

**Standards Committee : 29 March 2011**

**Title of report: Recent Work Undertaken by Standards Committee Sub-Committees**

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>N/A</b>
<b>Is it in the Council's Forward Plan?</b>	<b>N/A</b>
<b>Is it eligible for "call in" by Scrutiny?</b>	<b>N/A</b>
<b>Cabinet member portfolio</b>	<b>Corporate</b>

**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 previous Standards Committee meeting on 1 February 2011 the Local Assessment Sub-Committee has not met but is due to do so on 31 March 2011 to consider 4 new complaints.

### Review Sub-Committee

The Review Sub-Committee met on 18 February 2011 to consider complaint reference 2010-041. On 14 December 2010 the Local Assessment Sub-Committee had decided to take no further action in relation to this complaint and the Complainant had asked for this decision to be refused.

The complaint concerned events at a meeting of Denby Dale Parish Council on 7 December 2010 when a member of the parish council was alleged to

have accused the Complainant of having told lies at a previous tenants and residents association meeting. The decision of the Review Sub-Committee was that the complaint should be referred for other action, namely for the Kirklees Council's Monitoring Officer to offer training on the Denby Dale Parish Council Code of Conduct to all the members of Denby Dale Parish Council at a session to be arranged following a Parish Council meeting.

### Consideration Hearings

For complaint reference 2008-012 the Investigating Officer is reviewing his draft report in the light of the subject member's comments.

### Determination Hearings

Two determination hearings have been held since the last Standards Committee meeting.

A Determination Hearing was held on 11 March 2011 for complaint reference 2009-018 019 020. The Sub-committee's finding was that the subject member had breached the Kirklees Council Code of Conduct by failing to treat the complainants 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 censured.

The complaint related to a statement read out by the subject member at a meeting of full Council on 10 December 2008 in which he alleged, among other things, that the complainants, who were the head teachers of schools in his ward, had been deliberately preventing parents from gaining information about the Building Schools for the Future proposals and that there had been a clear attempt to sabotage both the consultation process and parental involvement. Upon considering the evidence the Sub-Committee concluded that these allegations could not be sustained and noted the documentary evidence of consultation provided by the Complainants. The Sub-Committee accepted that it was proper for the subject member, who was communicating concerns raised with him by constituents, to raise the issue of concerns about the BSF consultation process at the Council meeting. However the Sub-Committee found that the inflammatory language used in the Subject Member's statement and the suggestion that the Complainants were personally guilty of wrongdoing was not necessary and had the potential to damage the reputations of the Complainants and had caused the Complainants considerable distress.

A Determination Hearing was held on 16 March 2011 for complaint reference 2008-011. The Sub-committee's finding was that the subject member had breached the Kirkburton Parish Council Code of Conduct by failing to declare

personal and prejudicial interests in an item being considered by the parish council but imposed no sanction.

The subject member had been nominated by the parish council to the executive committee of a local community association which leased a village hall from the parish council. At the material times the parish council was engaging contractors to carry out work on the hall and this involved a temporary closure, consideration of further works, consideration of payments to community groups unable to use the hall during the closure and a compensation claim from the community association. The investigating officer had found a failure to declare prejudicial interests at five parish council meetings. The Sub-Committee found that the only failure to declare interests was in relation to the consideration of the community association's application to the parish council for compensation when the subject member had failed to declare personal and prejudicial interests and to leave the meeting room. The Sub-Committee noted that the Subject Member had been following advice on declaration of interests from the parish clerk at the material time.

### **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 summary for review decision on complaint reference 2010-041.

Press Notices in relation to complaint references 2009-018 019 020 and 2008-011.