



Report of the Director of Legal and Democratic Services

Council

Date: 21st February 2007

Subject: Recommendations of the Corporate Governance and Audit Committee – Standards Committee Membership

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report presents to Members recommendations of the Corporate Governance and Audit Committee regarding changes to the membership of the Leeds City Council Standards Committee, and consequential changes to Article 9 of the Council's Constitution. The full report received by the Corporate Governance and Audit Committee is attached at appendix 1 to this report.
2. The report recommends that Council approve the following, effective from the municipal year 2007/08.
 - Amend Article 9 of the Council's Constitution (as set out in appendix 2 to the report received by the Corporate Governance and Audit Committee) to:
 - extend Elected Member representation on the Standards Committee by two, with at least one being a representative from a political group not being on of the three largest;
 - stipulate that the Chair of the Standards Committee to be appointed from the Independent Members appointed to it; and
 - to increase the number of Independent members and Parish Councillors by one place each respectively.
 - Appoint as full members, for a 4 year term, those members currently acting as reserve members on the committee, subject to ratification by the Yorkshire Local Council's Association in relation to the Parish representative.

The report also recommends that Council agree proposals to extend the terms of office of the two existing Independent Members (by two years), to be implemented with immediate effect.

1.0 Purpose Of This Report

1.1 This report presents recommendations made by the Corporate Governance & Audit Committee to Council in respect of changes to the membership of the Leeds City Council Standards Committee and asks Members to approve the recommended changes.

2.0 Background Information

2.1 Corporate Governance and Audit Committee's terms of reference authorise them to consider proposals to amend the Constitution and make recommendations to full Council.

2.2 Full Council is responsible for agreeing the membership of Committees it appoints to carry out functions on it's behalf.

3.0 Main Issues

3.1 The Corporate Governance and Audit Committee considered the issue of membership of the Standards Committee at their meeting of the 31st January 2007.

3.2 The Committee agreed to recommend to Council the proposals outlined in the report attached at appendix 1. Paragraphs 3.1-3.7 of that report outline the main issues that the Committee considered.

4.0 Implications For Council Policy And Governance

4.1 The proposals outlined in the attached report comply with the various requirements of the Local Government Act 2000 and with guidance from time to time issued by the Standards Board for England.

5.0 Legal And Resource Implications

5.1 Increasing, by one, the number of Independent Members serving on the Standards will have a nominal impact on Council resources by dint of the need to pay those members of the Committee an allowance. That allowance is currently £ 528 per member.

6.0 Recommendations

6.1 Council is recommended to approve the following, effective from the municipal year 2007/08.

- Amend Article 9 of the Council's Constitution (as set out in appendix 2 to the report received by the Corporate Governance and Audit Committee) to:
 - extend Elected Member representation on the Standards Committee by two, with at least one being a representative from a political group not being on of the three largest;
 - stipulate that the Chair of the Standards Committee to be appointed from the Independent Members appointed to it; and
 - to increase the number of Independent members and Parish Councillors by one place each respectively.
- Appoint as full members, for a 4 year term, those members currently acting as reserve members on the committee, subject to ratification by the Yorkshire Local Council's Association in relation to the Parish representative.

6.2 Council is also recommended to agree proposals to extend the terms of office of the two existing Independent Members (by two years), to be implemented with immediate effect.



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Report of the Director or Legal and Democratic Services

Corporate Governance and Audit Committee

Date 31st January 2007

Subject: Membership of the Standards Committee

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report presents proposals to extend the membership of the Standards Committee:

- To increase the Elected Member representation on the Standards Committee by two, with at least one being a representative from a political group not being one of the three largest.
- To Increase the number of Independent Members (lay people) by one
- To increase the terms of office of the two existing Independent Members by two years
- To regularize the current reserve independent member of the Standards Committee and appoint for a four year term
- To increase the number of Parish Council Members serving on the Committee (by one)
- To seek support from the Yorkshire Local Councils Association to regularize the current reserve parish member of the Standards Committee and appoint for a four year term
- To provide for the Chair of the Committee being drawn from the Independent Members appointed to the Committee

The report also considers proposals for the appointment cycle for Independent Members to facilitate a rolling programme for up to two terms of office of four years each.

1.0 Purpose Of This Report

1.1 This briefing note considers various issues related to the membership and terms of office of members of the Standards Committee. In particular the following is considered;

- The representation of Political Groups on the Committee
- The number of independent members who serve on the Committee and their respective terms of office.
- The number of Parish Councillors who serve on the Committee and their respective terms of office.

2.0 Background

2.1 The legislation underpinning the Standards Committee requires that there is a minimum of one independent member, or no less than 25% of the total membership of the Committee. However guidance indicates that there should be a minimum of 2 independent members in order to ensure that the independent member does not become isolated. The provisions for Parish Council members are that Members of the Standards Committee are appointed for a period of 4 years (subject to the member retaining their office). There are no restrictions on the number of periods of office a Parish Member may have. There are additional restrictions in that only one Executive Member¹ may serve on the Committee and that Member may not be the Chair.

2.2 These provisions are detailed in Article 9 of the Council's Constitution.

2.3 The Leeds Standards Committee was established in 2000 in response to the requirements of the Local Government Act 2000. It is chaired by an Independent Member (Mike Wilkinson) and has the following members serving.

Mike Wilkinson (Chair)	Independent
Cheryl Grant	Independent
Cllr Pat Walker	Parish Council Representative
Cllr Les Carter	Leeds City Council Councillor - Conservative
Cllr Graham Kirkland	Leeds City Council Councillor – Liberal Democrat
Cllr Elizabeth Nash	Leeds City Council Councillor – Labour

Reserve Members

Rosemary Greaves	Independent
John Priestley	Parish Council Representative

Reserve members are non-voting but may substitute for a peer member in cases where absence of the regular member may lead to an inquorate. Reserve Members attend meetings of the Committee to gain experience of the workings of the Committee and also receive training alongside Elected Members appointed to the Board.

¹ Currently Councillor J L Carter is the Executive Member on serving on the Committee

Membership: Terms of Office

- 2.4 The terms of appointment to the Standards Committee vary. For Elected Members of Leeds City Council the appointment is annual with no constraints on the number of years a member may be reappointed. For Independent Members of the Committee guidance suggests that no more than two terms of office be served. The Yorkshire Local Councils Association nominates Parish Councillors for appointment to the Committee. Each term of office is for 4 years with no constraints on the number of times a Member may be re-elected.

3.0 Main Issues

Input from all Political Groups on Council

- 3.1 Currently the three largest political groups on the Council have representation on the Committee. To help embed the ethical governance arrangements of the Council further it is proposed that the elected member representation on the Standards Committee be extended by a further two places. The intention being for at least one of these places to provide representation from other political groups on the Council.
- 3.2 The implications of this would be that additional places on the committee would need to be afforded to Independents (non elected and non political members of the Committee) and to Parish Councillors. It is proposed that this is done in the new Municipal Year by regularising all the current reserve appointments to the Committee².

The proposed make up of the Committee would therefore be as follows:

	Leeds City Council Elected Member Representation	Independents	Parish and Town Councils	
	Labour	1 Place	3 places	2 Places
	Liberal Democrat	1 Place		
	Conservative	1 Place		
	Allocation to be determined by Part Whips	2 Places ³		
	Total	5	3	2
Appointment Process	Via Party nominations – confirmed by Annual Council Meeting		Via Interview and selection process undertaken by officers and confirmed by Full Council	Via interview and selection process undertaken by Yorkshire Local Council's Association and confirmed by Full Council
Terms of Office	Annual		4 Years	4 Years
Restriction in number of terms	No		Yes two	No

² Removing the reserve status of these members would require consequential amendments to be made to the substitute provisions in Council procedure Rules.

³ In accordance with details in paragraph 3.1

Chairing the Committee

- 3.3 The existing guidance from the Standards Board for England is that an Independent Member should Chair the Standards Committee. Whilst the current arrangement in Leeds is that an Independent Member does indeed chair the committee, the element of Article 9 which governs this provides for any member being able to be appointed as Chair. It is suggested that this part of the Article is amended to read that an Independent Member must chair the committee.

Terms of Office

- 3.4 As outlined in paragraph 2.4 the terms of office for the different 'categories' of Standards Committee member vary. Of some concern is ensuring that there is some continuity, from amongst the Independent members, in terms of understanding of how Leeds City Council operates and of Local Government issues in general. Proposed at Appendix 1 is a sequence of periods of office for Independent Members for consideration which may alleviate such concerns and facilitate the increase in Independent Members proposed in the report.
- 3.5 This sequence provides for the two current Independent members of the Standards Committee to have their current terms extended by two years each. This is primarily because of the work within the Standards arena is due to change significantly in the coming months with many of the functions of the Standards Board for England being devolved to local Standards Committees and a new Member Code of Conduct being launched imminently. In view of this it is considered to be of value to the Council's Governance arrangements to retain the existing high level of understanding (of the Council's functions and of Standards matters) for a further period of two years.

Local Determinations

- 3.6 The Standards Board for England have, over recent months, referred more cases to be investigated and determined at a local level. The intention of the Local Government White Paper – Strong and Prosperous Communities, is to progress these initiatives further and deliver:
- A more locally based regime, with local standards committees making initial assessments of cases of misconduct allegations and most investigations and decisions made at a local level;
 - A revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards
- 3.7 The likelihood is that the work of the Standards Committee will increase, possibly with more hearings being required through hearing sub committees. With this in mind a larger pool of Standards Committee members will help enable speedier organization of these Sub Committees in the future.

4.0 Implications For Council Policy And Governance

- 4.1 The proposals outlined in this report comply with the various requirements of the Local Government Act 2000 and with guidance from time to time issued by the

Standards Board for England. A change to the current arrangements would require a change to Article 9 of the Constitution. This is detailed at Appendix 2.

5.0 Legal And Resource Implications

- 5.1 Increasing, by one, the number of Independent Members serving on the Standards will have a nominal impact on Council resources by dint of the need to pay those members of the Committee an allowance. That allowance is currently £ 528 per member.

6.0 Recommendations

- 6.1 Corporate Governance and Audit Committee is asked to consider the issues raised in this report and recommend to Council amendments to Article 9 of the Constitution detailed in appendix 2, they being: to extend Elected Member representation on the Standards Committee by two; to provide for the Chair of the Standards Committee to be appointed from the Independent Members appointed to it, to increase the number of Independent members and Parish Councillors by one place each respectively.
- 6.2 Corporate Governance and Audit Committee is also asked to recommend to Council proposals contained in the report to extend the terms of office of the two existing Independent Members (by two years); and appoint as full members those members currently acting in a reserve members on the committee.

Independent Members - Terms of Office and Appointment Schedule

Independent Member	Municipal Year												
	2007 - 2008	2008- 2009	2009- 2010	2010- 2011	2011- 2012	2012- 2013	2013- 2014	2014 - 2015	2015- 2016	2016- 2017	2017- 2018	2018- 2019	2019- 2020
Mike Wilkinson		Extension in term of office	<u>No further terms of office</u>										
Cheryl Grant	Extension in term of office	One further potential term to 2012/13 - will need to advertise					<u>No further terms of office</u>						
Rosemary Greaves	Regularise appointment (current Reserve)			One potential further term to 2014/15 - will need to advertise			<u>No further Terms of Office</u>						
New Independent Member 1				Need to advertise for term of office from 2008/9 - 2011/12			One further potential term to 2017/18 - will need to advertise			<u>No further terms of office</u>			
New Independent Member 2						Need to advertise for term of office from 20013/14 - 20016/17			One potential term to 2020/21- will need to advertise				
New Independent Member 3								Need to advertise for term of office from 20015/16 - 20018/19			potential term to 2022/23		

Appendix 2 : ARTICLE 9 – THE STANDARDS COMMITTEE

9.1 STANDARDS COMMITTEE

The Council meeting will establish a Standards Committee.

9.2 COMPOSITION

• Membership

The Standards Committee will be composed of:

- (a) Three Councillors other than the leader, being representatives of the three largest political groups;
- (b) A further two Councillors, with at least one being a representative from a political group not being one of the three largest
- (c) three people who are not Councillors or officers of the Council or any other body having a standards committee (an Independent Member); and
- (d) two Members of a Parish Council wholly or mainly in the Council's area (a Parish Member).

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• Independent Members

Independent Members will be entitled to vote at meetings. An Independent Member shall not be appointed to serve more than two terms.

• Parish Members

A Parish Member must be present when matters relating to Parish Councils or their Members are being considered. The Parish Member is entitled to vote.

• Parish Councils sub-committee

The Standards Committee may include appoint a sub-committee to exercise the general functions set out in Article 9.3 below in relation to parishes. The sub-committee will include at least one Independent Member and one Parish Member.

• Parish and Town Council Hearings Sub-Committee

The Standards Committee has appointed a hearings sub-committee to exercise the function of determining any allegations of misconduct made against Parish and Town Council Members and to determine any sanction to be imposed on a finding of misconduct.

• Chairing the Committee

The Chair of the Committee will be appointed from the Independent Members appointed to it.

Deleted: Any Member of the Committee may be appointed as Chair, but in making the appointment, regard will be had to Standards Board guidance that an Independent Member should chair the Committee.¶

9.3 FUNCTIONS

The general functions of the Standards Committee are:

- (a) promoting and maintaining high standards of conduct by Members and co-opted members; and
- (b) assisting Members and co-opted members to observe the Code of Conduct.

The Terms of Reference for the Standards Committee, and for the Parish and Town Council Hearings Sub-Committee are set out in Part 3, Section 2B of the Constitution.