

SC8

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KIRKLEES COUNCIL
STANDARDS COMMITTEE

Tuesday 7 April 2009

Present: Councillors Hardcastle, Patrick, Ridgway and K Smith

Co-opted Members: Mr P Blythe (Chair), Mr D Binns and Councillor M Barlow

Apologies for absence were received from Councillor Christine Smith, Councillor C Kaye and Rev M Roberts

1 Minutes of Previous Meeting

RESOLVED - That the Minutes of the previous meeting be approved as a correct record.

2 Matters Arising

Pursuant to Minute No. 9, the Committee noted that the first meeting of the Local Determination Panel had taken place on 17 March 2009.

3 Interests

No interests were declared.

4 Update on Received Complaints

The Senior Legal Officer advised that a total of 20 complaints had been received so far, and that 13 of these had been submitted by the public. The Committee were advised that the term 'public' was also applied to Council Officers and so in future asked for a breakdown of how many had been submitted by Officers.

The Committee noted that seven out of the 20 complaints had been submitted by Councillors and two were in respect of Parish Councillors.

The Senior Legal Officer advised that volunteers would be sought to sit on the consideration hearings.

RESOLVED - That the update be noted.

5 Standards Committee - Work Programme

The Committee received a report which set out a proposed Work Programme for the Standards Committee. The programme took into

account work already underway as well as new work that would need to be undertaken during the next six to nine months.

An Appendix to the report set out a schedule of work for meetings between June 2009 and November 2009.

The Chair asked if an item could also be incorporated into the work programme to look at how Standards Committee operates within the Corporate Governance function. The Senior Legal Officer advised that a representative from Internal Audit would be attending a future meeting.

RESOLVED - That the Work Programme be noted.

6 Freedom of Speech

The Committee received a report which set out details on the issue of freedom of speech and the operation of the Code of Conduct.

Attached as an Annex to the report was a summary of the decision of the Adjudication Panel for England in relation to a complaint about a Councillor at Berwick-upon-Tweed Borough Council. The Senior Legal Officer highlighted that it would be useful and advantageous for Standards Committee to have an awareness of the legal issues that can arise when standards complaints are dealt with.

The Committee had a lengthy discussion on the issue of freedom of speech, particularly in relation to the protection of Councillors against vexatious complainants and the processes available to deal with any such nuisance or harassment.

The Chair asked if further detail on 'Freedom of Expression' could be included in a training session.

RESOLVED - That the report be noted.

7 Adjudication Panel for England - Case Summaries

The Committee received a report which set out, for information, details of two case summaries setting out the decisions of the Adjudication Panel for England. The report provided case details of Panel decisions regarding appeals against the decisions of Local Standards Committees at (i) Colne Town Council and (ii) Fylde Borough Council.

The Committee commented, in relation to Case (i), that Senior officers did need to be accountable for their actions and should be open to challenge. Comments were also made regarding the current decision making structure and that the dissolution of the committee system had created a great divide between Councillors and officers.

RESOLVED - That the report be noted.