



Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 28th June 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. 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.
2. Following a recommendation of Corporate Governance and Audit Committee, the endorsement of Member Management Committee, and the support of the Standards Committee, General Purposes Committee are invited to recommend to full Council that the amendments shown to Article 9 of the Constitution (attached as Appendix 1 to this report), be approved.
3. This will ensure that Members of the Standards Committee receive compulsory training in relation to chairing meetings, local assessment of complaints and hearings, prior to undertaking certain functions of the Standards Committee or its Sub-Committees.

1.0 Purpose Of This Report

- 1.1 This report proposes amendments to Article 9 of the Constitution to reflect the recommendation that Members of the Standards Committee receive compulsory training in relation to chairing meetings, local assessment of complaints and hearings, prior to undertaking certain functions of the Standards Committee or its Sub-Committees.

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 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 Standards for England. 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 Sub-Committee.
- 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 resolved the following:
- 33 (a) That the proposal that specified elements of the Standards Committee Training Plan be compulsory be endorsed subject to the concerns raised by this Committee being incorporated as revisions to the proposed training plan.

(b) That the proposed amendment to Article 9 of the Constitution be recommended to the General Purposes Committee for consideration and recommendation to Full Council.

2.7 The amended training plan was considered by the Standards Committee on 17th February 2010 and again on 22nd April 2010. The Committee resolved to 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).

3.0 Main Issues

The Training Programme

3.1 Members of General Purposes Committee will note that four elements of the Standards Committee's revised training plan (as adopted on 22nd April 2010) are subject to a recommendation that they should be completed prior to undertaking the relevant activity. These 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).

3.2 These four learning targets are to be addressed via formal training sessions, and supplemented with briefing sessions and recommended reading where necessary.

Changes to the Constitution

3.3 It is proposed that paragraph 9.3.7 of Article 9 of the Constitution be amended to reflect the recommendation from Corporate Governance and Audit Committee, Member Management Committee, and the Standards Committee, that the training specified in paragraph 3.1 should be made compulsory.

- 3.4 An amended version of Article 9 is attached as Appendix 1 for General Purposes Committee's consideration.
- 3.5 The wording of paragraph 9.3.7, taken together with the wording contained within the training programme 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).
- 3.6 As specified in the footnote to paragraph 9.3.7, the Monitoring Officer will ensure that any gaps in an Elected Member's training are brought to the attention of 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 Member¹.

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 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.
- 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 prior to taking up positions on the sub-committees of the Standards Committee.
- 6.3 To reflect this recommendation, it is proposed that Article 9 be amended in order to place a requirement on all the Members of the Committee to complete the relevant training prior to undertaking the functions of the relevant Sub-Committees.

7.0 Recommendations

- 7.1 General Purposes Committee are requested to:

¹ Currently the Executive Member for Central and Corporate

7.1.1 Recommend the proposed amendment to Article 9 of the Constitution to full Council for their consideration and approval.

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 the Standards Committee, 16th December 2009
- Report to Standards Committee, 17th February 2010
- Minutes of Standards Committee, 17th February 2010
- Report to Standards Committee, 22nd April 2010
- Minutes of Standards Committee, 22nd April 2010
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution