



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 22nd April 2010

Subject: Standards Committee Training Programme

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report seeks to address some outstanding issues and concerns raised by Members at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposes some further amendments to address these issues. A copy of this proposed training programme is attached as Appendix 1 to this report. It is considered necessary that further consideration of these matters is required by Standards Committee in advance of asking General Purposes Committee to recommend amendments to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.
2. Members of the Standards Committee are requested to adopt the proposed training programme attached to this report as Appendix 1 and recommend to General Purposes Committee that the following learning targets are made compulsory:
 - To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
 - To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

1.0 Purpose Of This Report

- 1.1 This report seeks to address some outstanding issues and concerns raised by Members at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposes some further amendments to address these issues. A copy of this proposed training programme is attached as Appendix 1 to this report.
- 1.2 It is considered necessary that further consideration of these matters is required by Standards Committee in advance of asking General Purposes Committee to recommend amendments to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.

2.0 Background Information

- 2.1 At the Standards Committee meeting on 17th February 2010, Members agreed to endorse the proposal that some elements of the training programme should be compulsory prior to Members sitting on the relevant Sub-Committee. These are:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee.
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints.
 - To ensure all members have the necessary skills to conduct a local hearing.

If Standards Committee Members do not complete the above training they will not be able to sit on the relevant Sub-Committees.

- 2.2 In addition the Monitoring Officer was asked to ensure that any gaps in an Elected Member's training are brought to the attention of the 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 Member.
- 2.3 General Purposes Committee will consider this proposed amendment to Article 9 at their next meeting and decide whether to make a recommendation for amendment to full Council.

3.0 Main Issues

The Training Programme

- 3.1 Members will recall that the Standards Committee has a training programme for its members, which is reviewed on an annual basis. The programme 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 programme 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.
- 3.3 On 17th February 2010, the Standards Committee decided to update the Training Programme to distinguish between compulsory training, voluntary training and

recommended reading. The new training programme also specified three elements which would need to be completed prior to Members being eligible for appointment to the relevant Sub-Committee. This adopted version of the Standards Committee Training Programme is attached as Appendix 2 to this report.

- 3.5 However there are several outstanding issues and anomalies in the new Training Programme which need to be clarified in advance of General Purposes Committee. These issues, and responses to them, are outlined below.

Regularity of compulsory training

- 3.6 At the moment the training programme adopted by the Standards Committee in February 2010 states that the training day on the necessary skills to assess or review local complaints needs to be completed annually. This would suggest that a Member who has attended several Assessment and Review Sub-Committee meetings throughout the year with no concerns about their ability to take part, would potentially become ineligible to sit on the Sub-Committee until they had taken part in the training again. This seems unnecessary for the Members involved and impractical for the officers arranging the membership of the Sub-Committee meetings in advance.
- 3.7 It is therefore proposed that the Training Programme is amended to state that it is compulsory for Members to complete the local assessment training once prior to sitting on the Assessment or Review Sub-Committee for the first time, but only **desirable** that they repeat this training each municipal year.

Training on the Code of Conduct

- 3.8 The current training programme allows for a situation where a Standards Committee Member could sit on a Consideration or Hearings Sub-Committee meeting without having received training on the Code of Conduct.
- 3.9 According to the current training programme, the only Code of Conduct training which is currently compulsory (and enforceable) is that which is given as part of the local assessment and review training, and therefore Members who do not complete this training are only prevented from sitting on the Assessment and Review Sub-Committee.
- 3.10 It is therefore proposed that understanding of the Code of Conduct is made a separate compulsory learning target, and that this is subject to the proviso that Members will not be able to sit on the Assessment, Review, Consideration or Hearings Sub-Committee if they have not completed this training.

Consideration training

- 3.11 In the current training programme there is a learning target which is solely to ensure that Members have the necessary skills to consider final investigation reports. Attendance at Consideration Sub-Committees is not conditional on Members having completed this training, although it is included as part of the training on hearings, which is compulsory, so Members who wish to sit on the Hearings Sub-Committee will have to complete this training also.
- 3.12 It is however proposed that no such specialist training is necessary in order for Members to sit on the Consideration Sub-Committee, and so reference to such training be removed from the training programme. Instead, it is proposed that

membership of the Consideration Sub-Committee is made conditional on Members having completed training on the Members' Code of Conduct, as outlined above.

Proposed new compulsory training

- 3.13 It is therefore proposed that the Standards Committee Training Programme is amended to show that the compulsory learning targets are as follows:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
 - To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).
- 3.14 It is proposed by the Monitoring Officer that the only training listed above which must be repeated is the Hearings Sub-Committee training. This is because hearings do not take place on a regular basis in Leeds (the last one having taken place in May 2006), and therefore Members of the Standards Committee are unlikely to gain much practical experience in this area. In addition, there is a risk that a subject Member may be given permission to appeal to the First-Tier Tribunal if the Hearings Sub-Committee does not follow correct procedure.
- 3.15 However, it is also proposed that there is no set timescale for Members of the Standards Committee to repeat this training, but that the regularity will be determined by the Monitoring Officer. Therefore if hearings do take place more regularly in Leeds in future, there would be no requirement to repeat the training unnecessarily. Finally, it is proposed that the training is carried out on a regional basis where possible in order to save resources.
- “Compulsory training” not linked to the Sub-Committee functions**
- 3.16 All other training currently marked as “compulsory” in the Standards Committee Training Programme is not proposed to be subject to any Constitutional rule that Members must complete the training prior to carrying out any functions of the Standards Committee or its Sub-Committees.
- 3.17 At the February meeting, some other Members of the Standards Committee questioned how this training would be enforced if there was no penalty for not completing the training. Some Members of the Standards Committee expressed the view that Members should not be able to attend meetings of the full Standards Committee unless they had completed this training. However, this would be impractical for a number of reasons:
- Firstly, this could create a situation where Members would be able to sit on the Sub-Committees of the Standards Committee and deal with complaints, but be unable to sit on the Standards Committee meetings; and
 - Secondly, through attending meetings of the full Committee, Members can consider reports on the decisions of the First-Tier Tribunal (Local Government

Standards in England) which helps to ensure they have the necessary skills to assess complaints and carry out local hearings, and allows them to keep up to date with current issues for the Committee and the context of the Committee's work. Therefore attendance at full meetings of the Standards Committee helps Members to achieve some of the other learning targets.

"Highly recommended" training

- 3.18 As there is no suitable method of enforcing this training it is proposed that it is no longer termed "compulsory" and is instead called "**highly recommended**". Where a Member does not complete such training, the Monitoring Officer may choose to report their non attendance to the relevant Group Whip or Leader, or the relevant Executive Member. This will also apply to external members of the Committee.
- 3.19 Therefore it is proposed that Members who do not complete the highly recommended training are not prevented from sitting on the Standards Committee or any of its Sub-Committees (provided they have completed the compulsory training linked to those Sub-Committee functions as outlined in 3.13).

Commencement date of training programme

- 3.20 Members of the Standards Committee also asked:
- whether the newly added training would be compulsory for those Members appointed at the Annual Meeting in 2009; and
 - how long Members would have to complete the compulsory training prior to be removed from the Sub-Committee membership.

New training

- 3.21 It is proposed that the new elements of the training programme (such as the attendance at sample meetings of Parish Councils) are only effective from the date the Standards Committee adopted the programme. Therefore any activity which is subject to a requirement that Members must complete the training "on appointment to the Committee" will only be relevant to new Members appointed after this date. This will not therefore include the Members appointed at the Annual Meeting in 2009. However, this does not prevent those Members from completing the training on a voluntary basis.

Training in Article 9

- 3.22 The amendments to Article 9 will be effective from the date that the new version is approved by full Council. Members who have not completed the compulsory training by this date will not be able to sit on the relevant Sub-Committee. However there are only two Members of the Committee who are yet to complete some of the compulsory training, one of the Independent Members is yet to complete training on Charing meetings (although the Assistant Chief Executive (Corporate Governance) is currently looking into whether training in another format would be suitable), and one of the Elected Members is yet to complete training on hearings.
- 3.23 These Members are not currently invited to participate in the relevant Sub-Committee functions, so therefore there would be no change to the current procedures.
- 3.24 When arranging Assessment and Review Sub-Committee meetings in advance for the next municipal year it will be assumed that the Independent Member will have

completed Chairing training as part of the induction period and the Member will be invited to Chair some meetings from July 2010 onwards. However, if they are unable to take part in the training for whatever reason these meetings will be reallocated amongst the other Independent Members.

- 3.25 The Elected Member will be invited to attend training on hearings when it is next offered, as will all the other Members of the Committee. Under the proposed training programme, if any Member fails to repeat the hearings training they will not be eligible to sit on the Hearings Sub-Committee afterwards. Officers will endeavour to choose the most suitable date for Members and offer a second training session in order to ensure that all Members can attend, as has been done this year. If a Member has serious difficulties in attending, officers may consider offering one to one training sessions where resources allow.

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 This report seeks to address some outstanding issues and concerns raised by Members at the meeting on 17th February 2010 regarding the changes to the Standards Committee Training Programme, and proposes some further amendments to address these issues. A copy of this proposed training programme is attached as Appendix 1 to this report.
- 6.2 It is considered necessary that further consideration of these matters is required by Standards Committee in advance of asking General Purposes Committee to recommend amendments to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.
- 6.3 It is proposed that the Standards Committee Training Programme is amended to show that the compulsory learning targets are as follows:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
 - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
 - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).

- To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

7.0 Recommendations

7.1 Members of the Standards Committee are requested to:

7.1.1 Adopt the proposed training programme attached to this report as Appendix 1 and recommend to General Purposes Committee that the following learning targets are made compulsory:

- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
- To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
- To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
- To ensure all members have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

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
- Report to Standards Committee, 17th February 2010
- Minutes of Standards Committee, 17th February 2010
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution