

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Wednesday 6th March 2019

Present: Councillor Eric Firth (Chair)
Councillor Bill Armer
Councillor Martyn Bolt
Councillor James Homewood
Councillor Alison Munro
Councillor Mohan Sokhal

Apologies: Councillor Shabir Pandor

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Pandor.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the previous Meeting held on 5 September 2018 be approved as a correct record.

3 Interests

No interests were declared.

(In relation to Agenda Item 7 (minute No. 7 refers), it was noted that Councillors Armer, Bolt and Munro were Members of either a Town or Parish Council).

4 Admission of the Public

All agenda items were considered in public session.

5 Deputation/Petitions

No deputations or petitions were considered.

6 Public Question Time

No questions were asked.

7 Code of Conduct - Complaints Update

The Committee received a report which set out an update on complaints that had been received since the previous meeting of the Committee (September 2018). The report advised that 14 complaints had been received which related to alleged breaches of the Code of Conduct, 7 which related to Parish Councillors and 7 to Kirklees Councillors, and that one had been progressed to the stage of formal consideration by the Assessment Panel. It was noted that 7 of the complaints were relatively recent and were currently being investigated prior to the initial assessment process.

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The Committee were informed that the received complaints related to matters regarding social media use and Councillor behaviour. The report advised that, compared to the previous six month period, the overall number of complaints had risen from 12 to 14, though within the latter period there were instances of the same complaint being submitted multiple times.

The Committee were advised that, since the publication of the report, one of the seven recent complaints had been concluded, and that two further new complaints had been received within the past week.

The Committee noted the report and requested that statistics in future updates be presented in a chart or table format. Discussion also took place with regards to the compliance of Town and Parish Councils with Code of Conduct requirements and the understanding of Town and Parish Council representatives of the Standards Regime.

RESOLVED - That the report and comments of the Committee be received and noted.

8

Report by the Committee on Standards in Public Life

The Committee were provided with a report following the publication of the paper on 'Local Government Ethical Standards' by the Committee on Standards in Public Life on 30 January 2019. The Committee on Standards in Public Life had conducted a consultation exercise over several months which had given stakeholders the opportunity for input, and that a response had been submitted on behalf of the Council, as attached at Appendix 1 of the considered report.

The report set out a number of recommendations, which would be subject to legislation, and also suggestions for best practice, which were presented as a benchmark of good ethical practice. It was noted that the implementation of the best practice measures would be reviewed in 2020.

An appendix to the considered report set out each of the recommendations and best practice areas, along with suggested proposals to address or progress each matter, which the Committee were asked to consider.

The Committee discussed the key recommendations and best practice areas, as set out in paragraphs 2.1.4 and 2.1.5 of the report and agreed that;

- It be noted that Kirklees had already changed its processes with regards to the disclosure of addresses of election candidates.
- The current limit of £25 should be maintained in terms of declarations of gifts or hospitality and that declarations be published online.
- It be noted that Kirklees already provides legal indemnity for its Independent Person.
- The practice of reporting Code of Conduct complaints continue to be done on a 6 monthly basis, and that the information be presented in table format in future in order to make trends and comparisons more visible.

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- Town and Parish Councils be asked to adopt the Kirklees Code of Conduct and that they consider the Committee on Standards in Public Life report as an item of business.
- It be noted that details of a contact representative from the External Auditor (Grant Thornton) be made available on the Council website in regards to the whistleblowing policy.
- It be noted that the current whistleblowing policy does treat Councillors as 'prescribed persons'.
- In regards to training and induction, it be recommended to Corporate Governance and Audit Committee that the Code of Conduct be amended to make formal induction for new Councillors mandatory, and that members of Standards Committee undertake annual refresher training. Additionally, it was noted that there may be an obligation imposed on national parties, if this recommendation is adopted.
- The recommendation to include consideration of maintaining ethical standards as part of a Peer Review be noted.
- In regards to including prohibitions on bullying and harassment within the Code of Conduct, it be recommended to Corporate Governance and Audit Committee that the Code of Conduct be amended to include examples of bullying and intimidation (as set out on page 33 of the Committee on Standards in Public Life report), and also that a report be submitted to a future meeting of Standards Committee regarding guidance on social media training.
- It be noted that the Code of Conduct does already contain a requirement for members to comply with the Standards process.
- In terms of the Code of Conduct review, an approach of undertaking bi-annual reviews be adopted, and that any additional updates take place if required.
- The Code of Conduct shall be made available in Council buildings, as well as being accessible on the website.
- The gift and hospitality register be published on the Councils website.
- A clear public interest test that would be used to filter allegations be published, and incorporated into the standards process.
- A report be submitted to Corporate Governance and Audit Committee with a recommendation that a recruitment process for a second Independent Person take place and that the term of office of the current Independent Person be extended.
- That it be noted that the provision for consultation with the Independent Person with regards to the progress of complaints is already included within the Council's process.
- A report be submitted to Corporate Governance and Audit Committee with a recommendation that decision notices be published following formal investigations, provided that the information published was compliant with GDPR requirements.
- In regards to publication of the complaints process, the information also be made available in Council buildings, as well as the publication on the Council's website.
- It be noted that, in the event that conflicts of interest arise during a standards investigation, a Monitoring Officer from a neighbouring authority shall become involved in the process.

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- The Head of Audit and Risk be asked to consider the reporting of separate bodies which the Council has set up within its Annual Governance Statement.
- The existing arrangements for Senior Officers and Group Leaders/Group Business Managers to discuss standards issues be noted.

RESOLVED –

- (1) That the report be received and noted.
- (2) That the Committee's response to the recommendations as set out at Paragraphs 2.1.3. and 2.1.4 of the report be agreed, noted and actioned as appropriate.