



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 15th October 2009

Subject: Proposed amendments to the Standards Committee Procedure Rules

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 purpose of this report is to propose a series of amendments to the Standards Committee Procedure Rules to make them more accessible to subject Members and complainants, and more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process.
2. In order to satisfy the Key Lines of Enquiry within the Use of Resources section of the Comprehensive Area Assessment, the Council will need to demonstrate that its Standards Committee is effective in fulfilling its three distinct roles in relation to local assessment (namely: Assessment and Review; Consideration; and Hearings). It is therefore proposed that these distinct roles are separated more clearly within the Procedure Rules to make the roles of the Standards Committee and its Sub-Committees clear. Information regarding how local complaints will be dealt with has also been added to a separate section as this is a distinct process.
3. The Council will also need to show that the Standards Committee effectively communicates the arrangements for dealing with complaints about Members. The amended Procedure Rules have been shortened and structured more clearly in order to make them more accessible to subject Members and complainants.
4. Members of the Standards Committee are asked to approve the amendments to the Standards Committee Procedure Rules attached as Appendix 1.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to propose a series of amendments to the Standards Committee Procedure Rules to make them more accessible to subject Members and complainants, and more accurately reflect the distinct roles of the Standards Committee and its Sub-Committees throughout the complaints process.

2.0 Background Information

- 2.1 The Standards Committee last reviewed its Procedure Rules in July 2009. The Standards Committee decided to make several minor amendments to the pre-hearing process as well as create a Hearings Sub-Committee to conduct hearings into potential breaches of the Members' Code of Conduct.
- 2.2 Standards for England released guidance on Standards Committee Determinations in August 2008. As part of this guidance Standards for England have also issued a model hearings procedure. Several amendments to the Standards Committee Procedure Rules were suggested in the report in July 2009 in order that they would reflect the model hearings procedure more closely. However, further experience of the complaints process (including the consideration of two final reports in August 2009) has demonstrated that further amendments are now required.
- 2.3 In order to satisfy the Key Lines of Enquiry within the Use of Resources section of the Comprehensive Area Assessment, the Council will need to demonstrate that its Standards Committee is effective in fulfilling its three distinct roles in relation to local assessment (namely: Assessment and Review; Consideration; and Hearings). It is therefore proposed that these distinct roles are separated more clearly within the Procedure Rules to make the roles of the Standards Committee and its Sub-Committees clear. Information regarding how local complaints will be dealt with has also been added to a separate section as this is a distinct process.
- 2.4 The Council will also need to show that the Standards Committee effectively communicates the arrangements for dealing with complaints about Members. The amended Procedure Rules have been shortened and structured more clearly in order to make them more accessible to subject Members and complainants.

3.0 Main Issues

Proposed amendments to the Standards Committee Procedure Rules

- 3.1 The amended version of the Standards Committee Procedure Rules is attached as Appendix 1. The rules have been reformatted in order to make them clearer and more accessible, including a contents list for ease of use. Separating the distinct stages of the complaints process in this way will also mean that the subject Member need only be sent the relevant part of the Procedure Rules when they are contacted about their complaint, which should make the process easier to understand.
- 3.2 The following paragraphs highlight the main changes in the Procedure Rules. It has not been possible to show the changes in the appendix itself due to the restructuring of the document.

Proposed amendments within Section 2

- 3.3 Appropriate reference has been made in paragraph 2.1.5 to the possibility that a complainant may ask the Assessment Sub-Committee to withdraw a complaint, and

an extra appendix has been added to the Procedure Rules (Appendix C) to outline what factors the Sub-Committee will consider when making this decision.

- 3.4 In paragraphs 2.2 and 2.4 the names of the documents have been amended so that they reflect how these documents are referenced within Leeds City Council, rather than their names within the Act and Regulations. However appropriate footnotes have been included in order to ensure that the link with the requirements of the Act and Regulations is maintained.
- 3.5 Paragraph 2.5 has been added to make reference to the Standards Committee's decision that the Assessment and Review Sub-Committees will now produce minutes of their meetings to be published on the Council's website. This section also outlines what information should and should not be included in those minutes.
- 3.6 Amendments have been made to paragraph 2.7.6 to reflect the decision that reports written by the Monitoring Officer in relation to the outcome of any direction to take other action should be received by the Assessment Sub-Committee rather than the full Standards Committee, and that this Assessment Sub-Committee should, wherever possible, be made up of the same Members who originally considered the complaint.
- 3.7 Paragraph 2.8.3 makes reference to the Monitoring Officer ensuring that investigations are carried out in accordance with the Council's adopted procedure on external investigations (this is also referenced in Section 1). The brief references to the investigation procedure have been removed from the Standards Committee Procedure Rules as the investigation of complaints is not one of the Standards Committee's responsibilities. Instead officers have developed a separate procedure which external investigators will be asked to agree to before undertaking any investigation.

Proposed amendments within Section 3

- 3.8 More information has been added within paragraph 3.3 to explain the possible outcomes of an investigation carried out by an Ethical Standards Officer. This includes a new reference in paragraph 3.3.6 to the Ethical Standards Officer's power to request that the Standards Committee receives a copy of their final report if they believe it will assist the Committee in the discharge of its functions as prescribed in Part III of the Local Government Act 2000.

Proposed amendments within Section 4

- 3.9 Several amendments have been made to the section regarding the pre-hearing process, including changes to reflect the decisions made at the last meeting of the Standards Committee:
- That certain matters within the pre-hearing process should be delegated to the Monitoring Officer to decide in conjunction with the Chair (reflected in 4.2.7 and 4.2.8);
 - That the Chair of the Hearings Sub-Committee should normally be the Chair of the Standards Committee or their nominee (reflected in 4.2.2); and
 - That the Monitoring Officer may make preliminary decisions on certain matters in the pre-hearing process, but which need to be confirmed by the Hearings Sub-Committee at the start of the hearing (reflected in 4.2.9).

- 3.10 In addition, the Members' Information Form (paragraph 4.2.3) and the Investigator's Information Form (4.2.6) have been removed as appendices to the Procedure Rules. The questions contained in these forms are already listed within the Rules themselves and therefore there is no need to include the blank forms themselves.
- 3.11 Paragraph 4.5, which deals with the recording of hearings, has been amended to include more detail and the corresponding appendix has been removed.
- 3.12 The guidance on sanctions and the list of sanctions open to the Standards Committee has also been removed as an appendix to the Procedure Rules and instead the sanctions are listed within paragraph 4.12.3. Appropriate reference is made in paragraph 4.12.2 to the guidance available to the Hearings Sub-Committee on which sanctions to apply. This will also ensure that the Hearings Sub-Committee is always provided with the most up to date guidance.

Proposed amendments to Section 5

- 3.13 The definition of the Local Code/Protocol in paragraph 5.1 has been amended to delete the reference to Members' six monthly reports. Members are no longer required to produce such reports and so it is not possible for a complaint to arise in relation to such a report. References to these reports have already been removed from the Standards Committee and Hearings Sub-Committee Terms of Reference.
- 3.14 Members attention is also drawn to an item on the work programme for the next meeting of the Standards Committee regarding the enforcement of local codes and protocols.

4.0 Implications For Council Policy And Governance

- 4.1 In order to satisfy the Key Lines of Enquiry within the Use of Resources section of the Comprehensive Area Assessment, the Council will need to demonstrate that its Standards Committee is effective in fulfilling its three distinct roles in relation to local assessment (namely: Assessment and Review; Consideration; and Hearings). It is therefore proposed that these distinct roles are separated more clearly within the Procedure Rules to make the roles of the Standards Committee and its Sub-Committees clear. Information regarding how local complaints will be dealt with has also been added to a separate section as this is a distinct process.
- 4.2 The Council will also need to show that the Standards Committee effectively communicates the arrangements for dealing with complaints about Members. The amended Procedure Rules have been shortened and structured more clearly in order to make them more accessible to subject Members and complainants.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications to this report.

6.0 Conclusions

- 6.1 The amended version of the Standards Committee Procedure Rules is attached as Appendix 1. The rules have been reformatted in order to make them clearer and more accessible, including a contents list for ease of use. Separating the distinct stages of the complaints process in this way will also mean that the subject Member need only be sent the relevant part of the Procedure Rules when they are contacted about their complaint, which should make the process easier to understand.

6.2 Paragraph 3 of this report highlights the proposed amendments to the Procedure Rules.

7.0 Recommendations

7.1 Members of the Standards Committee are asked to approve the amendments to the Standards Committee Procedure Rules attached as Appendix 1.

Background Documents

- Key Lines of Enquiry within the Use of Resources section of the Comprehensive Area Assessment
- Standards for England Guidance on Standards Committee Determinations
- Report to Standards Committee 'Proposals for the Creation of a Consideration and Hearings Sub-Committee', 8th July 2009