

Standards Committee : 1 February 2011
Title of report: Recent Work Undertaken by Standards Committee Sub-Committees

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

To brief Standards Committee on recent decisions by its sub-committees when assessing and reviewing complaints about member conduct and in holding consideration and determination hearings.

2. Key Points

Since the reports were prepared for Standards Committee on 7 December 2010 the following sub-committees have met:

Local Assessment Sub-Committee

The Local Assessment Sub-Committee met on 30 November 2010 to consider complaints references 2010-039, 2010-040 and 2010-041.

Complaint Reference 2010-039

This complaint concerned allegations about the conduct of a Kirklees Councillor at the Cabinet meeting on 15 October 2010 when the complainant and other members of staff attended in relation to decisions about whether they would be made redundant. It was alleged that the member had failed to

treat them with respect and had used the opportunity to make cheap political points. The decision of the sub-committee was that no further action should be taken on the basis that the allegations were not serious enough to warrant further action.

Complaint Reference 2010-040

This complaint concerned events at a meeting of the Kirklees Council Cabinet on 9 November 2010 which the complainant and other members of staff at her school attended. At the meeting the Cabinet was considering proposals which would involve the closure of the complainant's school. The complaint was against two members of the Kirklees Council Cabinet.

The allegation against the first member was that he had failed to answer two questions asked by the complainant and when challenged, waved dismissively, looked away and muttered "it will be dealt with later." The member also told another member of staff to "Shut up" and when asked why said "Because you are a Council employee so be quiet." When the senior officer present was unable to answer a question from a councillor about the position nationally the complainant offered to provide the answer but the member told her "No, be quiet".

Both members were talking while one of the complainant's colleagues was making a presentation to Cabinet and were sat in the wrong seats which meant that the electronic screen behind them gave the wrong names for them, but they refused to change seats.

In relation to the second member it was also alleged that when a member of the public asked a question the member did not let him finish and aggressively cut him short asking for details of who had said what etc. In response to another question from another member of the public the member said "*Parents and staff always complain when there is a change but the staff always sort it out ... if standards decline it will be the fault of the school staff not the councillors.*"

The decision of the sub-committee was that in relation to the first member that allegations of failing to treat others with respect and of bullying should be referred to the Monitoring Officer for investigation but that no further action should be taken in relation to allegations of compromising the impartiality of officers and bringing the office of councillor or the Council into disrepute, because there was insufficient evidence to demonstrate breaches of those provisions of the Code of Conduct.

In relation to the second member the decision of the sub-committee was that although there was sufficient evidence to demonstrate a breach of the requirement to treat others with respect, the matter was too trivial to warrant

investigation, and that there was insufficient evidence to demonstrate breaches of the Code of Conduct relating to compromising the impartiality of officers or bringing the office of councillor or the Council into disrepute and that no further action should be taken.

Complaint Reference 2010-041

This complaint concerned allegations that at a parish council meeting a parish councillor had accused the complainant, another parish councillor, of telling lies at a previous Tenants and Residents Meeting and had declined to withdraw the accusation or to apologise.

The decision of the sub-committee was that while the allegations did disclose a potential breach of the Code of Conduct, the allegation was too trivial to warrant investigation and no further action should be taken.

Review Sub-Committee

There have been no meetings of the Review Sub-Committee since the last Standards Committee meeting.

Consideration Hearings

There will shortly be a Consideration Hearing for complaints references 2008-012. The Investigating Officer is reviewing his draft report in the light of the subject member's comments.

Determination Hearings

A Determination Hearing was held on 6 December 2010 for complaint reference 2009-022. The Sub-committee's finding was that the subject member had breached the Code of Conduct by failing to treat the complainant with respect but had not acted in a manner likely to bring his office or Kirklees Council into disrepute. The sanction imposed was that the member should be suspended for period of two months or until such time as he had submitted a written apology to the complainant in a form approved by the Chair of the Sub-Committee. In the event the subject member gave a written apology in an approved form and was therefore not subject to any suspension.

Determination Hearings for complaints references 2008-011 and 2008-018/019/020 are being arranged but it is proving difficult to identify dates when all the relevant parties are available.

3. Implications for the Council

The role of the Standards Committee Sub-Committees is an important part of the process of handling complaints about member conduct and retaining confidence among members and the public that complaints are being dealt with in a timely and efficient manner.

4. Consultees and their opinions

N/a

5. Officer recommendations and reasons

It is recommended that the contents of this report be noted.

6. Cabinet portfolio holder recommendation

N/a

7. Next steps

To hold the sub-committee meetings referred to above.

8. Contact officer and relevant papers

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Background Papers:

Decision summaries for complaints references 2010-039, 2010-040 and 2010-041.

Press Notice in relation to complaint reference 2009-022.