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## Report of the City Solicitor

### Standards Committee

Date: 6<sup>th</sup> July 2011

Subject: Appointment of Sub-Committees following the Annual Council Meeting

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## Executive Summary

1. The purpose of this report is to ask the Standards Committee to re-appoint its Sub-Committees for the 2011/12 municipal year.
2. The terms of reference and membership of all Council Committees are approved at the Annual Council Meeting each year. Those Committees must then in turn approve the terms of reference and membership of any of their sub-committees before those sub-committees can meet.
3. Members of the Standards Committee are asked to approve the terms of reference of:
  - The Assessment Sub-Committee (Appendix 1);
  - The Review Sub-Committee (Appendix 2);
  - The Consideration Sub-Committee (Appendix 3); and
  - The Hearings Sub-Committee (Appendix 4).
4. Members of the Standards Committee are also asked to approve the membership of the above Sub-Committees as set out in Article 9 of the Constitution (attached as Appendix 5).

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to ask the Standards Committee to re-appoint its sub-committees for the 2011/12 municipal year.
- 1.2 The terms of reference and membership of all Council Committees are approved at the Annual Council Meeting each year. Those Committees must then in turn approve the terms of reference and membership of any of their sub-committees before those sub-committees can meet.

## **2.0 Background Information**

- 2.1 The Standards Committee currently has four sub-committees which have been set up to deal with different stages of the complaints process in relation to the Members' Code of Conduct.
- 2.2 The Standards Committee decided to create an Assessment Sub-Committee and a Review Sub-Committee in July 2008. The Standards Committee (England) Regulations 2008 require that both the initial assessment and review of complaints are carried out by different sub-committees.
- 2.3 Following various reviews of the process the Standards Committee also created a Consideration Sub-Committee to consider final investigation reports, and a Hearings Sub-Committee to hold hearings where the investigator has concluded that the Code of Conduct has been breached by the subject Member. This was partly because it was agreed that a smaller group of Members would be able to meet more quickly, to avoid conflicts of interest, and to account for the increased size of the Standards Committee.
- 2.4 Members of the Standards Committee are reminded that despite the proposals contained within the Localism Bill to abolish the standards regime, the Bill is not likely to come into force until February 2012 and therefore the Standards Committee must continue to receive and assess complaints against Members until further notice. If and when the Localism Bill comes into force as currently drafted the current Standard Committee and its Sub-Committees will be dissolved.

## **3.0 Main Issues**

### **The Assessment Sub-Committee**

- 3.1 The Regulations require that the initial assessment of any written allegations of misconduct under the Members' Code of Conduct is carried out by a Sub-Committee which must be appointed by the Standards Committee.
- 3.2 This Sub-Committee must be chaired by an Independent Member, and the membership consists of:
  - One Independent Member (Chairperson);
  - Two Leeds City Council Members; and
  - One Parish or Town Council Member (the Parish or Town Council Member is only necessary for the quorum if the complaint concerns a Parish or Town Councillor).

- 3.3 The quorum of the Sub-Committee is three. These three members must include one Independent Member (the Chair), one Leeds City Councillor if the matter concerns a Leeds City Council Member, and one Parish Member if the matter concerns a Parish or Town Councillor.
- 3.4 The terms of reference for this Sub-Committee are attached as Appendix 1 to this report. In summary, this sub-committee receives and initially assesses complaints against Members, receives progress reports back from the Monitoring Officer when a complaint has been referred for 'other action', and receives references back from the Monitoring Officer during investigations if the circumstances require a new decision.
- 3.5 During the last municipal year Assessment Sub-Committee meetings were scheduled in advance as part of the Council diary in order to assist the Council in meeting the deadline of initially assessing complaints within 20 working days of receipt. However, given the decline in the number of complaints being received (only two complaints during 2010/11), it is proposed that this is no longer necessary.

### **Review Sub-Committee**

- 3.6 The Regulations require that the review of any decision by the Assessment Sub-Committee not to take any action in respect of an allegation be carried out by a sub-committee which must be appointed by the Standards Committee and must be chaired by an Independent Member. The Members of this Sub-Committee cannot be the same Members who sat on the Assessment Sub-Committee that made the original decision on the case.
- 3.7 The Review Sub-Committee membership consists of:
- One Independent Member (Chairperson);
  - Two Leeds City Council Members; and
  - One Parish or Town Council Member (the Parish or Town Council Member is only necessary for the quorum if the complaint concerns a Parish or Town Councillor).
- 3.8 The quorum of the Review Sub-Committee is three and the same rules apply as to the Assessment Sub-Committee (as outlined above).
- 3.9 The terms of reference for the Review Sub-Committee are attached as Appendix 2 to this report. The Review Sub-Committee can only review decisions by the Assessment to take no action.

### **The Consideration Sub-Committee**

- 3.10 The Regulations allow the Standards Committee to appoint a Sub-Committee to receive and consider completed investigation reports. The Regulations state such a Sub-Committee must be chaired by an Independent Member.
- 3.11 The membership requirements and the quorum for the Consideration Sub-Committee are the same as those for the Assessment and Review Sub-Committees. However, all Members of the Standards Committee are eligible to sit of the Consideration Sub-Committee regardless of whether they took part in any initial assessment or review meeting in relation to the same complaint.

- 3.12 The terms of reference for the Consideration Sub-Committee are attached as Appendix 3 to this report. The Consideration Sub-Committee can receive and consider final investigation reports in relation to the Members' Code of Conduct and local complaints (as defined in the Standards Committee Procedure Rules).

### **The Hearings Sub-Committee**

- 3.13 The Regulations allow the Standards Committee to appoint a Sub-Committee to hold determination hearings where the investigator has concluded that the subject Member has breached the Code of Conduct. The Regulations state that such a Sub-Committee must be chaired by an Independent Member.
- 3.14 The Hearings Sub-Committee membership consists of:
- Two Independent Members (one of whom to act as Chairperson);
  - Two Leeds City Councillors; and
  - One Parish or Town Council Member (the Parish or Town Council Member is only necessary for the quorum if the complaint concerns a Parish or Town Councillor).
- 3.15 Despite the larger membership the quorum for the Hearings Sub-Committee remains three. These three members must include one Independent Member (the Chair), one Leeds City Councillor if the matter concerns a Leeds City Council Member, and one Parish Member if the matter concerns a Parish or Town Councillor.
- 3.16 All Standards Committee Members are eligible to sit on the Hearings Sub-Committee despite any previous involvement in one of the other three Sub-Committees in relation to the same complaint. Article 9 also states that the Chair of the Hearings Sub-Committee will be the Chair of the Standards Committee or his nominee, chosen from the Independent Members appointed to the Standards Committee.
- 3.17 The terms of reference for the Hearings Sub-Committee are attached as Appendix 4 to this report. The Hearings Sub-Committee can hold determination hearings into breaches of the Members' Code of Conduct and apply sanctions to Members following a finding of misconduct, and can hold determination hearings into breaches of a local code or protocol (as set out in the Standards Committee Procedure Rules).

## **4.0 Implications For Council Policy And Governance**

- 4.1 Members of the Standards Committee are reminded that in order to sit on any of the four sub-committees they must complete all compulsory training in accordance with the Standards Committee Training Programme. This requirement is set out in Article 9 of the Council's Constitution which is attached as Appendix 5 to this report.

## **5.0 Legal And Resource Implications**

- 5.1 The requirements in relation to the membership of the sub-committees are set out in the Standards Committee (England) Regulations 2008. Members are reminded that, in accordance with Regulation 6, the Standards Committee must appoint a Sub-Committee to initially assess complaints and a separate Sub-Committee to

review initial assessment decisions to take no action. These are known in Leeds as the Assessment Sub-Committee and the Review Sub-Committee.

- 5.2 Members of the Standards Committee are also reminded that despite the proposals contained within the Localism Bill to abolish the standards regime, the Bill is not likely to come into force until February 2012 and therefore the Standards Committee must continue to receive and assess complaints against Members until further notice. If and when the Localism Bill comes into force as currently drafted the current Standard Committee and its Sub-Committees will be dissolved.

## **6.0 Conclusions**

- 6.1 The Standards Committee currently has four sub-committees which have been set up to deal with different stages of the complaints process in relation to the Members' Code of Conduct.
- 6.2 The terms of reference for each of these Sub-Committees are attached as appendices 1-4 of this report, and the membership requirements are set out in Article 9 of the Constitution (attached as Appendix 5).
- 6.3 Members of the Standards Committee are asked to reappoint those Sub-Committees for the 2011/12 municipal year.

## **7.0 Recommendations**

- 7.1 Members of the Standards Committee are asked to approve the terms of reference of:
- The Assessment Sub-Committee (Appendix 1);
  - The Review Sub-Committee (Appendix 2);
  - The Consideration Sub-Committee (Appendix 3); and
  - The Hearings Sub-Committee (Appendix 4).
- 7.2 Members of the Standards Committee are also asked to approve the membership of the above Sub-Committees as set out in Article 9 of the Constitution (attached as Appendix 5).

## **8.0 Background Papers**

- Article 9 of the Constitution
- Council Committee's Terms of Reference (Part 3 Section 2B of the Constitution)
- Standards Committee (England) Regulations 2008
- Standards Committee Procedure Rules (Part 4 of the Constitution)
- "The Role and Make-Up of Standards Committees", Standards for England (updated 10<sup>th</sup> August 2008)
- The Localism Bill 2010/11
- Letter from Bob Neill MP to the Chair of Standards for England, dated 15<sup>th</sup> October 2010, "Abolition of the Standards Regime"