

Standards Committee : 28 April 2010
Title of report: Review of the Role and Function of Standards Committee

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: All

Public or private: Public

1. Purpose of Report

At its meeting on 12 January 2010 Standards Committee resolved to set up a working party of committee members to review the current role and functions of the standards committee and to report back to committee. The members of the working party were Paul Blythe (independent chair of standards committee), Revd Mike Roberts (independent member of standards committee), Professor Alan Kitson, Councillor David Ridgway and Councillor Charles Kaye (Holme Valley Parish Council) and they met twice. This report sets out their recommendations.

2. Key Points

The working party recommended as follows:

- a) The independent members of standards committee should be limited to a maximum of two terms, ie 8 years.
- b) The current membership of standards committee, ie 5 Kirklees councillors, 4 independent members and 3 parish representatives should be increased to 6 Kirklees councillors, 5 independent members and 4 parish representatives.

- c) A vice-chair of standards committee be appointed on an annual basis from among the independent members.
- d) The Standards Committee's terms of reference should be amended to refer to its function in hearing appeals from officers about political restrictions. Salary based political restriction had now been abolished which significantly reduces the numbers of officers subject to political restriction.
- e) Further work be done on promoting ethical standards where the Council is operating in partnership arrangements with other bodies, both when partnerships are set up and when they are operating.
- f) Standards for England be lobbied to clarify the position on the withdrawal of standards complaints. If a complaint were withdrawn before a local assessment sub-committee had considered it, it would be helpful if the Chair or the Monitoring Officer had the ability to close the matter at that stage rather than having to take the withdrawn complaint to the sub-committee on every occasion.
- g) In the situation where a consideration panel does not accept the findings in the Monitoring Officer's investigation report that there is no breach of the Code of Conduct, and refers a complaint to a determination hearing, the issue arises as to whether the same panel can go on to deal with the determination hearing. Verbal advice from Standards for England has been that it may be better if they do not, so as to avoid any issue of predetermination or bias. It would be desirable to obtain written advice from Standards for England on this point before changing Article 9 of the Constitution.
- h) In Article 9 of the Constitution there is a presumption that where a sub-committee is considering a complaint, a parish representative should be involved. The legal requirement is that a parish representative must be on the sub-committee where the complaint involves a parish councillor or former parish councillor. The presumption that a parish representative should always be involved should be removed.
- i) Professor Kitson put forward proposals for the development of the standards material on the Kirklees Council website which were supported by the working party. Those proposals are dealt with in a separate report.
- j) The Standards Committee should produce its own media protocol for dealing with press queries about standards matters. This need not be lengthy but should, for example, deal with who should deal with media enquiries. The Council's press officers should be invited to attend a meeting of Standards Committee.
- k) A systematic approach should be developed towards delivering appropriate training to members and co-optees, members of standards committee, new councillors, new committee members and parishes. This could be linked to the work done on councillor role profiles by the

scrutiny and governance team. There could be a greater role for members of standards committee in delivering training.

- l) The current arrangements with the West Yorkshire Standards Forum and the Independent Members Regional Forum appear to be the best way of keeping the Standards Committee in contact with other standards committee members.
- m) The complaints leaflets should be circulated to appropriate parts of the voluntary sector such as the Citizen's Advice Bureau.
- n) Where appropriate the Chief Executive and Group Leaders should be invited to Standards Committee to discuss ethical issues.

3. Implications for the Council

It is important for the Council that the Standards Committee is effective and any improvements which could be made to the operation of the standards committee should be made.

4. Consultees and their opinions

N/a

5. Officer recommendations and reasons

It is recommended that Standards Committee consider the recommendations of the working party and decide which they wish to progress.

6. Cabinet portfolio holder recommendation

N/a

7. Next steps

See recommendation.

8. Contact officer and relevant papers

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Background Papers:

The Kirklees Council Constitution at

<http://www.kirklees.gov.uk/you-kmc/constitution/consitutionmenu.shtml>