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Contact Officer: Andrea Woodside - Tel. 01484 221715

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Tuesday 1 February 2011

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

Co-opted Members: Mr P Blythe (in the Chair), Mr D J Binns, Councillor P Cunnington, Prof A Kitson and Mr R Helm

Apologies for absence were received on behalf of Councillor Hardcastle, Councillor Kaye and Mrs Gregory

1 Minutes of Previous Meetings

RESOLVED - That the Minutes of the Committee held on 7 December 2010, and the Sub-Committee held on 6 December 2010, be approved as correct records.

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 or petitions were received.

5 Public Question Time

No questions were asked.

6 Update on Complaints

The Senior Legal Officer tabled a report which set out the latest position on the complaints investigation process. The Committee noted the present number of live complaints. It was noted also that transitional arrangements to be incorporated into the Localism Bill would allow all outstanding cases to be resolved following the abolition of the Standards Regime.

RESOLVED - That the report be noted.

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Standards Regime

The Acting Assistant Director - Legal and Governance, tabled a paper which set out a number of options for a future ethical framework following the abolition of the Standards Regime. The Committee were asked to give consideration to a number of questions set out within the paper in order to provide feedback on the preferred options for future internal arrangements.

Lengthy discussion took place with regards to:-

- (i) whether the Authority should adopt a voluntary code of conduct;
- (ii) whether there should be different processes for dealing with different types of complaints;
- (iii) whether the Authority should continue to have a Standards Committee or whether the function should be delegated and
- (iv) whether the options of establishing a regional Standards Committee should be established.

The Acting Assistant Director - Legal and Governance noted the comments and views of the Committee, advising that the information gathered would be fed to the leading Members meeting in early March to inform further discussion. Committee Members were asked to submit any additional comments no later than 14 February 2011.

RESOLVED -

(1) That the Committee's comments on future proposals be noted and presented to Group Leaders.

(2) That any additional comments be submitted to the Acting Assistant Director - Legal and Governance no later than 14 February 2011.

8

Proposed Composition and Membership of Standards Committee - 2011/2012

The Committee gave consideration to a report which sought views on the composition of the Standards Committee for the commencement of the 2011/12 Municipal Year, up until the abolition of the current Standards Regime as proposed in the Decentralisation and Localism Bill. The Committee noted that the Standards Committee was currently comprised of 6 Kirklees Members, 5 External Members and 4 Parish Council representatives. Further to a previous decision, the composition of the Committee between 1 April 2011 and the Annual Meeting of Council on 25 May 2011 would be 6 Kirklees members, 3 External Members and 3 Parish Council representatives.

RESOLVED - That the Committee be reconstructed at the beginning of the 2011/2012 Municipal Year on the ratio of 6 Kirklees Members, 3 External Members and 3 Parish Council representatives.

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Recent Work Undertaken by Standards Sub-Committees

The Committee received a report which provided a summary of decisions taken at meetings of its Sub-Committees.

The Committee noted the outcomes of hearings in relation to complaint references 2010-039, 2010-040, 2010-041 and 2009-022.

RESOLVED - That the report be noted.

SSD2

Contact Officer: Adrian Johnson - Tel. 01484 221712

KIRKLEES COUNCIL

STANDARDS SUB-COMMITTEE (DETERMINATION HEARING)

Friday 11 March 2011

Present: Councillor C M L Smith

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

- 1 Interests**
No interests were declared.
- 2 Admission of the Public**
The Sub-Committee determined that the public be allowed in the meeting during discussion of the business.
- 3 Deputations / Petitions**
No deputations /petitions were received.
- 4 Public Question Time**
No questions were asked.
- 5 Determination Hearing - Complaint 2009 - 018/19/20**
The Committee considered documentation in relation to complaint 2009 - 018/19/20 and heard representations from the complainants and Councillor Yates, including representations made on their behalf by their respective representatives.

During the proceedings it was clarified that consideration of any matter relative to alleged defamation was not within the remit of the Sub-Committee.

RESOLVED -

(1) That whilst the Sub- Committee acknowledges the right of Councillor Yates to raise concerns which his constituents had passed to him when he attended the Council meeting on 10 December 2008 the Sub-Committee finds that he could have made his point on behalf of his constituents without making specific and inflammatory allegations against the complainants personally, which ultimately could not be sustained. Accordingly the Sub-Committee finds that Councillor Yates was in breach of paragraph 3(1) of the Kirklees Council Code of Conduct in that he failed to treat the three Head Teachers, Jeanette Tate, Susan Scott and Kay Boothroyd, with respect.

(2) That the Sub-Committee finds that Councillor Yates was not in breach of paragraph 5 of the Kirklees Council Code of Conduct in that he had not brought either his office of councillor or the Council into disrepute.

(3) That having considered whether a sanction should be imposed upon Councillor Yates and, if so, what that sanction should be, the Sub-Committee expresses its severe disapproval of Councillor Yates' conduct and determines that he be censured.

(4) That Councillor Yates be advised of his right to seek permission from the First Tier Tribunal (Local Government Standards for England) to appeal against the decision of the Sub-Committee.