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KIRKLEES COUNCIL
STANDARDS COMMITTEE

Tuesday 31 January 2012

Present: Councillors Ridgway, C Smith and K Smith

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

Apologies for absence were received on behalf of Councillor Patrick, Councillor Sokhal and Councillor Bellamy.

1 Minutes of the Previous Meeting

RESOLVED - That the Minutes of the meeting held on 7 November 2011 be approved as a correct record subject to the inclusion of Mr D Binns within the list of attendees.

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 Committee were provided with a report which set out the latest position on the complaints investigation process. The Committee noted that there were presently ten live investigations and that four complaints had been received since the last meeting of the Committee.

It was requested that the Monitoring Officer provide Members with the political affiliation of the subject Members of the Parish and Town Councils as referred to in the tabled report.

RESOLVED - That the report be noted.

7 Update Report on the Work of the Sub-Committees

The Committee received a verbal update on the Assessment and Review Sub-Committees. It was noted that three Assessment Sub-Committees had taken place since the last meeting of the Committee.

RESOLVED - That the report be noted.

8 Localism Act 2011

The Committee received a report which set out a number of key considerations in regard to the implementation of the Localism Act 2011. It was noted that the anticipated implementation date was 1 July 2012. The report described the key changes to the Authority's Standards function and set out a number of recommendations for action in terms of implementing the new regime. The Committee noted that the Authority remained under a statutory duty to provide and maintain high standards of conduct for its elected and co-opted Members.

It was considered that, in view of the fact that the Local Government Association was producing a Model Code of Conduct, it would be appropriate to await its publication prior to progressing the content of a Code for Kirklees.

With regards to the future of the Committee, Members were not generally supportive of re-establishing a Standards Committee under the new regime. It was felt that its functions could be transferred to the existing Corporate Governance and Audit Committee, and that its terms of reference be amended accordingly, but that Sub-Committees could be arranged on an ad-hoc basis to consider specific complaints. Consideration was also given to holding such Sub-Committees in private. The Committee were not supportive of establishing a joint committee with Parish/Town Councils as it was considered that any breaches by Parish or Town Councillors should be dealt with by their relevant Parish/Town Council.

In terms of dealing with misconduct complaints, discussion took place with regards to whether meetings should be considered in private or publicly. The Committee also discussed whether complaints made by Members against other Members should be subject to a different process of scrutiny and agreed that the new regime should allow increased scope to enable trivial complaints to be disposed of at an early stage. It was felt that the Monitoring Officer should remain as the main contact point for misconduct complaints and that they could take responsibility for the initial filtering of received complaints and report to Corporate Governance and Audit Committee on the decisions taken. The Committee emphasised the need for the new regime to only permit serious breaches of the code to be investigated, and also to enable persons who are the subjects of any complaints to be provided with details of the complaint at the outset of the investigation. The Committee also agreed that in some circumstances there should be a right of review against a decision of the Monitoring

Officer, though there should not be a right of appeal against the final decision on a complaint.

With regards to the appointment of an independent person, it was considered that one person should be appointed and that the eligibility criteria should require the person's residency to be within Kirklees. It was suggested that the Recruitment Panel for the appointment comprise of one current independent member and two KMC Councillors who are Members of Standards Committee.

Discussion also took place regarding registration of Members interests and the disclosure of interests at meetings. It was agreed that both would be considered at a later stage in the process.

RESOLVED - That the details of the discussion and the comments of the Committee be presented to Corporate Governance and Audit Committee at its meeting of 3 February 2012.

9

Dates of Future Meetings

The future meetings schedule was noted.