

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Wednesday 15th September 2021

Present: Councillor Erin Hill (Chair)
Councillor Martyn Bolt
Councillor Alison Munro
Councillor Mohan Sokhal
Councillor Michael Watson

In attendance: Mr Mike Stow

Apologies: Councillor James Homewood
Councillor Lesley Warner

1 Membership of the Committee

Apologies for absence were received from Councillors Homewood and Warner.

2 Minutes of Previous Meetings

RESOLVED – That the Minutes of the meetings held on 29 March and 19 May 2021 be approved as a correct record subject to the amendment of attendees on 19 May 2021 to indicate that Councillor Hill (Chair) and Councillor Warner were present, in place of Councillor E Firth and Councillor Lukic respectively.

3 Interests

Councillor Bolt and Councillor Munro declared ‘other’ interests in Agenda Items 6, 7 and 8 in their capacities as a Member of Mirfield Town Council and Kirkburton Parish Council, respectively.

4 Deputation/Petitions

No deputations or petitions were received.

5 Public Question Time

No questions were received.

6 Code of Conduct complaints update

The Committee gave consideration to a report which provided an update on complaints received against Councillors since the previous Committee meeting on 29 March 2021. The report advised that 11 complaints had been received relating to alleged breaches of the Code of Conduct, 9 of which related to Kirklees Councillors and 2 which related to Town or Parish Councillors. One of the complaints had been submitted by a Councillor, and the rest had been submitted by members of the public.

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The Committee were advised that 5 of the complaints were not progressed after initial assessment and that the remaining 6 complaints were currently being investigated. It was noted that, in terms of an update on the 12 complaints submitted to the previous meeting, 3 had now been formally resolved, 4 were to progress to Assessment Panel, 1 would be dismissed and 4 were being reviewed by the Monitoring Officer and Independent Person.

The Committee noted the information presented and discussion took place with regards to investigation resource implication in cases where Town and Parish Councils may have adopted a code of conduct that is different to that adopted by the Council. It was noted that, within the Kirklees area, all of the Town and Parish Councils except Denby Dale, applied the Council's Code of Conduct. The Committee recognised that further debate with regards to the application of Code of Conduct would take place at Agenda Item 8 (Minute No.8 refers).

RESOLVED – That the report be received and noted.

7 **Cases and News Update**

The Committee received a report which provided an update on matters arising in terms of local government ethics, including relevant case law and decisions of other local authorities, which were set out at paragraph 2.2.

The report also provided an update on the work of the Committee on Standards in Public Life following on from the report on 'Ethical Standards in Local Government'. It was noted that the Local Government Association had now published guidance on their model Code of Conduct, which was set out at Agenda Item 8 (Minute No. 8 refers) and that the results of a consultation exercise that had been undertaken were currently being reviewed.

The Committee noted the report and discussion took place with regards to para. 2.1.8 of the report which indicated that two disabled councillors at York City Council had been prevented from voting in an accessibility debate as they had been considered to have a prejudicial interest. The Committee advised that they would be interested in any further information that could be provided as to any actions or decisions that had since been taken arising from this incident, and the Monitoring Officer confirmed that she would share any further information that she could obtain with Committee Members.

RESOLVED – That the report be received and noted.

8 **Local Government Association (LGA) Model Code of Conduct**

The Committee gave consideration to a report which presented the Local Government Association Model Code of Conduct and sought the decision of the Committee as to the adoption of the Code, which was attached at Appendix A of the report.

The Committee were asked to give consideration to either (i) the adoption of the code in full (ii) the adoption of the code in part or (iii) the retention of the Council's own code. The report set out both the advantages and disadvantages of each of the options. The report advised that the Model Code was based upon best practice

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recommendations made by the Committee on Standards in Public Life. It was noted the main change in the code is that it is written in the first person in order to reinforce the obligations of the Elected Member.

Discussion took place with regards to the options as set out in the report, in terms of which would be the most appropriate model for the Authority to adopt. It was agreed that there were aspects of the Council's existing code that it was felt provided greater clarity and the Committee considered that it was important for such elements to be retained, particularly in relation to 'other interests'.

RESOLVED –

- 1) That the proposal as set out at para. 5.1.3 of the report be endorsed and that a further report be submitted to Corporate Governance and Audit Committee with regards to the adoption of a modified version of the LGA Code of Conduct which incorporates elements of the Council's Code of Conduct.
- 2) That, pursuant to (1) above, a report be submitted to the meeting of Corporate Governance and Audit Committee on 26 November 2021 for consideration of the proposal.

9 Update on the Appointment of Independent Persons

(Mr M Stow left the meeting during the consideration and determination of this matter.)

The Committee gave consideration to a report which provided an update on the appointment of Independent Persons and sought approval to make a recommendation to Council to (i) reappoint the current independent person and (ii) appoint a further independent person.

It was noted that authority had previously been granted in May 2019 for the Monitoring Officer to appoint a second independent person, pursuant to the recommendation of the Committee on Standards in Public Life to have at least two independent persons, but that the appointment had been delayed. It was also noted that the current independent person's term of office was shortly due to expire, and it was proposed that they be reappointed for a period of two years.

RESOLVED –

- 1) That the re-appointment of Mr Mike Stow as Independent Person for a period of two years be endorsed and that a report be submitted to the meeting of Council on 13 October 2021 proposing the reappointment.
- 2) That the Monitoring Officer be asked to undertake a recruitment process for the appointment of a second Independent Person.