

SC6

Contact Officer: Andrea Woodside - Tel. 01484 221715

**KIRKLEES COUNCIL**  
**STANDARDS COMMITTEE**

**Tuesday 13 January 2009**

Present: Councillors Hardcastle, Ridgway, C Smith and K Smith

Co-opted Members: Councillor J Nottingham, Councillor M Barlow, Rev M Roberts, Mr P Blythe (Chair) and Councillor C Kaye

Apologies for absence were received from Councillor Patrick and Mr D J Binns

**1 Minutes of Previous Meeting**

**RESOLVED -**

(1) That the Minutes of the previous meeting held on 2 December 2008 be approved as a correct record.

(2) That pursuant to Minute 1(2), the Committee were advised that the advice from the Standards Board with regard to payment of witness expenses was that the Council had discretion to determine whether payments should be made. The Head of Legal Services advised that this matter would be given further consideration. It was suggested that the decision could be made by the Chair of each hearing, based upon the distances that had been travelled etc.

**2 Interests**

No interests were declared.

**3 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**4 Deputations/Petitions**

No deputations or petitions were received.

**5 Public Question Time**

No questions were asked.

**6 Update on Complaints**

The Head of Legal Services provided a verbal update on complaints that had been received, advising that there had been 14 in total but not all of these as yet had been considered by the Assessment Sub-Committee.

The Committee noted that six of the received complaints had been submitted by members of the public.

**RESOLVED** - That the verbal update be noted.

**7 Adjudication Panel for England - Case Summaries**

The Committee received a report which set out, for information, details of three case summaries setting out the decisions of the Adjudication Panel for England. The report provided case details on Panel decisions regarding appeals against the decisions of Local Standards Committees at (i) West Sussex County Council (ii) High Peak Borough Council and (iii) Milton Keynes Council.

**RESOLVED** - That the report be noted.

**8 Issues arising from Local Determination**

The Committee were informed that the Monitoring officer had been invited to speak at the Standards Board for England regarding expenses of local determination. A report presented to the Committee set out the Monitoring officer's views regarding the main issues that had arisen. These included (i) not being able to inform the subject member of the details of the complaint (ii) being able to only provide the Assessment Committee with the complainant's version of events and (iii) the time consuming nature of the investigations, impacting upon officer time and resources.

The Committee endorsed the issues raised within the report, highlighting that the Assessment Committees have no context for the decisions they have to make as they do not hear 'both sides'. It was also raised that the Monitoring Officer should be given discretion to determine whether a complaint should proceed for consideration at Assessment Committee as submitted or whether the subject of the complaint should be able to provide a response. Alternatively, it was suggested that stage one could be eliminated, allowing the complaint to the Investigating Committee whereby both parties have the opportunity to present their case.

**RESOLVED** - That the report be noted.