



Report of the Assistant Chief Executive (Corporate Governance)

Member Management Committee

Date: 13th 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 Council is required to appoint a Standards Committee which has 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. The Standards Committee membership comprises 7 Leeds City Councillors, 3 Town or Parish Councillors and 4 Independent Members in addition to 1 reserve Independent Member.
3. Following a recommendation of Corporate Governance and Audit Committee, Member Management Committee are invited to support 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.
4. Further, Member Management Committee are invited to recommend 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.

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 Member Management Committee are invited to discuss the proposals set out in this report and recommend them to the General Purposes Committee 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.

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 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 will note 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 The Member who has not completed the training which it is proposed should be compulsory has not to date attended the Assessment Sub-Committee or the Review Sub-Committee, whilst those sub-committees considered the initial assessment of a complaint. He has however attended a meeting of the Assessment Sub-Committee convened to consider a preliminary point prior to the commencement of an investigation. Neither did he attend the hearing conducted by the Standards Committee as a whole prior to the delegation of the function to the Hearings Sub-Committee.
- 3.10 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.
- 3.11 Pending Hearings Training taking place, there is only one of the Elected Members currently on Standards Committee who has 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 only appointing the Elected Member who has received the hearings training. However Member Management 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.
- 6.4 The majority of the current members of Standards Committee have completed the required training. The member who has not completed the required training has not, to date, been involved in the initial assessment, consideration or hearing of any complaint by any of 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

- Minutes of Corporate Governance and Audit Committee, 30th June 2009
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution

Standards Committee Training Plan

LEARNING TARGET	ACTION	TIME	RESPONSIBILITY	COMPULSORY/ VOLUNTARY
To ensure all members have an understanding of the Code of Conduct and various protocols governing member and officer relations	Briefing session on Ethical Framework and Members' Code Of Conduct provided during induction for all Leeds City Councillors and available to Parish Councillors	On election	Provided by Corporate Governance Team	Compulsory for LCC Members Voluntary for Town/Parish Councillors
	Briefing session on Ethical Framework and Members' Code Of Conduct for independent members and Parish Members who have not previously received training.	On appointment to Committee	Provided by Corporate Governance Team	Compulsory
	Standards Board for England DVD "The Code Uncovered"	All new members on election or appointment to the Committee	Held by Corporate Governance Team	Voluntary
	E-learning Modules "Cracking the Code"	All new members on election or appointment to the Committee	Provided by Corporate Governance Team	Voluntary
	The Local Codes and Protocols: A guide for Leeds City Council Members	On election or appointment to Committee	Provided by Corporate Governance Team	Recommended reading

To ensure all members understand the committee's relationship with external bodies/agencies	Distributing newsletters released by the Standards Board for England	Within a week of release date	Provided by Corporate Governance Team	Recommended reading
	Attendance at conferences organised by external bodies	When they arise	Provided through Corporate Governance team in conjunction with Member Development	Voluntary
	Briefing session on overall relationship with outside bodies	On appointment to committee	Provided by Assistant Chief Executive (Corporate Governance)	Compulsory
To ensure all members of the committee are aware of the role and function of the Monitoring Officer	Briefing session on role of monitoring officer	On induction / appointment to committee	Provided by Assistant Chief Executive (Corporate Governance)	Compulsory
	Attendance at committee meetings by Monitoring Officer or deputy Monitoring Officer	Every committee meeting	Provided by Assistant Chief Executive (Corporate Governance)	
To ensure all members of the Committee are aware of current issues for the Committee and the context of the Committee's work	Briefing session on the Committee's current work and current standards issues	On appointment to the Committee	Provided by Assistant Chief Executive (Corporate Governance)	Compulsory

To ensure all external members of the Committee have the necessary awareness of Council business, the political context, and the role of a City Councillor	Briefing session on Council business and political context	On appointment to the Committee	Provided by Assistant Chief Executive (Corporate Governance)	Compulsory
	Attendance at sample meetings of Full Council, Executive Board, Plans Panel or Licensing and Regulatory Panel, Scrutiny Board and other Committees to observe. Members may not feel it necessary to attend the whole of the meeting but may find it helpful to discuss with the relevant officers the role of the Committee prior to attending.	On appointment to the Committee	Facilitated by Corporate Governance Team	Voluntary (Strongly advised)
	Training on Council structures and decision making (briefing session).	On appointment to the Committee	Provided by Corporate Governance Team	Compulsory
	Attendance at Councillor Ward Surgeries to observe – agreement must be obtained from Member to be observed.	On appointment to the Committee	Arranged directly between Members	Voluntary

<p>To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee</p> <p>Compulsory element must be undertaken prior to chairing either the Standards Committee or any of its Sub-Committees.</p>	<p>Training session on chairing meetings</p>	<p>All new members on appointment to the Committee</p>	<p>Provided through Member Development</p>	<p>Compulsory</p>
--	--	--	--	-------------------

<p>To ensure all members of the Committee have the necessary skills to assess or review local complaints</p> <p>Compulsory elements to be completed prior to appointment to Assessment Sub-Committee or Review Sub-Committee</p>	<p>Consideration of six monthly complaints report</p>	<p>Every six months</p>	<p>Provided by Corporate Governance Team</p>	<p>Recommended Reading</p>
	<p>Training day to include mock local assessment exercise with example cases</p>	<p>All new members on appointment to the Committee</p> <p>For existing Members annually or earlier if necessary (to be run alongside update training on the Members' Code of Conduct)</p>	<p>Provided by Corporate Governance Team</p>	<p>Compulsory</p>
<p>To ensure all members of the Committee have the necessary skills to consider final investigation reports</p>	<p>Training day with an external facilitator (to include consideration of example cases)</p>	<p>All new members on appointment to the Committee</p> <p>For existing members annually or earlier if necessary (to be run alongside the hearings training)</p>	<p>Provided by Corporate Governance Team – in conjunction with external facilitator where possible</p>	<p>Compulsory</p>

To ensure all members have the necessary skills to conduct a local hearing	Briefing session on Standards Committee Procedure Rules		Provided by Assistant Chief Executive (Corporate Governance)	Compulsory
Compulsory elements to be completed prior to appointment to Hearings Sub-Committee	Manual of guidance	All new members on appointment to the Committee provided with a copy for use during training / hearings.	Provided by Corporate Governance Team	Recommended reading
	Standards Board for England DVD 'Going Local: Investigations and Hearings'	All new members on appointment to the Committee	Held by the Corporate Governance Team	Voluntary
	Training day (including mock hearing exercise)	Annually or earlier if necessary – to be run alongside consideration training	Provided by Corporate Governance Team – in conjunction with external facilitator where possible	Compulsory
	Regular reports on Adjudication Panel for England cases and decisions	Every committee meeting	Provided by Corporate Governance Team	Recommended reading