

Name of meeting: Standards Committee

Date: 6 September 2017

Title of report: Update on Standards related matters

Purpose of report

To consider the amendments to the Standards process in Kirklees which were agreed by Council on 26 April 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?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	N/A
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Strategic Director</u> & name	N/A
Is it also signed off by the Service Director for Finance IT and Transactional Services?	29/08/2017
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	29/08/2017
Cabinet member portfolio	N/A

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Summary

- 1.1 To consider the amendments to the Standards process in Kirklees which were agreed by Council on 26 April 2017 and in particular to consider the impact of those changes on the role of Standards Committee including:
- 1.1.1 an increased involvement in considering training and support for Members,
 - 1.1.2 the role of the Committee in setting expectations in relation to behaviours,
 - 1.1.3 reviewing the effectiveness of the Standards process and
 - 1.1.4 the role of the Chair of Standards in decision making
 - 1.1.5 to consider an update on any complaints received since the new process was adopted as well as
 - 1.1.6 any plans for future work.

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 In summary the outcome was:

- to amend the Code of Conduct for Members and make it more directional about what is acceptable behaviour and what would fall foul of the Code of Conduct.
- To change the decision makers so that a decision whether or not to take a complaint forwards would rest with the Monitoring Officer and Independent Person . The next layer of decision making now sits with Chair of Standards, the Independent Person, and Monitoring Officer in consultation with Group Business Managers.
- It simplifies the process and the intention is to deal with some complaints at a different level or to decide that they do not meet the criteria which would merit consideration
- To agree a number of new sanctions
- Some changes to the role of Standards. There were also a number of recommendations which require further discussion by the Standards Committee and/or will require discussion in future Committee

2.3 Standards Committee

- 2.3.1 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.
- 2.3.2 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.

2.3.3 There is also a higher role for the Chair of Standards moving forwards. The Chair of Standards will now have a role in decision making with the Independent Person and the Monitoring Officer if a complaint is considered at the first stage in consultation with Group Business Managers.

2.4 Complaints Received

Since the introduction of the new procedure we have received no complaints which have been taken for further consideration to the Group Business Managers' meeting. There have been a number of queries received from members of the public, only one has resulted in a complaint being submitted. This was considered by the Monitoring Officer and the Independent Person and it was not considered that the matter had sufficient detail that the behaviour of the Member concerned was in breach of the Code of Conduct.

This is good news but doesn't mean to say that there are not behaviour or training issues. There are a number of behaviours which are apparent which may not result in a formal complaint but which nevertheless might be an area which is of concern

2.5 Training Needs and other support

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. Standards Committee views are sought on:

- i. Whether we need do a more advanced training. In the way that we update on Planning and licencing matters do we do a short reminder for everyone every year? E.g. some on line questions
- ii. How do we enforce some of those things? Do we enforce them? Do we do it specifically in groups?
- iii. Do we highlight issues relating to decisions on Standards to Members directly? Do we do it through this Committee or through Group Business Managers?
- iv. What do Members feel are the issues within their groups relating to behaviours and expectations? Are there any themes within groups?
- v. What kind of training should it be- could it be in 1 to 1s? On-line, formal training events

The kind of issues which have led to complaints recently (formal/ informal) and which might merit considering include:

Use of Social Media Facebook, tweets, being filmed

Visibility at Council meetings

Dealing with difficult situations – including members of the public/ expectations

Members are invited to make suggestions

2.6 Policy on Reasonable Behaviour

One of the recommendations which was agreed at Council meeting in April was that we were to make clear the Council's expectations of members of the public when

engaging in the Standards process. A report will be considered by Cabinet shortly and then by Council setting out expectations about reasonable behaviour. This is a corporate wide policy and will relate to engagement with the Council at many different levels. It won't impact just on the Standards process but the principles would apply in relation to expectations of members of the public in their correspondence and/or communication with the Council about Members behaviour.

We can consider the impact of this in a future meeting of the Standards Committee.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Not applicable.

3.2 Economic Resilience (ER)

Not applicable.

3.3 Improving Outcomes for Children

Not applicable.

3.4 Reducing demand of services

Not applicable.

3.5 Other (eg Legal/Financial or Human Resources)

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

4.1 This is a report for information and to seek input from members of the Standards Committee and there has been no consultation with other Members before that discussion.

5. Next steps

5.1 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

6.1 Members note the changes to the Standards process in Kirklees since 26 April 2017 and in particular the increased role of Standards Committee.

6.2 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's recommendations**

7.1 Not applicable.

8. **Contact officer**

Julie Muscroft – Service Director, Legal, Governance & Commissioning and
Samantha Lawton Senior Legal Officer, Legal Governance & Commissioning.

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

9.1 Report to Council [24 or 27] April 2017.

10. **Service Director responsible**

Julie Muscroft - Service Director, Legal, Governance & Commissioning.