relation to the Members' Code of Conduct, Local Assessment of Complaints and the Hearing of Complaints, and the recommendation that Members of the Standards Committee should not be entitled to sit as Members of the Assessment, Review or Hearings Sub-Committees unless and until they have completed the training relevant to that Sub-Committee.
3. Standards Committee are invited to comment on the same proposals and recommendations, prior to their consideration by General Purposes Committee.

1.0 Purpose Of This Report

- 1.1 This report proposes the introduction of compulsory training in relation to the local assessment regime for Members of the Standards Committee. The report recommends that Members of the Standards Committee should not sit as Members of the Assessment, Review or Hearings Sub-Committees unless and until they have completed the training relevant to the Sub-Committee in question.
- 1.2 Standards Committee are invited to discuss and comment on the proposals set out in this report. These comments, together with those received from Member Management Committee, will be placed before the General Purposes Committee together with the relevant amendments for inclusion within the Council's Constitution.

2.0 Background Information

- 2.1 The Local Government Act 2000 requires that the Council appoints a Standards Committee, sets out the general and specific functions to be carried out by the Standards Committee and empowers the authority to arrange for the Standards Committee to exercise such other functions the authority considers appropriate.
- 2.2 In May 2008, responsibility for the initial assessment of Complaints against Members under the Members' Code of Conduct was transferred from the Standards Board for England (now known as Standards for England) to the Local Authorities. Regulation 6 of the Standards Committee (England) Regulations 2008 require the Standards Committee to appoint two separate Sub-Committees; one to deal with the assessment of complaints and the other to deal with the review of complaints.
- 2.3 Regulation 18 of the Standards Committee (England) Regulations requires that hearings are conducted having regard to any relevant guidance issued by the Standards Board. Guidance from Standards for England recommends that the Standards Committee appoints a Sub-Committee to hear and determine complaints.
- 2.4 In Leeds, the Standards Committee has three Sub-Committees; the Assessment Sub-Committee, the Review Sub-Committee and the Hearings Sub-Committee. Membership of those sub-committees is set out at paragraph 3.5 below.
- 2.5 At its meeting of 30th June 2009, the Corporate Governance and Audit Committee considered the annual report of the Standards Committee. As a result of that discussion, particularly with reference to the local assessment function of the Standards Committee, the Corporate Governance and Audit Committee resolved:-
 - 8 (b) That General Purposes Committee, having consulted with the Standards Committee and Member Management Committee, be recommended to make Local Assessment training compulsory for members of the Standards Committee.
- 2.6 A report was placed before Member Management Committee on 13th October 2009 seeking its views with regard to compulsory training for Standards Committee members. A verbal update will be given to the meeting in this regard.

3.0 Main Issues

The Training Plan

- 3.1 The Standards Committee has a training plan for its members which is updated on an annual basis. This plan, which was last updated in February 2009, seeks to meet the training and development needs of the Standards Committee Members, both when they are new to the Committee and throughout their time as members of the Committee.
- 3.2 The training plan identifies a number of separate learning targets which are relevant to the needs of the Committee's members as they undertake the various functions of the Standards Committee. These targets split into the two key areas of knowledge and skills as follows:-

Knowledge

- To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations,
- To ensure all members understand the Committee's relationship with external bodies/agencies,
- To ensure all members are aware of the role and function of the Monitoring Officer,
- To ensure all external members have the necessary awareness of Council business, the political context, and the role of a City Councillor,
- To ensure all members are aware of current issues for the Committee and the context of the Committee's work.

Skills

- To ensure all independent members have the necessary skills to chair meetings of the committee and its sub-committees,
 - To ensure all members have the necessary skills to carry out the initial assessment of local complaints,
 - To ensure all members have the necessary skills to carry out the consideration of final investigation reports,
 - To ensure all members have the necessary skills to conduct a local hearing.
- 3.3 The training plan attached at Appendix 1 to this schedule is a revised version of the training plan approved by the Standards Committee in February 2009. It specifies how the various learning targets set out above will be met.

Compulsory Training

- 3.4 In addition to its general functions, Members are aware that the Standards Committee is required to carry out the initial assessment of complaints against Members, the consideration of any final investigation reports in relation to those complaints, and the hearing and determination in relation to any findings of breach of the Members' Code of Conduct contained within those reports.

- 3.5 As required, the Standards Committee has appointed sub-committees which are responsible for the functions outlined at paragraph 3.4 above. The Assessment Sub-Committee and Review Sub-Committee each total four members comprising one Independent Member (the Chair), two Elected Members and one Parish Member. The Hearings Sub-Committee totals five members comprising two Independent members (one of whom shall be Chair), two Elected Members and one Parish Member. At the current time, all full Members of the Standards Committee are eligible to serve on its Sub-Committee. The reserve Independent Member of the Standards Committee is not eligible to serve on the sub-committees.
- 3.6 Given that all full Members of Standards Committee are eligible for appointment to its Sub-Committees, and as such may participate in the various functions surrounding complaints against Members, it is essential that they have both a thorough understanding of the Members' Code of Conduct and the necessary skills to perform those functions prior to appointment to those sub-committees. For this reason it is proposed that the items marked on the training plan attached at Appendix 1 should be made compulsory and that Standards Committee members should not be eligible for appointment to the Sub-Committees unless and until they have undertaken the training relevant to the Sub-Committee in question.

Changes to the Constitution

- 3.7 It is proposed that in order to enforce the above proposal an amendment should be made to paragraph 9.3.7 of Article 9 of the Constitution to state as follows:

Members of the Sub-Committees of the Standards Committee must complete all compulsory training and shall not sit as a Member of the following Sub-Committees unless such training has been undertaken in accordance with the Standards Committee Training Programme.

Current Members of the Standards Committee

- 3.8 Although the training specified above is not currently compulsory, it has been strongly supported by members of the Standards Committee. All but one of the Members of Standards Committee have attended the training offered to them which it is proposed should be compulsory.
- 3.9 Hearings training has been offered on two separate occasions; namely 16th February 2006 and 23rd July 2007. It is intended to offer this training again within the current municipal year in order that new members of the Standards Committee can attend and discussions are ongoing with a member of the Adjudication Panel for England with a view to him providing this training.
- 3.10 Pending Hearings Training taking place, there is only one of the Elected Members, two of the Independent Members and one of the Parish Members currently on Standards Committee who have completed the training in relation to hearings and who could therefore attend a Hearing as a Member of the Hearings Sub Committee in the event that the training were compulsory. The prescribed membership for the Hearings Sub Committee is five Members, comprising two Independent Members, one Parish Member and two Elected Members. The sub committee is however quorate with only 3 members. It would therefore be possible to hold a quorate meeting of the sub committee although there would be one less Elected Member than is stipulated and should any of the Independent or Parish Members have a conflict of interests there could be real issues achieving this quorum.. However Standards Committee may be of the view that this would upset the balance of the committee and that therefore transitional arrangements should be put into place,

enabling all members of the Standards Committee to be eligible to participate in a meeting of the Hearings Sub Committee pending delivery of the hearings training.

4.0 Implications For Council Policy And Governance

4.1 The training of Members of the Standards Committee will promote consistency of decision making through the assessment and review, consideration and hearing processes. This will in turn improve public confidence in the complaints process and reassure Members that complaints in relation to them will be dealt with fairly.

5.0 Legal And Resource Implications

5.1 There are no legal implications to this report.

5.2 The requirements for the provision of the recommended training can be met from within existing resources.

6.0 Conclusions

6.1 A number of learning targets have been identified for members of the Standards Committee.

6.2 The Sub-Committees of the Standards Committee are responsible for functions relating to complaints made against Members under the Members' Code of Conduct.

6.3 It is considered essential that members of the Standards Committee should complete certain elements marked 'compulsory' on the training plan, attached as appendix 1 to this document, prior to taking up positions on the sub-committees of the Standards Committee.

7.0 Recommendations

7.1 Members are requested to endorse the proposal that specified elements of the Standards Committee Training Plan be compulsory, and to recommend the proposed amendment to Article 9 of the Constitution to the General Purposes Committee.

Background Documents

Local Government Act 2000

Minutes of Corporate Governance and Audit Committee, 30th June 2009

Article 9 of the Constitution