

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

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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,

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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.