

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

Title of report: Standards Committee Annual Report

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 and approve the annual report of the Standards Committee prepared by the Chair.

2. Key points

The Committee agreed that it would produce an Annual Report setting out the work of the Committee, its achievements and issues arising from its work. The attached draft report has been prepared by the Chair of the Committee and is a summary of the work covered by the main Committee, together with details of how the local determination process has developed. There are also figures and information about the complaints made, together with any lessons learned from those. The report also considers the work of the Committee in the next year.

3. Implications for the Council

It is good practice for the Standards Committee to produce an Annual Report which is then considered by all members of Council with a view to picking up and acting on any issues arising in it. The intention is that the Annual Report will be considered by full Council on 25 June 2009 and it will also be published on the Council's website.

4. Consultees and their opinions

N/A

5. Officer recommendations and reasons

That the Committee consider the draft Annual Report, make any suggestions for amendments and then recommend a final Report to Council.

6. Cabinet portfolio holder recommendation

N/A

7. Next steps

The final Report will be presented for discussion at the Council meeting on 25 June 2009 where the Chair will attend to answer questions.

8. Contact officer and relevant papers

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Standards Committee

Draft Annual Report 2008-9

Introduction

The Local Government Act 2000 requires councils to set up standards committees with a proactive role in creating an ethical framework which ensures a high standard of conduct in their decision making process. The public's trust and confidence in local democracy is affected by member behaviour and one of the main roles of standards committees is to promote and maintain high standards of conduct by members. In May 2008 the determination of complaints about breaches of the Member Code of Conduct by elected and co-opted members also became the responsibility of standards committees.

Membership

The Council's Standards Committee is comprised of three types of members:

- Five Kirklees councillors.
- Three parish councillors.
- Four external members (persons who are not councillors or officers of the Council).

The members serving on the Committee during 2008-9 were:

- Councillors Derek Hardcastle; Nigel Patrick; David Ridgway; Christine M L Smith and Ken Smith.
- Councillors Margaret Barlow (Denby Dale Parish Council); Charles Kaye (Holme Valley Parish Council) and John Nottingham (Mirfield Parish Council).
- Derek Binns; Paul Blythe (Chair from 1 August 2008); Jeff Jacklin (resigned 30 November 2008); Phil Marshall (Chair, resigned 31 July 2008) and Rev Mike Roberts.

By law, the Chair of the Standards Committee must be an external member.

Work Done

2008-9 was a busy year for the Standards Committee. It met eight times and carried out the following jobs:

- Developing and launching arrangements for assessing, reviewing, investigating and determining member complaints.
- Informing the public about the new local arrangements and how to make a formal complaint against a member.
- Determining local assessment criteria.
- Determining a policy for imposing sanctions.
- Determining a policy for handling anonymous complaints.
- Determining notification and publicity procedures for complaints.

- Providing guidance on gifts and hospitality.
- Responding to the Government consultation on Codes of Conduct for Local Authority Members and Employees.
- Setting up a working group to review the new local determination process (to report back to the Standards Committee in June 2009).
The main areas to be considered being:
 - What is working and not working as reflected by the experiences of complainants, subject members and Standards Committee's members.
 - Training.
 - Publicity.
- Producing a work plan for 2009-10 (for details see the "Work to Do" section later in the report).

2008-9 has been a year of big changes and challenges for members of the Standards Committee and supporting officers. It has been a steep learning curve but everyone played a positive role in the successful launch and operation of a new local conduct regime and discharging the Committee's other various responsibilities.

Local Determination

Three types of sub-committees were formed as the basis of the new local conduct regime:

- Local Assessment Sub-Committees to consider complaints made in respect of potential breaches of the Member Code of Conduct. These determine whether an investigation should be undertaken (all the members of the Standards Committee have served on at least one of these sub-committee this year).
- Review Sub-Committees to consider requests for reviews of decisions not to proceed to investigate a complaint (none convened this year).
- Hearings Sub-Committees to consider and determine complaints following an investigation and the production of a report by the Monitoring Officer (none convened this year).

Any member of the Standards Committee may be a member of any sub-committee. The sub-committees must be chaired by an external member and have three members with preferably:

- One external member.
- One Kirklees member.
- One parish member.

Member Complaints

Twenty complaints, generated by sixteen incidents, about members' conduct were received during 2008-9. Thirteen were received from the public and seven from councillors. Two complaints were made against parish councillors, the remainder against Kirklees members. These complaints resulted in eleven investigations, ten being carried out by internal investigators and one by an external investigator. Four draft reports were produced during the year which will be presented to Consideration Hearings in 2009-10. There are no discernible trends in the twenty complaints

received, either in the subject matter or a particular complainant/subject member.

Member Education

Providing council, parish and external members with relevant information, advice and guidance on the Council's ethical framework is crucial in achieving and maintaining high standards of conduct. In-house training was, therefore, offered to all members on:

- The principles underpinning the new local conduct regime.
- The requirements of the Member Code of Conduct.

Additional in-house training was offered to members of the Standards Committee on:

- The new local assessment and determination processes developed by the Standards Committee for dealing with member complaints (copies of the new procedures were circulated to all members of the Council).
- Chairing skills (external members).

Some of the members of the Standards Committee attended the following (to find out more about best practice when operating a local conduct regime and what is working well in other local authorities):

- A meeting of the Standards Committee Independent Members Regional Forum.
- The Standards Board for England's Annual Assembly of Standards Committees.

The Monitoring Officers of the West Yorkshire authorities have organised a Regional Conference to be held in Bradford in July 2009. This will be an excellent opportunity for all members of the Committee to hear from Monitoring Officers and representatives of the Standards Board for England, as well as sharing knowledge and experience with colleagues undertaking the same role.

Other Issues

The Chair of the Standards Committee met with the Chief Executive, Party Leaders and the Leader of the Council on separate occasions to:

- Update them about the work being carried out by the Standards Committee.
- Discuss issues of common interest surrounding promoting and maintaining high standards of conduct by members.

The Chair of the Standards Committee is now an *ex officio* member of the Council's Corporate Governance & Audit Committee, and the link between the two committees will be important in raising the profile of the Standards Committee, of ethical conduct generally and in ensuring that the Standards Committee is able to add even greater value to the work of the Council.

Work to Do

2009-10 looks like being another busy year for the Standards Committee. The member complaints outstanding from 2008-9 will be completed and any new ones received in 2009-10 dealt with as quickly as possible. Some of the other likely jobs are:

- To consider and approve the Standards Committee 2008-9 Annual Report.
- To consider the outcome of the review of local determination and make any necessary improvements.
- To consider and approve a training plan for new and existing members of the Standards Committee.
- To consider and comment on a protocol for the determination of licensing matters.
- To consider and comment on the new Code of Conduct for Employees.
- To consider and comment on the annual report on the Member/Officer Protocol.
- To consider and comment on the annual report on the Monitoring Officer Protocol.
- To consider and comment on issues arising from the work of Internal Audit which are of interest to the Standards Committee.

It should be noted that the list of things to do is not exhaustive so may change over time.