

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STANDARDS COMMITTEE

Wednesday 11th September 2019

Present: Councillor Paul Davies (Chair)
Councillor Martyn Bolt
Councillor Alison Munro
Councillor Lisa Holmes
Councillor Mohan Sokhal

In attendance: Mike Stow – Independent Person

1 Membership of the Committee

Apologies for absence were received on behalf of Councillors Homewood and Pandor.

2 Minutes of Previous Meeting

RESOLVED - That the minutes of the meeting held on the 6 March 2019 be approved as a correct record. Proposed by Cllr Bolt and seconded by Cllr Munro.

3 Interests

It was noted that Councillors Bolt, Munro and Davies were Members of either a Town or Parish Council.

4 Admission of the Public

It was noted that agenda items would be 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 provided an update on complaints that had been received since the previous meeting of the Committee on the 6 March 2019. The Committee was informed that the report is prepared every six months and gives a breakdown of complaints received.

The Committee was advised that since the publication of the report a further complaint had been received taking the numbers from 59 to 60. The complaints relate to alleged breaches of the Code of Conduct, 16 relate to Kirklees Councillors (a total of 12 Councillors) and 44 relate to Parish councillors (a total of 2 Councillors).

Standards Committee - 11 September 2019

Of these:

- 1 progressed through to a formal consideration by the Assessment Panel and subsequent decision,
- 4 were not progressed after the initial assessment process
- 9 were dealt with informally
- The remaining 46 are relatively recent

There was a further verbal update provided that amended the published figures in the complaints summary due to 2 complaints being finalised, with no action taken, between the publication of the report and the meeting.

The Committee was informed that while it appears that the numbers of complaints received had increased, 43 of the complaints are all concerning the same matter, a number of which are waiting to progress to the Assessment Panel for consideration. The complaint relates to a Town and Parish Councillor. However only 30 of these will progress. This is due to needing to seek consent of the complainants to share their complaints with the Councillor complained of. However, not all of the original complainants gave their consent.

The Committee asked whether the complaints that had come in via email had been verified as it is possible for email addresses to be made up. In response, the committee was informed that most of the complainants had been identified to ensure that complaints were not being made for vexatious or malicious purposes and a great deal of effort goes into the filtering of such complaints.

The Committee also questioned whether the location of the complaints were valid as social media can make a complaint global, or are they limited to Kirklees. In addition the Committee raised concerns regarding the resource implications and economics of dealing with complaints as the council appears to be bearing the financial burden from town and parish councils which is adding to the overall financial and officer burden.

The Committee was informed that there is a legislative obligation on the Monitoring Officer to deal with complaints, however this obligation does not cover the monetary aspects.

The Committee suggested that there needs to be a wider conversation and a piece of work to look at how standards are dealt with as a whole. This should be looked at as part of the review.

The Committee was informed that prior to the recent increase, looking back it has been fairly stable. The Committee suggested that it would be useful to have a comparison with what was previously in place in comparison to now.

The Committee commented that it was not solely about how many complaints that was of concern but the nature of the complaints. While the number provides a good indication it would also be useful to know, what complaints were raised, were they resolved and what can be learned. The Committee suggested that this information could be presented in graph form and the complaints grouped in specific categories,

Standards Committee - 11 September 2019

for example complaints that relate to social media would be one category. It would then enable the Committee to look at outcomes and lessons learned.

RESOLVED -

- 1) That the report be received and noted
- 2) That future information be presented in graph form with complaints grouped into specific categories

8 Standards Update - Ethical Standards

The Committee received a report which provided an update on developments since the publication of the Committee for Standards in Public Life (CSPL) report. The report focused on the work Kirklees had undertaken, wider developments and whether there are any changes that the Committee should consider recommending.

The Committee was referred to section 2.3.5 of the report, and asked whether the recommendations, (those marked with an asterisk) could form part of the review. The Committee considered each recommendation in turn as follows:

Point 3 – Councillors should be presumed to be acting in an official capacity in their public conduct, including social media.

Mr Stow, Independent Person, informed the Committee that there is a need for some guidance to be issued to elected members. Once this guidance is issued it should then be clear how behaviours will be judged. Mr Stow made reference to historic social media posts and how these should be considered.

In response, some Committee members felt that it is not possible to entirely delete historic posts and the information can still be accessed and publicised. Historic posts should not be included as, consideration of social media should be from the point of election.

Other Committee members commented that whilst in public office elected members are accountable and the facts of each case should be looked at. While some committee members felt that it should be a matter of addressing patterns of behaviour, for example if the post was written before the person became a councillor and there is no pattern of behaviour then it should not be considered.

The Committee suggested that there should be some guidance, albeit not too wordy, which includes all the key points. The Committee also felt that there needs to be further, wider discussion and discussions with Counsel.

Point 7 – Councils should be required to include in their Code of Conduct a rule that precludes participation where a member has any interest a member of the public would reasonably regard as so significant that it is likely to prejudice a member

The Committee was advised that in considering conflicts of interest it should be determined whether this affects a person more or less and this is already covered by the Code. The issue is whether it is working or does this need to be

Standards Committee - 11 September 2019

strengthened, for example around lobbying. The Committee felt that there should be further discussion on this as part of the review.

Point 9 – Formal recording of the views of an Independent Person (IP) involved in any decision making process

The Committee agreed that with regard to decision notices the views of the IP should be recorded.

Point 12 – there should be a discretionary power to establish decision-making Standards Committees with members from parish councils

The Committee agreed that this should be fully considered at a special meeting of the Standards Committee to be arranged in November.

Point 17 – Clarification of whether councillors may be lawfully barred or have facilities withdrawn as a sanction.

The Committee agreed that this should be fully considered at a special meeting of the Standards Committee to be arranged in November.

RESOLVED -

- 1) That the report be received and noted
- 2) That a review of the Standards Process commence and consideration be given as to who should be consulted as part of a review and that a special meeting of the Standards Committee be arranged to take place in November 2019
- 3) That the starred proposals in para 2.3.5 of the submitted report be considered by the review
- 4) That authority to finalising details of the review be delegated to the Monitoring Officer

9 Standards - Cases and News Update

The Committee considered a report which provided information on developments, news and matters of local government ethics, including relevant case law.

RESOLVED - That the report be received and noted