



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2010

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, and the endorsement of Member Management Committee, Members of Standards 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, and, in this regard, to adopt the training plan attached to this report as Appendix 1.

1.0 Purpose Of This Report

- 1.1 This report seeks confirmation by Standards Committee of the proposal made by Corporate Governance and Audit Committee that a programme of compulsory training should be undertaken by Members of the Standards Committee.
- 1.2 In addition this report proposes an amended training plan, based on that already adopted by the Standards Committee, which details the training which should be undertaken by Members of the Standards Committee. A copy of this proposed plan is attached as Appendix 1 to this report.

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 four Sub-Committees; the Assessment Sub-Committee, the Review Sub-Committee, the Consideration Sub-Committee and the Hearings Sub-Committee. All full Members of the Standards Committee are eligible for appointment to each of those Standards Committees in accordance with the relevant regulations and provisions of the Constitution as to the make-up of each.
- 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 At its meetings on 13th October and 16th December 2009 Member Management Committee received reports recommending compulsory training for members of the Council's Standards Committee prior to their participation in the committee's functions in relation to the assessment, review, consideration and hearing of complaints made against Members under the Members' Code of Conduct. Member Management Committee made a number of comments in relation to the proposed training plan, and subject to a number of revisions endorsed the proposed training plan.

3.0 Main Issues

The Training Plan

- 3.1 Members will recall that 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.
- 3.4 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 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.

- 3.5 The training plan has been revised following the comments of Member Management Committee at its meetings of 13th October and 16th December 2009. Particularly Members will note that:-
- 3.5.1 The elements within the plan which are recommended to be compulsory have been brought together and to the front of the plan;
- 3.5.2 The section of training which seeks to ensure that members of the Standards Committee have a full understanding of the role of and pressures on Elected Members has been expanded and brought into the compulsory section of the plan; and
- 3.5.3 A further requirement has been added with the intention that members of the Standards Committee should gain a similar understanding of the role of Town and Parish Council Members who may also be subject of complaints brought before the Standards Committee.
- 3.6 Members will note that, of the compulsory elements of the training plan, three elements are subject to a recommendation that they should be completed prior to undertaking the relevant activity.

Training Record

- 3.7 A record is kept of the training undertaken by each member of the Standards Committee.
- 3.8 Members are advised that most of the Members of Standards Committee have completed the sessions which are recommended to be completed prior to undertaking each relevant activity.
- 3.9 All Standards Committee members have received training on local assessment. Three Leeds City Council Members, one Independent Member and one Parish Member have not yet received Consideration and Hearings training, as they were unable to attend the session that was held in December 2009. However, they are all due to attend a Consideration and Hearings training session on 1st March 2010. One Independent Member has not received the Charing Skills training offered by the Council. A further session is due to be held in July 2010, to which the Independent Member will be invited. This Member will not be asked to Chair any meetings until the training has been completed.

Changes to the Constitution

- 3.10 If Members support the view proposed by Corporate Governance and Audit Committee and endorsed by Member Management Committee, that training should be compulsory for Standards Committee Members, it is proposed that an amendment should be made to paragraph 9.3.7 of Article 9 of the Constitution¹ to state as follows:

Members of the Sub-Committees of the Standards Committee must complete all compulsory training in accordance with the Standards Committee Training Programme.

¹ This would require a further report to the General Purposes Committee.

- 3.11 This wording, taken together with the wording contained within the training plan itself, will place a requirement on all the members of the Committee to complete the relevant training prior to undertaking the functions of the Standards Committee (or its sub-committees).
- 3.12 The Monitoring Officer will ensure that any gaps in an Elected Member's training are brought to the attention to the Member concerned and where necessary that Member's Leader and Whip. Further, for Parish Members and Independent Members of the Standards Committee, the Monitoring Officer will bring any training gaps to the attention of the relevant Executive Member².

4.0 Implications For Council Policy And Governance

- 4.1 The compulsory 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 The Sub-Committees of the Standards Committee are responsible for a number of general functions in relation to ethical governance within the Council. It is also responsible for more specific functions relating to the assessment, review, consideration and hearing of complaints made against Members under the Members' Code of Conduct.
- 6.2 A number of learning targets have been identified for members of the Standards Committee. It is recommended 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.
- 6.3 Completion of this 'compulsory' element of training would enable and promote consistency of decision making through the assessment and review, consideration and hearing processes, and minimise the risk of successful challenge to the Standards Committee through the relevant appeals process.
- 6.4 Any proposals to amend Article 9 will require consideration by General Purposes Committee and a recommendation from that Committee to Full Council.

7.0 Recommendations

- 7.1 Members are requested to:
- 7.1.1 Adopt the proposed training plan attached to this report as Appendix 1;

² Currently the Executive Member for Central and Corporate

- 7.1.2 Endorse the proposal that specified elements of the Standards Committee Training Plan be compulsory; and
- 7.1.3 Recommend the proposed amendment to Article 9 of the Constitution to the General Purposes Committee for consideration and recommendation to Full Council.

Background Documents

- Minutes of Corporate Governance and Audit Committee, 30th June 2009
- Report to Member Management Committee, 13th October 2009
- Minutes of Member Management Committee, 13th October 2009
- Report to Member Management Committee, 16th December 2009
- Minutes of Member Management Committee, 16th December 2009
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution