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KIRKLEES COUNCIL
STANDARDS COMMITTEE

Wednesday 30 September 2009

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

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

1 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 28 July 2009 be approved as a correct record.

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 were received.

5 Public Question Time

A question was asked about the role and remit of the Committee, and how a member of the public would go about making complaints against Members and Officers of the Authority.

The Chair replied.

6 Annual Report of Internal Audit 2008/2009

The Committee considered a report of the Assistant Director (Internal Audit, Risk and Procurement) describing the activities of the Council's Internal Audit Section during 2008/9. Specifically, the report provided:

- an opinion on the state of financial and business control systems, and information about the type and volume of work carried out and key findings during the year to 31 March 2009.
- information about work planned for 2009/10 and issues relevant to the current year.

The report concluded that the system of Internal Audit was effective and that the Council had an adequate and effective control environment. The report had been accepted by the Corporate Governance and Audit Committee on 30 June 2009.

RESOLVED -

(1) That the report be noted.

(2) That, in future, rather than presenting the General Audit Report to the Standards Committee, a report containing aspects more specifically related to the remit of the Committee be submitted.

7

Standards Committees - Annual Assembly

The Committee considered a report of the Head of Legal Services indicating that the Standards for England's 2009 Annual Assembly for Standards Committees would be held in Birmingham on 12/13 October 2009 and would be attended by the Chair and Prof Kitson, together with one Officer. The report outlined the programme for the Assembly which would provide a useful opportunity for delegates to raise issues with Standards for England and share experience of the Standards system with other delegates.

The report listed issues which had been of interest or concern to the Committee and Officers since the 2008 Annual Assembly and invited Committee Members to identify any issues they would like their delegates to raise at this year's Assembly.

RESOLVED -

(1) That the following be raised at the Assembly meeting:

- Concerns around length of time to conclude investigations/outcomes for Standards proceedings, to include scope for shortening the process where the Monitoring Officer has recommended no further action.
- Experience of other Standards Committees who have concluded Determination Hearings.
- Potential Government assistance to Local Authorities to offset their costs on investigations, to free up bringing in external investigators to speed up the process.
- Sources of advice available to Members facing Standards complaints and the lack of public funding available to support their costs.

(2) That any other issues for inclusion be emailed to the Chair/Monitoring Officer ahead of the Annual Assembly.

(3) That the issue of indemnity for Members facing Standards proceedings be discussed at the next meeting, with information on the

outcome of research on the approaches of other Authorities' Standards Committees.

8 Granting of Dispensations

The Committee considered a report of the Head of Legal Services highlighting the new rules on dispensations which came into force on 15 June 2009. These prescribe the circumstances in which Standards Committees may grant dispensations to Members of Co-opted Members who would otherwise be prohibited from engaging in the business of an Authority because of a prejudicial interest.

The report outlined the circumstances in which a Standards Committee may grant a dispensation to allow Members to speak and vote at a meeting when they have a prejudicial interest. The report also set out the criteria to be used when considering requests for dispensations, and the process for granting and recording dispensations.

RESOLVED -

(1) That the submitted report be circulated to all Members, Co-opted Members with voting rights, and Local Parish and Town Council Clerks.

(2) That the Council be recommended to establish a Dispensations Sub-Committee to determine applications for dispensations and, where possible, such Sub-Committees comprise an independent member as Chair and have a Parish Councillor where the application is from a Parish Councillor.

9 Adjudication Panel for England Decisions

The Committee received a report which set out, for information, details of three case summaries relating to decisions of the Adjudication Panel for England, regarding appeals against the decisions of Local Standards Committees at:

- (i) Somerset County Council
- (ii) Gosport Borough Council and
- (iii) Needham Market Town Council

RESOLVED - That the report be noted.

10 Review of Monitoring Officer Protocol

The Committee considered a report concerning the Annual Review of the Monitoring Officer Protocol. Issues noted by the Committee included:

- There had been no instances where the Monitoring Officer had been required to use powers on matters considered ultra vires.
- Relationships between the Monitoring Officer and her staff with Members and Officers were very good, and with the Chief Executive.

- Advice provided to individual Members on compliance with the Member Code of Conduct had, in the main, been accepted.
- In the last twelve months there had been two reviews into requests to provide information under the Freedom of Information Act, and in both cases the Monitoring Officer had upheld the Officer decision to refuse to provide the information.
- A recommendation to Council on 21 October 2009 would be made to amend the Articles to provide that the Monitoring Officer would no longer have responsibility for the operational management of Legal Services as she was working on the Council's Innovation and Efficiency Agenda, although she would retain the role of Monitoring Officer.
- The Monitoring Officer had no suggestions for amendments to the Protocol.

RESOLVED - That the report be noted.