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Contact Officer: Andrea Woodside - Tel. 01484 221715

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Tuesday 17 August 2010

Present: Councillors Hardcastle, Patrick, Ridgway and Sokhal

Co-opted Members: Mr P Blythe (in the Chair), Mr D J Binns, Councillor C Kaye and Councillor P Cunnington

Apologies for absence were received on behalf of Councillor C Smith, Councillor K Smith, Councillor S Watson, Mr R Helm and Mrs J Gregory

1 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 22 June 2010 be approved as a correct record subject to the amendment of Minute 13 to reflect that the next meeting of the Committee would be held on 17 August 2010.

2 Interests

No interests were declared.

3 Admission of the Public

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

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No questions were asked.

6 Update on Complaints

The Monitoring Officer tabled a report which set out a summary of progress with current complaints. It advised that there were currently eight live complaints and that a Consideration Hearing had been scheduled for 10 September 2010 to determine Complaints 2008-011, 2009-018 and 2008-018/019/020.

RESOLVED - That the update on complaints be noted.

7

Draft Work Programme 2010/2011

Prior to the consideration of the draft Work Programme, discussion took place with regard to the potential abolition of the Standards regime at a future stage. The Committee discussed the implications of abolition and it was suggested that consideration be given to forming a successor Committee to monitor and manage Standards issues.

The Committee were of the view that, while reluctant to pre-empt the issue of such guidance on a national level, it would be prudent to give some thought to issues that the Members of the Standards Committee felt would be significant in terms of the future of Standards monitoring. Members of the Committee were asked to give consideration to any such issues and to provide feedback to the Monitoring Officer who would then collate the ideas and submit them to the next meeting. It was also agreed that the Monitoring Officer would consult with the Political Group Leaders to gain feedback as to whether they would wish to pursue the possibility of establishing a localised Standards regime voluntarily in the event of an instruction of abolition from National Government.

With regards to the Work Programme, the Committee noted a draft programme of work for the 2010/11 municipal year. Discussion took place with regards to the current procedure for undertaking standards investigations and the consequential time and cost implications for the Council. It was noted that the investigations took a significant amount of time and that the potential for early resolution of complaints or disputes would be beneficial in the interests of efficiency and cost reduction. The Committee requested that the Monitoring Officer clarifies with Political Group Leaders as to whether any informal processes are already in place for conflict resolution at an early stage.

In discussing the current process of undertaking Standards investigations the Committee also raised the following points:

- (i) Whether the investigation had to be carried out by an Officer or could an elected or independent Member be appointed as investigating officer.
- (ii) Whether Group Business Managers could be asked to play a greater role in dispute resolution, possibly by establishment of an Ad-Hoc Committee, to reach agreement on an appropriate course of action without need for a lengthy, thorough and costly investigation prior to formal notification of the complaint being logged with the Monitoring Officer.
- (iii) Whether improvements in training practices for Parish and Town Council Clerks, particularly on issues relating to the Code of Conduct, may help improve the advice given to elected representatives in terms of appropriate conduct.

- (iv) Whether it could be possible to consider a shared practice in terms of undertaking investigations in partnership with other West Yorkshire Authorities.
- (v) Whether the current costs of conducting a breach of code of Conduct investigation could be reduced through a change in process.

The Committee noted the components of a draft Work Programme. They noted that there was a need for training to improve awareness of social media amongst the Members and discussion also took place regarding the need for compulsory training of Members who held a position on a Planning Committee. The Committee agreed that the current draft changes to the Planning Protocol be submitted to a future meeting to enable further discussion to take place regarding appropriate sanctions for Members who did not comply with the requirement to arrange training sessions.

RESOLVED -

- (1) That the Work Programme be noted.
- (2) That Members be asked to provide ideas and suggestions to the Monitoring Officer in terms of the potential abolition of the Standards regime and the key issues that the Council would wish the Government to consider in the implementation of changes to the current process.
- (3) That the Monitoring officer liaise with Group Leaders to determine whether they would wish to consider voluntarily establishing a Standards regime in the event of national abolition.
- (4) That the Monitoring Officer provides details of the costs involved in undertaking a Standards investigation to the next meeting.
- (5) That the Planning Protocols be submitted to a future meeting to enable further discussion regarding the requirements for training of Members of Planning Sub-Committees.

8 Training programme 2010/2011

The Committee noted the proposed Training Programme for the 2010/2011 municipal year targeted at both new and existing Members of the Committee. It was requested that details be provided to a future meeting on attendances at training sessions.

RESOLVED -

- (1) That the report be noted.
- (2) That the Monitoring Officer be asked to submit attendance training records to a future meeting of the Committee.

9 Review of Complaint 2008-005

The Committee received a report which provided a summary of the procedural issues which had arisen in the determination of complaint 2008-005. The report set out a number of recommendations for future investigations, particularly in terms of avoiding unnecessary delay, and recommended that the Standards Committee review existing processes and introduce improvements where appropriate in the interests of good practice.

RESOLVED -

(1) That the report be noted.

(2) That the recommendations as set out in paragraphs 2.1.2 and 2.2 of the report be adopted.

10 Website Update

RESOLVED - That the item be deferred due to Professor Kitson not being present at the meeting.

11 Date of Next Meeting

It was noted that the next meeting would take place on 12 October 2010.

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KIRKLEES COUNCIL

STANDARDS SUB COMMITTEE (CONSIDERATION HEARING)

Friday 10 September

Present: Mr D J Binns (in the Chair)
Councillors C Smith and P Cunnington

- 1 Interests**
No interests were declared.
- 2 Admission of the Public**
It was agreed that all agenda items would be considered in public session.
- 3 Deputations/Petitions**
None received.
- 4 Public Question Time**
No questions were asked.
- 5 Consideration hearing – Complaint 2009-022**
The Sub Committee were asked to determine an appropriate course of action in relation to complaint 2009-022 having given consideration to the Investigating Officer's report and recommendations.
RESOLVED- That Complaint 2009-022 be referred for consideration at a meeting of the Standards Sub Committee (Determination Hearing).
- 6 Consideration Hearing – Complaint 2008-011**
The Sub Committee were asked to determine an appropriate course of action in relation to Complaint 2008-011 having given consideration to the Investigating Officer's report and recommendations.
RESOLVED- That the complaint be referred for consideration at a meeting of the Standards Sub-Committee (Determination Hearing).
- 7 Consideration Hearing – Complaint 2008-018/2008-019/2008-020**
The Sub-Committee were asked to determine an appropriate course of action in relation to complaints 2008-018, 2008-019 and 2008-020 having given consideration to the Investigating Officer's report and recommendations.

RESOLVED-

- 1) That, with regard to the allegation regarding the subject member failing to treat complainants with respect, the complaint be referred for determination at a meeting of the Standards Sub-Committee (Determination Hearing).

- 2) That, with regard to the allegation that the subject member had brought the Authority and/or his Office of Councillor into disrepute, the Monitoring Officer's finding of the breach of Code of Conduct be upheld.