

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Tuesday 27 February 2018

Notice of Meeting

Dear Member

Standards Committee

The **Standards Committee** will meet in the **Meeting Room 1 - Town Hall, Huddersfield** at **11.00 am** on **Wednesday 7 March 2018**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Standards Committee members are:-

Member

Councillor Andrew Marchington

(Chair)

Councillor Eric Firth

Councillor Shabir Pandor

Councillor Ken Sims

Councillor Mohan Sokhal

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of Previous Meetings

1 - 8

To receive and the Minutes of the previous meeting held on 17 January 2017, 24 May 2017 and 6 September 2017.

3: Interests

9 - 10

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputation/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Review of Complaints

11 - 18

To receive a report setting out complaints considered since 24 May 2017.

Contact: Samantha Lawton, Legal Services.

8: Update on Standards

19 - 24

To consider a report regarding training and support on the standards process.

Contact: Samantha Lawton, Legal Services

9: Consultation by the Committee on Standards in Public Life To Inform review of Local Government Ethical Standards

25 - 30

To receive a report regarding The review of Local Government Ethical Standards by the Committee on Standards in Public Life.

Contact: Julie Muscroft, Legal, Governance and Commissioning

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STANDARDS COMMITTEE

Tuesday 17th January 2017

Present: Councillor Nigel Patrick (Chair)
Councillor Eric Firth
Councillor Andrew Marchington
Councillor Shabir Pandor
Councillor Mohan Sokhal

1 Membership of the Committee

All Committee Members were present.

2 Interests

No interests were declared.

3 Admission of the Public

It noted that all agenda items would be considered in public session.

4 Deputation/Petitions

No deputations or petitions were received.

5 Review of Standards Regime/Member Code of Conduct

Standards Committee gave consideration to a report which sought a review of the operation of the Standards process and to consider options for changes to the Member Code of Conduct and Standards regime.

The report advised that it was an appropriate time to review the Code of Conduct and the Standards process, alongside the review of Member Officer protocol, and in acknowledgement of the introduction of new behaviours for employees and elected members. It was noted that a questionnaire regarding various standards issues had been circulated to relevant officers, elected members, and independent persons, and then more detailed feedback had been sought from Group Business Managers

Standards Committee - 17 January 2017

during August 2016. An online survey was also circulated to all elected members, and the responses were attached at appendix 4 of the considered report. The report set out a breakdown of observations on the regime, alongside a commentary of proposals in terms of moving forward.

The Committee were asked to consider the following recommendations as set out at Paragraph 6.1 of the report;

- (1) To revise the Kirklees Code so that it is more directional on 'poor behaviour' and make reference to the Principles of Public life, making reference to examples of poor behaviour.
- (2) To amend the Code to include a lack of response to complaints by members, subject to relevant extenuating circumstances, as an example of poor behaviour.
- (3) Members to sign the Code of Conduct.
- (4) To amend section 5.1 of the Code of Conduct to simplify the definition of 'other interests'.
- (5) To continue current practice in terms of verbally declaring disclosable pecuniary interests and 'other' interests at meetings.
- (6) That the complaints process be amended so that the Monitoring Officer and one other (or more) make a decision as to whether a complaint should proceed.
- (7) To amend the complaints process so that the decision maker in the resolution of complaints is the Monitoring Officer, and the Chair of Standards Committee, in consultation with the Group Business Manager if it proceeded to Assessment Panel.
- (8) That the complaints process be amended to include a clearer process for early dismissal of complaints which or minor or considered as political 'tit for tat.'
- (9) That the Standards Committee receive 6 monthly reports regarding member behaviour and complaints received, and meet annually for a review meeting.
- (10) That the process for dispensations be amended so that there is provision for the Monitoring Officer to consult with Group Business Managers prior to the meeting of Budget Council, and during the summer.
- (11) That all of the Sanctions as set out at Appendix 8 of the considered report be endorsed.
- (12) That any matters referred to the police whereby criminal investigation ceases shall still be subject to the standards process.
- (13) That the current process continues and there continues to be no right of appeal, other than a complaint to the Ombudsman if a councillor is dissatisfied.
- (14) That elected members be required to undertake appropriate training following the review on the new code and standards process.

The Committee agreed with the recommendations as set above, subject to the amendments of (3) to require re-elected or newly elected members to sign the code from 2018 onwards, (7) for the monitoring Officer, Independent Person and Chair of Standards Committee to act as decision makers, and (9) to require two meetings of the Committee to be included within the Annual Calendar of Meetings. Additionally,

Standards Committee - 17 January 2017

the Committee were also of the view that (i) the Council should have expectations of behaviour from complainants and that the conduct of a complainant should be taken into account in decisions as to the progress of a complaint and (ii) that, in relation to (6) and (7), the remuneration of the Independent Person be reconsidered as the role would no longer be solely advisory.

RESOLVED -

- 1) That the report be received and noted.
- 2) That the recommendations of the Committee be incorporated within the report to be considered by Corporate Governance and Audit Committee to be held on 27 January 2017.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Wednesday 24th May 2017

Present: Councillor Andrew Marchington (Chair)
Councillor Eric Firth
Councillor Shabir Pandor
Councillor Mohan Sokhal
Councillor Ken Sims

1 Admission of the Public

The Committee determined that the business for the meeting be considered in public.

2 Appointment of Standards Sub-Committee

It was moved by Councillor Marchington, seconded by Councillor E Firth and;

RESOLVED -

That the appointment of the Standards Sub-Committee be approved; that the Sub-Committee should not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but that the membership be drawn from the membership of the Standards Committee at Item 17 of the Agenda of the Annual Council meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STANDARDS COMMITTEE - INQUORATE MEETING

Wednesday 6th September 2017

Present: Councillor Andrew Marchington (Chair)
Councillor Mohan Sokhal

Apologies: Councillor Eric Firth
Councillor Shabir Pandor

1 Membership of the Committee

Apologies for absence were received from Councillors E Firth and Pandor.

2 Minutes of Previous Meetings

RESOLVED –

That the consideration of the the Minutes of the Meetings held on 17 January and 24 May 2017 be deferred (meeting inquorate).

3 Interests

No interests were declared.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Deputation/Petitions

No deputations or petitions were received.

6 Update on Standards Related Matters

The Committee received a report which set out the impact of the amendments to the standards process as agreed by Council on 26 April 2017, particularly in regards to (i) increasing the Committee's involvement in considering training and support for Members (ii) the role of the Committee in setting expectations in relation to behaviours (iii) reviewing the effectiveness of the standards process (iv) the role of the Chair in the decision making process (v) receiving an update on any complaints received and (vi) plans for future work.

The report also reflected upon the recommendation of the Council meeting in April 2017 regarding reasonable behaviour and advised that a report was scheduled for consideration by Council which set out expectations for reasonable behaviour.

Discussion took place with regards to the content of and the matters addressed within the report. Arising from the discussions it was agreed that that further work need to be undertaken in relation to conduct and behavioural issues, and improvements in the provision of training. It was determined that there was a need to focus upon (i) the Councillor's role and behaviour in the scenarios of Councillor and Councillor contact, Councillor and Officer contact and acting as a ward representative (eg, attending meetings and responding to emails/correspondence) and (ii) appropriate interaction of Members when addressing the public, both in formal meetings and constituency business. In regards to training it was considered that the provision of generic training skills for all Committee/Panel etc Chairs should be reviewed, including additional support for Chair's presentational skills. It was agreed that all Members of Standards Committee be asked to provide any additional feedback in relation to Paragraph 2.5 of the report (training needs and other support) and that all matters raised be discussed further by Group Business Managers in early November.

RESOLVED –

That the report be noted and that further consideration be given to the matters identified regarding Member conduct and training.

7 Update on Appointment of Independent Person

The Committee received a report which set out an update on the appointment of new Independent Persons following the change to the Standards process in Kirklees. The report advised that the Council has an Independent Person and a deputy whom were reappointed on 9 November 2016 for a period of up to a year pending the review of the standards regime. At the meeting of Council in April 2017 authority was delegated to the Monitoring Officer to agree a process for the appointment of two new independent persons, and arising from the recruitment process, one application was received from Mr Michael Stow. In consultation with the Chair of Standards Committee, it was agreed that it was not necessary to seek the appointment of a further Independent Person, and that it be recommended that Mr Stow be appointed for two years.

The report advised that Mr Stow had acted as an Independent Person for the Council since 2012 and had previously worked at Bradford Council.

It was noted that the report would be submitted to the meeting of Council on 13 September 2017 seeking the appointment of Mr Stow.

RESOLVED –

That the report be noted and submitted to the meeting of Council on 13 September 2017 for determination.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Standards Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Standards Committee

Date: 7 March 2018

Title of report: Review of Complaints

Purpose of report

To brief standards committee upon the complaints dealt with since the commencement of the new arrangements for standards matters on 24 May 2017 and to review the role of the Independent Person

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name	
Is it also signed off by the Service Director for Finance, IT and Transactional Services?	No
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Yes – 27 February 2018
Cabinet member portfolio	

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 Following a standards review the Council adopted an amended code of conduct and new arrangements for dealing with standards complaints with effect from 24 May 2017.

1.2 This report considers the type, nature and number of complaints received since the new arrangements were introduced. All of the complaints have either not been pursued by the complainants or resolved at an early stage by the Monitoring Officer and Independent Person. None of the complaints have progressed to the next Stage in the Standards procedure to information resolution.

2. Information required to take a decision

- 2.1 Since 24 May 2017 the Monitoring Officer has received 12 complaints about the conduct of elected members.
- 2.2 In 3 of those complaints the complainant when contacted did not wish to either complete the complaint form, contact the relevant officer or provide further information for the complaint to proceed.
- 2.3 In the remaining 9 complaints the Monitoring Officer followed the arrangements agreed by Council on 24 May 2017 and consulted with the Independent Person to make an informal assessment of whether the complaint should proceed.
- 2.4 One of those complaints is currently under consideration by the Monitoring Officer.
- 2.5 Of those 8 complaints remaining the Monitoring Officer contacted the Group Business Manager in relation to 4 of the complaints. This was to either remove the offending tweets or posts, provide an explanation or apology and no further action was pursued by the complainant.
- 2.6 In the remaining 4 complaints the Monitoring Officer and Independent Person considered the complaint and decided that there was insufficient evidence for the complaint to proceed to through the standards process.
- 2.7 The individual complaints and the action taken are summarised in the Annex to this report.

Themes and Trends

- 2.8 Of the complaints received:
 - 2 were in relation to Parish or Town Councillors
 - 3 of the complaints were made by Councillors (the remaining members of the public)
 - 4 related to social media and comments or posts
 - 8 related to complaints relating to direct communication in various forms or failure to interact e.g. failing to respond, communication at meetings, telephone calls or in correspondence etc.
- 2.9 In terms of themes arising from the complaints, social media and communication whether that be in meetings, emails, telephone or in person are the main areas where the complaints have arisen.

Review of the Independent Person

- 2.10 Following the Standards review last year it was agreed that it was necessary to re-advertise for the role of the Independent Person. This

was completed and Mike Stow was appointed by Council on 13 September 2017 for two years. He is the Authority's only Independent Person. It was agreed that the Standards Committee would keep this under review as it is recommended a minimum of 2 Independent Persons are appointed.

2.11 So far this has worked well and there have been no issues. The Independent Person has been available where necessary and there have been no difficulties.

2.12 Members views are sought.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving Outcomes for Children

N/A

3.4 Reducing demand of services

N/A

3.5 Other (e.g. Legal, Financial etc)

3.1 The promotion and maintenance of high standards of conduct among councillors is an important part of maintaining public confidence in the council and its members.

3.2 The Council is required by law (under the Localism Act 2011) to have an Independent Person appointed to consult in relation to the Code of Conduct complaints and incorporated within the Standards regime. If the Council fails to appoint an Independent Person they would be in breach of this requirement and could face legal challenge.

4. Consultees and their opinions

N/A

5. Next steps

The Monitoring Officer will continue to assess complaints about member conduct as and when they are received and will report the outcomes to this committee as appropriate.

6. Officer recommendations and reasons

It is recommended this report is noted and having one Independent Person is kept under review. Independent Persons are also required if there is a complaint of misconduct in relation to the Statutory officers. Should the

Statutory Officer Disciplinary Committee be required to form in relation to a complaint then the Authority is able to invite Independent Persons from other local authority's to assist.

Members provide views on whether the present position with the Independent Person should be maintained or whether a further Independent Person should be re-advertised and appointed.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

Samantha Lawton
Senior Legal Officer
01484 221000
samantha.lawton@kirklees.gov.uk

9. Background Papers and History of Decisions

N/A

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk

ANNEX

May 2017

The complaint alleged a Councillor had re-tweeted a video that was political material and was an inappropriate use of Council resources. It was also alleged the Councillor had encouraged the individual to post the video.

The video was removed by the original individual and the Monitoring Officer found no evidence the tweet was in breach of any of the protocols or code of conduct.

June 2017

1. The complaint was about a Meltham Town Councillor whom was alleged to have posted inappropriate Facebook posts.

The complainant was referred to the Code of Conduct, information on the Kirklees website and asked to complete the complaint form. No response was received.

2. The Councillor had re-tweeted a post from a far right political party.

The Group Business Manager was contacted and the Councillor removed the tweets. The complainant did not wish to take the matter further.

July 2017

A member of the public viewed the tone and content of an email sent by a Councillor as inappropriate and lacking in information and explanation.

No further action was taken as there was no evidence in the Facebook posts or email exchange that supported the complainants view.

August 2017

1. The complaint was in relation to two Kirklees Councillor who had failed to listen to the complainant and advice provided. The manner in which they were spoken to in front of council staff and members of the public was inappropriate.

No further action taken.

2. The complainant complained of three Kirklees Councillor and their behaviour at meetings and failing to communicate with the resident.

The complainant was contacted and asked to provide further information and provided with the information on the complaints process, Code of Conduct and the complaint form. They did not wish to take the matter further and no further action was taken.

September 2017

Councillors failed to respond to a member of the public who had raised complaints regarding a local issue.

The Group Business Manager was contacted. The Councillors provided an explanation, apologised and offered to meet the constituent.

October 2017

The complaint was received from a Councillor that another Councillor had potentially brought the party into disrepute in relation to the selection of a candidate and the financial motives behind it.

This was a matter for the political party and no further action taken

A complaint was received from a member of the public who had attended a Committee meeting. There was an exchange of views at the meeting and the complainant alleged the Councillor was rude and one of the points made by the Councillor was incorrect.

The webcast was viewed and the Monitoring Officer and Independent person did not find there was no evidence to support the Councillor had behaved inappropriately, however they had made a mistake in a point they raised and included incorrect information. This was brought to the attention of the Councillor who confirmed they had been mistaken and expressed regret at the confusion caused. This was relayed to the complainant and no further action was taken.

November 2017

The complaint was that the Kirklees Councillor had failed to respond to information requested and that information provided confidentially to a Councillor had been shared inappropriately

The Monitoring Officer contacted the Group Business Manager and obtained the information from the Councillor and it was subsequently shared with the complainant. No further action necessary.

December 2017

A councillor had made inappropriate tweets of an insulting and derogatory nature about local towns and cities.

The Group Business Manager was contacted and as a result the Councillor removed the offending tweets. The complainant did not wish to take the matter further. No further action taken.

February 2018

A complaint that Parish councillors have behaved inappropriately at a Parish meeting by calling another Councillor a bully, aggressive and other inappropriate remarks.

Currently being considered.

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Name of meeting: Standards Committee

Date: 7 March 2018

Title of report: Update on Standards

Purpose of report

To consider further training and support needs following the Standards Review and new code of Conduct to be implemented following Annual Council on 24 May 2017.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports) ?	No
The Decision - Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by Director & name	
Is it also signed off by the Service Director for Finance, IT and Transactional Services?	
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Yes – 27 February 2018
Cabinet member portfolio	

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

1.1 At its meeting on 7th September 2017 the committee considered a number of issues following the changes to the Code of Conduct and Standards process. In particular:

1.2

1.2.1 Its increased involvement in considering training and support for Members,

1.2.2 the role of the Committee in setting expectations in relation to behaviours,

1.2.3 reviewing the effectiveness of the Standards process and

1.2.4 the role of the Chair of Standards in decision making

1.2.5 to consider an update on any complaints received since the new process was adopted as well as

1.2.6 any plans for future work.

It was agreed that the report be noted and that further consideration be given to the matters identified regarding Member conduct and training.

1.2 Following that meeting a meeting took place with members of the Standards Committee as well as Group Business Managers where a number of issues were considered relating to behaviours and expectations.

1.3 The purpose of this report is to consider the outstanding matters following the amendments to the Standards process in Kirklees which were agreed by Council on 26 April 2017:

1. Training following the outcome of the standards discussion with GBM's
2. Review of CPR's and any relevant training required
3. Role of Induction – new signing of the Code of Conduct
4. Training for existing members on new code

2. Information required to take a decision

2.1 At the 26 April 2017 Council meeting the Council considered reports from the Standards Committee and Corporate Governance & Audit Committee which set out the outcome of a review of the Standards process in Kirklees and set out a number of recommendations to change the way in which complaints about Members behaviour would be considered in the future. A link to the report is attached:

<https://democracy.kirklees.gov.uk/documents/s18043/Item%209%20-%20Report%20a.pdf>. It is a comprehensive report and made 17 recommendations.

2.2 A separate report has been submitted to the Committee outlining the details of the complaints received and how they were dealt with since the changes have been implemented.

2.3 The role of the Committee was amended to give it a higher profile and additional responsibilities were added. This included an obligation to meet 6 monthly to consider reports regarding Member behaviour and complaints received, to meet annually for a review meeting and to highlight training needs of Members. Members supported the role of Standards Committee and felt it served a very important purpose.

2.4 It was also agreed that Members should be required to have appropriate training in relation to expectations around behaviours and members of Standards Committee are asked to consider some options in relation to how this might take place.

Training Needs and other support

2.5 Currently Members receive some training when appointed as new Councillors about the Standards process and expectations. Members who are the subject of a Standards decision may also be required to undertake training. Over and above that there is no other formal training or reminder about expectations. Information is shared at Group Business Manager meetings about any recent decisions elsewhere which might impact on Councillor behaviour so for example – First tier tribunal decision relating to Council tax payments.

Council Procedure Rules

2.6 During the year there was a discussion on Standards with the Committee and the Group Business Managers. At this meeting it was

agreed that some further training on the CPR's would be helpful to members following some confusion about the use of some of the CPRs.

- i. What kind of training would be most effective for members?
Online training, short reminder sessions?
- ii. How do we enforce some of those things? Do we enforce them?
Do we do it specifically in groups?

2.7 Following the discussion it was suggested that it may be helpful for Members to be reminded of the Member/Officer protocol.

Reasonable Behaviour Policy

2.8 This new policy was agreed at Council in November 2017. A request for chairing skills training (in particular chairing meetings where there may be difficult or unreasonable behaviour) was made and is in the process of being organised. This should complement other training for Chairs. Officers are currently organising a session for nominated chairs of the various committees which will also be part of the induction pack for new councillors in late spring.

Social Media

2.9 This is an area which has continued to arise in many different forums and within the complaints recently received. Although, Social Media Guidelines have been agreed and circulated it may well be that Councillors could be reminded again or provided with some training.

2.10 Members views are sought on the following: -

- iii. What kind of training would be most effective for members?
Online training, short reminder sessions?
- iv. How do we enforce some of those things? Do we enforce them?
Do we do it specifically in groups?
- v. Do Members feel there are any further the issues within their groups relating to behaviours and expectations? Are there any themes within groups?

2.11 Members are invited to make suggestions.

Role of Induction – Signing of new Code of Conduct

2.12 Following the standards review it was agreed that new Councillors would sign the Code of Conduct. This has been taken forward by Officers and is currently with the Communications team to design an appropriate form for signing that will be kept by the Monitoring Officer. This will be sent to Committee members for approval once received. It is anticipated this will be in place for the municipal year.

Training for Existing Members on the New Code

2.13 Training for existing members has not yet begun in relation to this. It was acknowledged in the standards discussion that members may prefer training in a form which they can access at a suitable time for

them. However, it is important that existing members are made aware of the training.

- 2.14 Officers will shortly be liaising with the Learning and Organisational development team to take this forward and organise some on-line tutorials for members. They will then be asked to complete the training within a suitable timeline to make sure they are familiar with the Code.

How will the requirement for training be enforced?

- 2.15 The decision at April Council was that members be required to '*attend appropriate training on the new code and standards process*'. There was no reference to how this be enforced although the assumption would be through groups. Member's views are sought on that

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving Outcomes for Children

N/A

3.4 Reducing demand of services

N/A

3.5 (Other eg. Legal/Financial)

- 3.1 It is important that Members set a good example in the way that they behave and conduct themselves in public and we keep this under review. There are no specific HR and/or any legal or financial implications.

4. Consultees and their opinions

N/A

5. Next steps

If agreed:

- i. Developing a programme of training and support for Members.
- ii. Continue to monitor the number of complaints received and whether that establishes any trends

6. Officer recommendations and reasons

Members comment on the proposals for training and support for members, make any suggestions themselves and make recommendations to officers to develop a programme of support and training.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

Samantha Lawton
Senior Legal Officer
01484 221000
samantha.lawton@kirklees.gov.uk

9. Background Papers and History of Decisions

N/A

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk

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Name of meeting: Standards Committee

Date: 7 March 2018

Title of report: Consultation by the Committee on Standards in Public Life to inform its review of Local Government Ethical Standards

Purpose of report: To brief Members about the review of Local Government Ethical Standards by the Committee on Standards in Public Life

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by Strategic Director & name	N/A
Is it also signed off by the Service Director for Finance IT and Transactional Services?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft 27 February 2018
Cabinet member portfolio	N/A

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

To brief Members about the review of Local Government Ethical Standards by the Committee on Standards in Public Life. The Committee issued a consultation document on 29 January 2018. The consultation closes on 18 May 2018. A link to the review is <https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>. The terms of reference for the review are to:

1. Examine the structures, processes and practices in Local Government in England for:
 - a) Maintaining Codes of Conduct for local Councillors;
 - b) Investigating alleged breaches fairly and with due process;
 - c) Enforcing codes and imposing sanctions for misconduct;
 - d) Declaring interests and managing conflicts of interest; and
 - e) Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in Local Government.
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of Councillors and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The Committee invites responses to a number of consultation questions set out in the document below. Members are invited to comment on and/or respond to the questions they feel appropriate.

2. Information required to take a decision

Members of Standards Committee are invited to comment on the questions and decide if and how they wish to respond to the consultation question. The questions raised by the Committee with some initial observations from the Monitoring Officer are set out below for discussion at the meeting:

Question	Initial response/observation
a) Are the existing structures, processes and practices in place working to ensure high standards of conduct by local Councillors? If not, please say why.	Yes, but the local approach may have limitations.
b) What, if any, are the most significant gaps in the current ethical standards regime for Local Government?	Lack of enforceable sanctions.
<p><i>Codes of Conduct</i></p> c) Are local authority adopted Codes of Conduct for Councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good	<p>In theory yes, but they need to be regularly updated/reviewed. Increased role of/use of social media has led to some issues.</p> <p>Add examples of what we do here perhaps.</p>

<p>practice, including induction processes, exist?</p>	
<p>d) A local authority has a statutory duty to ensure that its adopted Code of Conduct for Councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring Councillors interests. Are these requirements appropriate as they stand? If not, please say why.</p>	<p>Yes, they are appropriate but the contents vary.</p> <p>The definitions of pecuniary interests could be better defined and/or explained.</p>
<p><i>Investigations and decisions on allegations</i></p> <p>e) Are allegations of Councillor misconduct investigated and decided fairly and with due process?</p> <p>i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?</p> <p>ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?</p> <p>iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?</p>	<p>Describe Kirklees' approach. Yes in principle but others may have other views about due process and safeguards.</p> <p>The role of the IP is important and helpful and provides a third party view. Possible argument the role could be increased.</p> <p>Yes they could. Most Monitoring Officers see and understand that and would seek to ensure there were appropriate steps in place to make sure this wasn't the case. The recent change to Kirklees process has helped to some extent.</p>
<p><i>Sanctions</i></p> <p>f) Are existing sanctions for Councillor misconduct sufficient?</p> <p>i. What sanctions do local authorities use when Councillors are found to have breached the Code of Conduct? Are these sanctions sufficient to deter</p>	<p>Generally there are a lack of sanctions in the current local arrangements. Training, apology, removal of resources, group sanctions, ultimately a report to Council in serious cases but there are difficulties with enforcement.</p>

<p>breaches and, where relevant, to enforce compliance?</p> <p>ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?</p>	<p>Yes. Possibly revert back to those in place when there was a national code in place? Potential financial sanctions. In serious cases removal from Council membership.</p>
<p><i>Declaring interests and conflicts of interest</i></p> <p>g) Are existing arrangements to declare Councillors' interests and manage conflicts of interest satisfactory? If not, please say why.</p> <p>i. A local Councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner) and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?</p> <p>ii. What arrangements do local authorities have in place to declare Councillors' interests and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.</p>	<p>Yes, although the requirements in the Localism Act may muddy the water as it is left to local codes to specify whether their interests are declared. There is a lack of understanding about the criminal aspect of the code. Unclear the extent to which the Police would act in some cases.</p>
<p><i>Whistleblowing</i></p> <p>h) What arrangements are in place for whistleblowing, by the public, Councillors and officials? Are these satisfactory?</p>	<p>Policy and process in place which is reviewed annually.</p>
<p><i>Improving standards</i></p> <p>i) What steps could <i>local authorities</i> take to improve Local Government ethical standards?</p>	<p>Raising awareness of expectations. Different learning approaches. What opportunities does the Democracy Commission offer?</p>
<p>j) What steps could <i>central Government</i> take to improve Local Government ethical standards?</p>	<p>Issue some guidance. Look at job descriptions/roles and expectations of Councillors.</p>
<p><i>Intimidation of local Councillors</i></p>	

<p>k) What is the nature, scale and extent of intimidation towards local Councillors?</p> <p>i. What measures could be put in place to prevent and address this intimidation?</p>	<p>Refer to Kirklees steps here. Members' views from the groups would be helpful.</p> <p>Consider sharing the conclusions of the Members Security group.</p>
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3. **Implications for the Council**

3.1 **Early Intervention and Prevention (EIP)**

3.2 **Economic Resilience (ER)**

3.3 **Improving Outcomes for Children**

3.4 **Reducing demand of services**

3.5 **Other (eg Legal/Financial or Human Resources)**

4. **Consultees and their opinions**

None.

5. **Next steps**

Members feed in any comments and decide if they wish to respond as a Standards Committee.

6. **Officer recommendations and reasons**

That Standards Committee note the consultation and provide feedback and comments on it as well as how to proceed in order to finalise any feedback to the Committee on Standards in Public Life.

7. **Cabinet portfolio holder's recommendations**

N/A

8. **Contact officer**

Julie Muscroft – Service Director – Legal, Governance & Commissioning

9. **Background Papers and History of Decisions**

Link to the consultation <https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

10. **Service Director responsible**

