

Name of meeting and date: Standards Committee / 2 June 2009

Title of report: Outcome of the Review of Local Determination

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan?	N/A
Is it eligible for "call in" by Scrutiny?	N/A
Cabinet member portfolio	Corporate

Electoral wards affected and ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

To consider the outcome of the review of local determination which was agreed by the Committee on 24 February 2009.

2. Key points

A small review group consisting of the Chair, Mr Paul Blythe, Councillor Charles Kaye and Councillor David Ridgway met with the Monitoring Officer to set out a programme of work to review the process of local determination since its introduction in May 2008. The Monitoring Officer has implemented that work programme and the attached report sets out the results from it.

3. Implications for the Council

It is in the interests of good governance that the Council has a well-functioning Standards Committee which is fully able to exercise its role of promoting good standards of ethical behaviour and conduct. The introduction of local determination in May 2008 was a significant change to the role of the Committee and at various points during the year the Committee have considered various aspects of that new role. It was considered timely to do a review to see what further lessons can be learned and what actions could improve the process further.

4. Consultees and their opinions

N/A

5. Officer recommendations and reasons

That the Committee consider the report with the outcome of the review, make comments on the various aspects of it and approve the various texts and papers arising from the review.

6. Cabinet portfolio holder recommendation

N/A

7. Next steps

If approved, the Monitoring Officer will take steps to implement the outcomes of the review.

8. Contact officer and relevant papers

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REVIEW OF STANDARDS SYSTEM

A review group of the Standards Committee was set out and agreed a number of actions which are set out below together with the outcomes.

1 Refresher session on the Member Code of Conduct

It was agreed that the Monitoring Officer should set up a refresher session on the Member Code of Conduct for members of the Committee and also for those members of the Council generally who wished to update their knowledge. This would include a discussion around the threshold above which complaints would be referred for investigation (in the case of the Standards Committee members). There would be the use of some examples, of Kirklees cases where possible, and also examples from the Standards Board for England training material.

It is anticipated that a revised Member Code of Conduct will be issued over the next couple of months. It is therefore considered appropriate to wait until that revised version is issued before the refresher sessions are undertaken.

2 Information on making complaints

To date, information about the new complaints system has been available only on the Council's internet site. On the front page of the internet site there is a section headed "How to complain about a councillor" with links through to the Member Code of Conduct, information about how to complain and the complaint form. The fact that twenty complaints have been received since May 2008 would indicate that the system is accessible. However, the Committee had a desire to publicise the process further. Accordingly a draft leaflet is attached in text form (a mock-up leaflet will be available at the Committee meeting) (**Annex A**) for members' consideration explaining how to make a complaint. If approved, the leaflet could be put into libraries and other Council information centres, alongside the Council's general material on how to make a complaint and information about the Local Government Ombudsman.

3 Liaison between the Chair of the Standards Committee and the Chief Executive

The review group felt that the Chair should meet again with the Chief Executive (following an initial meeting in August 2008) to discuss progress with the Standards system, and in particular to emphasise the role of group leaders in the successful operation of the system. The Chair met with the Chief Executive on 15 May 2009 and will report to the Committee on that discussion.

4 Complainant and Subject Member experiences of the complaint handling process

The review group felt it would be good practice to ask both complainants and subject members about their experiences of the complaint handling process. The Committee has concerns in particular about the amount of information that can be given to the subject member at the front end of the complaint, the amount of information available to the Committee, and the formality of the investigation process. A draft of a questionnaire is attached for members' consideration (**Annex B & C**). The intention is that the questionnaire would be sent out to complainants and subject members at the conclusion of their complaint, at whatever stage that may be. The Monitoring Officer would collate those responses and report to the Standards Committee on a regular basis to advise of any issues arising which need actioning.

5 Experience of Committee Members

The Monitoring Officer was asked to draft a questionnaire to be sent to all members of the Committee asking about their experience so far, in particular in sitting on the various sub-committees. Attached is a summary of the responses received, and the Committee is asked to consider those and decide whether any action is necessary or appropriate (**Annex D**).

6 Induction programme

One of the issues arising from the questionnaire to Committee members was the varying levels of information and knowledge that Committee members have, depending on what role they have previously played either in politics or externally. A separate report is presented to this Committee with a draft training programme which will be available to all new members, but also can be used by existing members on a "pick and mix" basis depending on their experience and skills to date.

7 Information about investigations

The review sub-committee asked the Monitoring Officer to prepare a short summary of the process that follows the decision of an assessment sub-committee to investigate. They felt that this could be used in two ways. Firstly it could go out to all Council members with the Annual Report so that they understood, as potential subject members, what would happen if they were subject to an investigation. Secondly, it could also be sent with each letter that is sent to complainants when they are advised of an investigation. That information summary is attached for members' comments (**Annex E**).

8 Information on the Code of Conduct for parish members

The Monitoring Officer was asked by the review sub-committee to obtain further copies of the Standards Board for England small booklet

on the Code of Conduct to be sent to parish council members. That has been done.

9 Development day

The Monitoring Officer had previously indicated that she was working with other district legal officers in West Yorkshire to plan a development day for members of Standards Committees locally. That day has now been organised and members have been advised of the details separately.