

Standards Committee : 18 July 2011

Title of report: Chair of Standards Committee's Annual Report

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| 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: All

Ward councillors consulted: N/A

Public or private: Public

1. Purpose of Report

To consider and approve the annual report of the Standards Committee prepared by the Chair.

2. Key Points

The Committee agreed that it would produce an Annual Report setting out the work of the Committee during 2010/2011. The attached draft report has been prepared by the Chair of the Committee and is a summary of the work covered by the main Committee. There are also figures and information about the complaints made.

3. Implications for the Council

It is good practice for the Standards Committee to produce an Annual Report which is then considered by all members of Council with a view to picking up and acting on any issues arising in it. The intention is that the Annual Report will be considered by full Council and that it will also be published on the Council's website.

4. Consultees and their opinions

N/a

5. Officer recommendations and reasons

That the Committee consider the draft Annual Report, make any suggestions for amendments and then recommend a final Report to Council.

6. Cabinet portfolio holder recommendation

N/a

7. Next steps

The final Report will be presented for discussion at full Council where the Chair will attend to answer questions.

8. Contact officer and relevant papers

Paul Blythe
Chair of Standards Committee

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Background Papers:

None

Standards Committee

Draft Annual Report 2009-10

1. Introduction

The Local Government Act 2000 required councils to set up standards committees with responsibility for promoting and maintaining high standards of conduct by the members and co-opted members of the council and for assisting members and co-opted members of the council to observe the council's code of conduct.

In May 2008 standards committees were also made responsible for dealing with the majority of complaints about the conduct of members and co-opted members of their councils.

This is the Kirklees Standards Committee's second annual report and summarises the work it and its Sub-Committees carried out in 2009-10.

2. Annual Review

2009-10 has been a year of consolidation after the introduction in 2008/9 of a local framework for assessing member complaints. The Standards Committee has worked hard to bed in the new arrangements, ensure they are fit for purpose and advise the Council on specific issues concerning member behaviour. Members continued to network with members from other councils at regional and national events. This is an excellent way of sharing best practice and keeping up to date with what is happening elsewhere. Also the meetings between the Chair and Chief Executive helped to ensure a shared understanding of the Committee's aims and achievements.

In April 2010 the Committee reviewed what it does and how it does things. It recommended initiatives to:

- Improve the awareness and understanding of standards issues by both the public and members.
- Improve the Committee's effectiveness.

The improvements will be phased in during 2010-11.

3. Work Done

The work carried out by the Standards Committee in 2009-10 is summarised below:

- Discussed the use of social media by councillors and circulated Standards for England's "quick guide on blogging".
- Determined how to support the promotion of values and good governance as stated in the Council's Code of Corporate Governance (report to Corporate Governance and Audit Committee early 2010-11).
- Reviewed and gave advice on protocols for Planning Committees, speaking at Planning Committees, Licensing Committees and Monitoring Officer.

- Determined how to deal with granting dispensations regarding prejudicial interests and circulated the new rules.
- Gave advice to Cabinet on indemnifying members for standards complaints.
- Reviewed and expanded the criteria for Assessment Sub-Committee when deciding whether to refer a complaint to the Monitoring Officer for other action.
- Produced a leaflet “Complaining about Councillors” and distributed it to Council’s information points.

The Committee will agree its work programme for next year in June 2010.

4. Complaints

During 2009-10 the Monitoring Officer received 15 written complaints about Kirklees Councillors’ conduct, one complainant made similar allegations about two councillors and one former councillor which is counted as three complaints, and one complainant made similar allegations about three councillors which was counted as three complaints. Of the 15 complaints the source of the complaints was as follows:

- 9 received from members of the public.
- 6 received from councillors.

15 Sub-Committees were convened to consider assessment of complaints, 5 to consider reviews of assessment decisions, 7 for consideration hearings (of which 6 related to complaints made prior to 2009-10) and 1 for a determination hearing Outcomes were:

- 12 complaints where on assessment no action was required.
- 5 reviews which upheld the assessment decisions.
- No complaints referred to Monitoring Officer for other action.
- 3 complaints referred to Monitoring Officer for investigation.
- 7 investigations completed. (6 relating to complaints made prior to 2009-10).
- 6 complaints where on consideration there was no breach of the Members’ Code of Conduct.
- 1 complaint where on consideration there was a potential breach of the Members’ Code of Conduct which on determination a finding of a breach of the Members’ Code of Conduct was made. (This complaint was made prior to 2009-10).

5. Awareness and Understanding

The Monitoring Officer, once again, organised sessions for new and existing Kirklees and Parish/Town Councillors to improve their awareness and understanding of ethical standards. Members of the Standards Committee received regular information and guidance from officers to ensure they were comfortable with their role in the new local arrangements. Members attended Standards for England’s annual assembly, regional forums for independent members and a regional conference organised by West Yorkshire Authorities. Issues discussed at these events were reported back to Committee for

information and/or consideration. The Chair and Chief Executive met twice to discuss the work of the Committee and ethical standards in general.

6. Membership

The Standards Committee had the following membership during 2009-10:

- 5 Kirklees councillors: Councillors Derek Hardcastle; Nigel Patrick; David Ridgway; Christine M L Smith and Ken Smith.
- 3 Parish councillors: Councillors Margaret Barlow (Denby Dale Parish Council); Peter Cunnington (Kirkburton Parish Council) and Charles Kaye (Holme Valley Parish Council).
- 4 external members (persons who are not councillors or officers of the Council): Derek Binns; Paul Bythe (Chair); Prof Alan Kitson and Rev Mike Roberts.

By law the Chairs of the Standards Committee and its Sub-Committees must be an external member.

Paul Blythe
Independent Chair of Standards Committee

Standards Committee

Draft Annual Report 2010-11

1. Introduction

This is the Standards Committee's third annual report. The Local Government Act 2000 requires councils to set up standards committees with a proactive role in creating an ethical framework which ensures a high standard of conduct in their decision making process. In May 2008 standards committees were also made responsible for dealing with complaints about the conduct of councils' members and co-opted members.

2. Membership

In 2010 the Standards Committee increased its membership from 12 to 15 to ensure that all written complaints received about members' conduct were dealt with quickly. The number of places allocated to Kirklees councillors, parish/town councillors and external members being increased by 1 apiece. The following people were members of the Standards Committee in 2010-11:

- Kirklees councillors (6 places): Councillors Derek Hardcastle, Nigel Patrick, David Ridgway, Christine M L Smith, Ken Smith and Mohan S Sokhal.
- Parish/town councillors (4 places): Councillors Peter Cunnington (Kirkburton Parish Council), Charles Kaye (Holme Valley Parish Council) and Shirley Watson (Meltham Town Council). A nomination was not received by the Council for the remaining place.
- External members – not councillors or officers of the Council (5 places): Derek Binns, Paul Blythe (Chair), Janet Gregory, Raymond Helm and Prof Alan Kitson. (Janet Gregory and Raymond Helm were recruited in July 2010. The Council approving their appointments subject to both terms of office ending on 31 March 2011).

The Standards Committee deemed that, because of the imminent demise of the current standards regime, it was neither practical nor cost effective to replace the 2 external members leaving on 31 March 2011. It agreed, therefore, to reduce its membership from 15 back to 12 as from the 1 April 2011. The number of places allocated to both parish/town councillors and external members being reduced to 3.

3. Complaints

In 2010-11 the Monitoring Officer received 12 written complaints about members' conduct:

- 10 complaints were about Kirklees councillors.
- 2 complaints were about parish/town councillors.
- 9 complaints were received from members of the public.
- 3 complaints were received from Kirklees councillors.

4. Work Done

The work carried out by the Standards Committee in 2010-11 is summarised below:

- Considering and taking action on written complaints received about members' conduct, ie local determination process.
- Discussing and publicising government proposals for the abolition of the current standards regime.
- Developing the Council's website regarding information about the local determination arrangements that are in place and members' standards in general.
- Adopting a media protocol for Standards Committee.
- Reviewing the Council's planning protocol.
- Discussing the concept and benefits of partnership behaviour protocols (referred to the Corporate Governance and Audit Committee for their consideration).
- Discussing work carried out and decisions made by Standards For England and the results of the local determination process (in-house training).

5. Future Work

The Government has announced its clear intention to abolish the current standards regime some time in 2011-12. It is likely, therefore, that the Standards Committee's main duties next year will be to ensure any outstanding complaints about members' conduct are speedily concluded, to deal with any new written complaints received by the Monitoring Officer (up to a date to be determined by government) and to ensure a smooth and effective transition to any new local standards framework the Council considers appropriate.