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KIRKLEES COUNCIL
STANDARDS COMMITTEE

Tuesday 28 July 2009

Present: Councillors Hardcastle, Patrick, Ridgway and K Smith

Co-opted Members: Mr P Blythe (Chair), Mr D Binns, Councillor M Barlow, Councillor C Kaye, Rev M Roberts, Prof A Kitson and Councillor P Cunnington

Apologies for absence were received from Councillor C Smith

1 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 2 June 2009 be approved as a correct record.

Matters Arising

Pursuant to Minute 11, Members provided feedback on the Regional Conference. Members reflected on the Conference as an opportunity to share information on experiences and processes.

The Head of Legal Services advised that since the Conference the Monitoring Officers had met to discuss feedback and that a further meeting, also involving the Chair, would take place in early November to discuss the format of a further event.

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

The Committee received a deputation from Mr S Bradbury which raised issues regarding the performance of both Officers and Elected Members.

5 Public Question Time

No questions were asked.

6 Update on Complaints

The Head of Legal Services advised that no complaints had been received since the last meeting of Standards Committee and that two Consideration Hearing Sub-Committees had taken place.

RESOLVED - That the update be noted.

7 Other Action - When is it Appropriate?

The Head of Legal Services presented a report which set out guidance issued by the Standards Board for England on referring complaints for 'other action' when considering them at Sub-Committee stage.

The report set out guidance on when other action may be appropriate, what other action might involved, the criteria for referral for other action and how to make a decision to refer for other action.

The Committee noted the report and suggested that the detail set out in Item 2.4 be included within the guidance issued for future meetings of the Assessment Sub-Committees.

With regard to making a decision to refer a complaint for other action, the Committee acknowledged that Assessment Sub-Committees may be reluctant to refer a complaint for 'other action' without knowing whether the subject Member and other Members would co-operate with the proposed approach. It was therefore agreed that in such circumstances an adjournment for the assessment of the complaint would be appropriate.

RESOLVED -

(1) That the report be noted.

(2) That the Committees preference for adjournment as detailed in paragraph 2.5.2 of the report be noted.

8 Standards Committee Leaflet

Further to its meeting of 2 June 2009, the Committee were advised of some further suggested changes to the 'Complaining About Councillors' leaflet following consultation with Performance and Communications Service. The revised suggested wording for the leaflet was appended as an Annex to the report.

The Committee noted the content of the leaflet and suggested some further minor amendments prior to its publication.

RESOLVED - That the amended Standards Committee leaflet be approved.

9 Summary of Adjudication Panel for England Decision

The Committee received a report which set out, for information, details of a decision on a case as determined by the Standards Board for England.

An Appendix to the report provided a summary of the investigations carried out, which related to the disclosure of confidential information at West Somerset District Council.

RESOLVED - That the report be noted.

10 Granting of Dispensations

The Committee gave consideration to a report which set out details of the granting of dispensations and guidance on dispensations as directed by Standard for England. The report advised that new regulations came into force on 15 June 2009 which prescribe the circumstances in which Standards Committees may grant dispensations to Members or Co-opted Members who would otherwise be prohibited from engaging in business due to having a prejudicial interest. The report set out circumstances in which a Standards Committee may grant a dispensation and gave details of the criteria to be used when considering requests for dispensations.

The Committee agreed that the report should be circulated to all Members and also that a guidance document should be provided.

RESOLVED - That the item be brought back to the meeting for further consideration on the issue of the production of a guidance note.