

SC5

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**KIRKLEES COUNCIL**  
**STANDARDS COMMITTEE**

**Tuesday 12 January 2010**

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

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

Apologies for absence were received on behalf of Mr D J Binns, Councillor M Barlow and Councillor P Cunnington

**1 Minutes**

The Minutes of the meeting of the Committee held on 17 November 2009 were approved as a correct record.

**2 Interests**

No interests were declared.

**3 Admission of the Public**

The Committee determined that all the business would be considered in public.

**4 Deputations/Petitions**

No deputations or petitions were received.

**5 Public Question Time**

No questions were asked.

**6 Monitoring Officer - Update**

In relation to complaints, the Monitoring Officer reported that a total of 32 had been received so far of which seven were still under investigation and one was awaiting a hearing. Three complaints had been received since the last meeting, in respect of which no breach had been found on two of the complaints and further training had been identified in relation to the other complaint.

With regard to the Committee's request for an extension of the Indemnity Scheme for Members to cover complaints relating to Standards issues, this request had been rejected by a meeting of the Joint Cabinet/Personnel Committee held on 17 December 2009.

With regard to dispensation requests in relation to prejudicial interests, Council had adopted, at its meeting on 9 December 2009, arrangements to enable dispensation requests to be considered.

## **7 Presentation - Wakefield MDC**

The Committee received a presentation from the Chair of Wakefield MDC Standards Committee, Rev Nairn-Briggs, who reported on a range of actions, taken and planned by the Wakefield Standards Committee, and who also responded to a number of issues raised by Members.

### **RESOLVED -**

(1) That the presentation by Rev Nairn-Briggs be received with thanks.

(2) That the Committee agrees:-

- To look at publicity for the Standards Committee.
- To continue with the current arrangements for feeding in issues through the joint biannual meetings at Chairs and Monitoring Officer meetings.
- To regularly receive minutes of the Yorkshire and Humber Independent Members' Forum.

## **8 Standards Committee - Review of Role and Function**

The Monitoring Officer submitted a report setting out the current role and function of the Committee, as set out in the Council's Constitution, having regard to relevant legislation contained in Section 54 of the Local Government Act 2000, and in Section 3A of the Local Government and Housing Act 1989 in relation to politically restricted posts.

The report suggested that a working party be set up to review the role and function.

### **RESOLVED-**

(1) That a working party of Committee Members be set up to review the role and function of the Committee and report back, the received issues to include:-

- Politically restricted posts
- Terms of Office for Independent Members
- Publicity
- Approaches of other Authorities' Standards Committees, for comparison.

(2) That the Committee notes that Rev Roberts, Parish Councillor Kaye and Councillor Ridgway have put themselves forward to serve on the working party, and that any other interested Member informs the Monitoring Officer accordingly.

**9 Review of Assessment and Review Functions**

The Monitoring Officer submitted a report providing information about the assessment and review functions, including, at Annexe 1, the criteria used by the Standards Committee in assessing new complaints, which are also applied where a complainant seeks a review of a decision to take no further action on a complaint. The report highlighted the problems arising through the provision of inadequate information by a complainant, together with issues around interpreting allegations of disrespect.

The report suggested that further action be taken to review the operation of the assessment and review functions.

**RESOLVED** - That the report be noted and that the Monitoring Officer arranges training where Committee Members could discuss how assessment decisions are made, review decisions made by the Local Assessment Sub-Committee, and consider how the system could be improved.

**10 Proposed Adoption of a Revised and Updated Councillors' Protocol for Planning Committees**

The Monitoring Officer submitted a report highlighting the importance of the proper, lawful and effective operation of the Council's planning process. The report indicated that the current planning protocol, as revised and approved by a joint meeting of the Standards Committee and the Planning and Highways Committee in 2007, had now been further revised and updated to take into account guidance recently published by the Local Government Association entitled "Probity in Planning" to provide clearer advice to Members on dealing with their own planning applications, or those submitted by family and friends, and to address a number of difficulties and misunderstandings in relation to the operation of the protocol that had arisen over the past couple of years.

The report incorporated a draft protocol intended to address all the above issues. Committee Members sought clarification around the role of the Committee in approving the protocols, and raised issues around the application of the proposed recorded vote and the impact on the effective application of their Ward role and ability to represent local people.

**RESOLVED** - That consideration be deferred for a further report, highlighting the proposed changes and including explanatory narrative and addressing issues relative to the role of the Standards Committee; further, the Head of Planning Services be asked to attend the meeting in order to provide a briefing and respond to questions; also, the intended timetable for submission of the report to other Committees be adjusted accordingly.

**11 Proposed Adoption of a Revised and Updated Protocol for Speaking at Planning Committees and Sub-Committees**

Further to consideration of the report at Minute 10 above the Monitoring Officer submitted a report seeking the adoption of a revised and updated protocol for speaking at Planning Committees and Sub-Committees.

**RESOLVED** - That consideration of the report be deferred on the lines of the decision contained in the Resolution to Minute 10 of this meeting.

**12 Yorkshire and Humber Independent Members Forum**

The Monitoring Officer submitted a report indicating that Independent Members of Standards Committees in the Yorkshire and Humber region had the opportunity to attend the Yorkshire and the Humber Independent Members Forum to discuss issues of interest to them and to receive presentations and training. The Forum was arranged by the Association of Independent Members of Standards Committees in England.

The submitted report incorporated the Minutes of the meeting of the Forum held on 30 October 2009 in order to inform the Committee of the issues currently of interest to Independent Members in the region.

**RESOLVED** - That the Minutes of the Forum held on 30 October 2009 be received, and that Minutes of all future meetings be submitted to the Committee.

**13 Adjudication Panel for England - Decisions**

The Monitoring Officer submitted a report providing, for information, details of a case summary and setting out the decision of the Adjudication Panel for England in respect of an appeal against the findings of the Standards Committees at Pendle Borough Council.

**RESOLVED** - That the report be noted.