



**Name of meeting: Standards Committee**

**Date: 10<sup>th</sup> October 2022**

**Title of report: Update on Actions from March Standards Committee**

**Purpose of report**

To brief the standards committee on the actions from the March 2022 Committee meeting.

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?	not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston – 23 <sup>rd</sup> September
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 26 <sup>th</sup> September
Cabinet member <a href="#">portfolio</a>	Cllr Paul Davies

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

**Has GDPR been considered? Yes**

## **1. Summary**

- 1.1 This report is intended to brief members on the work and actions requested by this Committee at the March 2022 meeting.

## **2. Information required to take a decision**

- 2.1 A number of actions were requested by the Committee. These were:

i) That the Monitoring Officer be delegated to draft an amendment to the standards process to introduce a “fast track” process to address repeat complaints and to report to this Committee.

ii) That the Monitoring officer works with Town and Parish councils to consider options for increasing involvement at Town and Parish Council level in the Standards process and to report back to this Committee in September with proposals.

iii) That this Committee working with NALC and the LGA (as appropriate) to raise the issue of the delay in the government response to the CSPL report write as a Council (or jointly with NALC and/or LGA) to the Minister highlighting the need for a formal response.

iv) That work be undertaken with Members and Officers to update and refresh and raise awareness to the Member Officer protocol and the importance of that to the efficient and effective working of the Council.

v) That more regular workshop and engagement sessions with Members and Officers to discuss issues of common concern about behaviours are arranged.

vi) That further actions and training support was considered.

vii) That the new code of conduct emailed to Members had a requirement of a received and read confirmation.

## **2.2 Fast Track Process**

- 2.2.1 An amended version of the standards process has been drafted, and is attached at Appendix A

- 2.2.2 Members are asked to note this and provide any comments.

## **2.3 Town and Parish Council Involvement**

2.3.1 A number of proposals were considered and Town and Parish Councils were contacted with details of these, with a request to respond. The text of the letter to them is at Appendix B. Members will note that invites to attend this meeting have also been issued to Chairs and Clerks of each of the Town and Parish Councils

2.3.2 To date, the Monitoring Officer has received a number of responses, from three of the Town and Parish Councils.

2.3.3 Town and Parish Councils were also reminded of the change to the Kirklees Code of Conduct and asked to advise the Monitoring Officers of their views with regards to adopting the revised Code.

2.3.4 There is also some work taking place around broader issues of engagement with Town and Parish Councils

## 2.4 **The delay in the Government response to the CSPL report**

2.4.1 Since the last report to Committee, a formal response from the then Minister has been received by the CSPL.

2.4.2 Further details have been included in the second report before the Committee today.

## 2.5 **The Member-Officer protocol**

2.5.1 Plans are yet to be finalised about how this will be managed. There have been some initial discussions and draft plans discussed but more work is required. We will keep members of the committee informed and ask for your involvement as the plans develop.

## 2.6 **Workshops with Members and Officers**

2.6.1 One thing that was highlighted by the standards workshops was the value in members and officers interacting more.

2.6.2 The Monitoring Officer was asked to become involved in setting up more sessions, to allow members and officers to share views on areas of mutual concern.

2.6.3 Members are asked to discuss how they would like to see these workshops taking place and to consider what they would like to discuss with officers.

## 2.7 **Further actions and Training Support**

2.7.1 It is proposed to provide some training to members on the Code of Conduct.

2.7.2 This will be either face to face sessions or via Teams (or a hybrid of the two) and will aim to ensure that members are updated but also, importantly, that members have the opportunity to ask questions.

2.7.3 It is proposed that training will commence in Autumn 2022.

## 2.8 **New Code of Conduct to Members**

2.8.1 A copy of the new Code of Conduct has now been sent to all members. Newly elected members were provided with a copy on induction and a copy has been sent to the remaining members. Those not recently elected and who didn't attend the induction were asked to confirm that they had received and read the new Code.

## 2.9 **Standards Process Review**

2.9.1 As part of our ongoing work considering standards complaints and issues there are a number of things that we think it would be helpful to start to raise with you and seek your views.

2.9.2 These are:

i) Accessibility and understanding of the process.

- One of the aims of the local code of conduct was for early resolution of matters where possible. We think it may be worth looking at how we do this at the moment and what changes we may want to help achieve this.
- Do complainants need any additional support from us in making complaints and understanding the process? Do members have any experience / thoughts from advising or helping their constituents?
- Do we need to do anything additional to combat digital exclusion?

ii) Transparency of decisions.

- We agreed a while ago for decisions about standards complaints which were considered through the full process to be put on the Kirklees website.
- Do we need to have a process in place for removing decision notices from the Kirklees website? If so, what criteria ought to be applied?
- Should we publish some information (other than in the reports to Standards Committee) online about complaints

which are resolved informally or were not considered without needing to be considered through the full process.

It would be helpful to get your initial thoughts on this.

### **3. Implications for the Council**

#### **3.1 Working with People**

N/A

#### **3.2 Working with Partners**

N/A

#### **3.3 Place Based Working**

N/A

#### **3.4 Climate Change and Air Quality**

In order to minimise any impact, printing is kept to a minimum.

#### **3.5 Improving outcomes for children**

N/A

#### **3.6 Financial Implications for the people living or working in Kirklees**

N/A

#### **3.7 Other (eg Legal/Financial or Human Resources)**

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have reputational implications.

#### **3.8 Do you need an Integrated Impact Assessment (IIA)?**

No

### **4. Next steps and timelines**

4.1 The Monitoring Officer will continue with her work on the outstanding issues and will report back to this Committee in March 2023.

**5. Officer recommendations and reasons**

5.1 Members are asked to consider the report and comment on (as applicable) and note its contents

**6. Cabinet portfolio holder's recommendations**

N/A

**7. Contact officer**

David Stickley  
Senior Legal Officer  
01484 221000  
[david.stickley@kirklees.gov.uk](mailto:david.stickley@kirklees.gov.uk)

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

8.1 N/A

**9. Service Director responsible**

Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
01484 221000  
[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)

## **Appendix A**

## **Appendix B**

### Text of letter sent to Town and Parish Councils

Dear xxxx

Following the last meeting of our Standards Committee, I was asked to contact our Town and Parish Councils about a number of matters.

The Standards Committee has asked me to explore ways of involving Town and Parish Councils in the standards process.

Given that part of my role as Monitoring Officer is to address any Town and Parish Council member complaints, it was felt that it would be a positive to seek to involve you in those in a more pro-active way and also the wider 'world' of standards at Kirklees.

Firstly, I want to extend a standing invite to you all to attend meeting of the Standards Committee.

Secondly, I have been asked to look at ways of involving Town and Parish Councils in the standards investigations process. There are a number of possible options for doing this, and your views and feedback would be very welcome.

The possible options that we have identified so far include:

- One seat on the Assessment Panel is reserved for a representative of Town and Parish Councils – possibly an annual appointee, rotating around the Town and Parish Councils;
- A seat on the Assessment Panel is reserved for discussions that relate to a member of a Town or Parish Council for that Town or Parish Council to send a representative – this could either be in addition to the proposal above, so there could be two representatives from Town and Parish Councils at an Assessment Panel meeting that was discussing a Town or Parish Council member complaint, or it is instead of the appointee under the first option;
- A seat on the Assessment Panel could be reserved for a 'neutral' representative of a Town or Parish Council when the Panel was being convened to consider a complaint about a member of a Town or Parish Council, 'neutral' being a representative from any other Town or Parish Council than the one that the member complained of is from.

Of course, this is not intended to be an exhaustive list and I would be grateful if you could consider how best you feel any representation would work and, if you have any additional proposals, please let me have them.

It is my wish to provide the Standards Committee with an update at the 10<sup>th</sup> October meeting, so I would be grateful if you could provide me with any responses as soon as possible. I apologise for the late notice but I will ask David to get in touch with you to follow up and get an initial view to discuss at the meeting. You are of course



welcome to attend as well. An initial view doesn't bind you in anyway it would just be helpful to have a view from you.

As part of a wider wish to have more effective engagement with our Town and Parish Councils, any ideas that you may have on how we can achieve that would be most welcome.

Another matter that I wanted to make sure you were aware of, is the change to the Kirklees Code of Conduct that followed from the publication of the LGA model code. In reality, there is not a great deal of difference between the two, in terms of content, as we had already adopted the 'best practice' suggestions from the CSPL report that the LGA took as a starting point for their model code.

The significant differences are stylistic, with the newer Kirklees code adopting the 'first person' format of the LGA Code. The Kirklees code is a 'hybrid' version of the LGA model code, being largely based on that, but with some amendments that were made where it was felt that the Kirklees code that it was replacing better set out some of the content.

Clearly, it is a matter for each individual Town or Parish Council as to whether they wish to adopt, or continue to adopt, the new Kirklees code of conduct, or if they wish to adopt a different code of conduct. Current Kirklees code - [Model Councillor Code of Conduct 2020 \(kirklees.gov.uk\)](#)

I would be grateful if you all could consider your position with regards to the new code and let me know, for my records, if you are happy to adopt the current Kirklees code. If not, please let me know which code of conduct you will be adopting, so that I can ensure that, should any complaints of breaches are made, I am referencing the correct code for your Town or Parish Council. We are intending to provide Kirklees members with some training on the Code of Conduct, which I would be happy to extend to any Town and Parish Councils if you would find that helpful.

If you have any questions, please do not hesitate to contact me or David ([david.stickley@kirklees.gov.uk](mailto:david.stickley@kirklees.gov.uk))

Regards

**Julie Muscroft**

Service Director – Legal, Governance and Commissioning (Monitoring Officer)

Telephone : 01484 221000

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[www.kirklees.gov.uk/privacy](http://www.kirklees.gov.uk/privacy)