

**Name of meeting: Standards Committee**  
**Date: 7 November 2011**

**Title of report: Recent Work Undertaken by Standards Committee Sub-Committees**

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
Is it in the <a href="#">Council's Forward Plan</a> ?	N/A
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	N/A
Cabinet member <a href="#">portfolio</a>	Corporate

Electoral [wards](#) affected and Ward councillors consulted: N/A

Public or private:

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## 1. Purpose of report

To brief Standards Committee on recent decisions by its sub-committees when assessing and reviewing complaints about member conduct.

## 2. Key points

Since the Standards Committee meeting on 29 March 2011 the Local Assessment Sub-Committee has met to consider 15 complaints. The Review Sub-Committee has met to review 2 complaints. Two further decisions of the Assessment Sub-Committee are awaiting review.

### Assessment Sub-Committees and Review Sub-Committees

#### 1(a)2011 – 042(A)

The Assessment Sub-Committee met on 31 March 2011 to consider this complaint. The complaint related to the alleged conduct of two Councillors during a Valleys Committee meeting on 3 February 2011 held at St Bartholomew's Church Hall Meltham. The purpose of the Committee meeting was to hold a community consultation meeting on the LDF. There was disagreement as to the format of the meeting. It was alleged that the two Councillors shouted at the Chair of the Committee from the back of the room and that one of them also pointed his finger at the Chair. The complainant considered that the behaviour of the two Members was

unbefitting that of an elected representative in that their behaviour was rude, aggressive and designed to cause disruption.

The Assessment Sub-Committee decided that whilst the alleged conduct could in some circumstances disclose a potential breach of the Kirklees Council Code of Conduct which would justify further action, in the circumstances of this case the complaint was too trivial to merit further investigation. In reaching their decision the Sub-Committee noted that the Local Development Framework was a controversial matter and that feelings appeared to be running high at the meeting. In those circumstances the person chairing the meeting would be expected to be sufficiently robust to deal with the comments from the subject members as part of the chairing role.

1(b) 2011-042(B)

On 31 March 2011 the Assessment Sub-Committee considered a further complaint concerning the alleged conduct of the same two Councillors. The allegations related to the same Valleys Committee meeting held on 3 February 2011. The complainant alleged that one of the Councillors made disparaging remarks about the Chair and that both Councillors shouted at the Chair from the back of the Hall whilst she was attempting to bring order to the meeting. The complainant believes that the actions of the two subject members were intended to "bully the Committee and its officers and could reasonably be regarded as bringing their office into disrepute"

The Sub-Committee reached the same decision as stated above.

2. 2011-043

On 31 March 2011 the Assessment Sub-Committee considered a further complaint regarding a member's alleged conduct at the Valleys Committee meeting on 3 February 2011. The complainant alleged that the subject member adopted a "high handed and officious" attitude whilst chairing the meeting. He further considered the words and actions of the subject member to be "discourteous and anti-democratic".

The Sub-Committee decided that the complaint was too trivial to merit further investigation. As stated above the Sub-Committee noted that the Local Development Framework was a controversial matter and that feelings appeared to be running high at the meeting and that in those circumstances it was a matter for the person chairing the meeting to decide upon how the meeting should be conducted.

3. 2011-044

On 31 March 2011 the Assessment Sub-Committee considered a complaint regarding the failure of the subject member to respond to an email sent to him by the complainant. The complainant alleged that he had not received either a reply to his email or an acknowledgement. He believed this to be a discourtesy to him and contrary to the Code of Conduct.

The Sub-Committee decided that the facts disclosed were insufficient to demonstrate a potential breach of the Kirklees Code of Conduct. Furthermore they took the view that a failure to respond to an email would not in the absence of aggravating circumstances be likely to be a breach of the Code of Conduct.

#### 4(a)2011-045(A)

On 31 March 2011 the Assessment Sub-Committee considered a complaint regarding comments made by the subject member during the Budget Council meeting on 23 February 2011. The complainant alleged that the subject member referred to people demonstrating outside the meeting as “rabble” and also made inflammatory remarks that sought to exaggerate the situation. He also believed that the subject member was simply “repeating gossip”.

The Assessment Sub-Committee decided that the complaint was too trivial to merit further investigation. They noted that feelings were running high at the meeting and that there had been a public demonstration against proposed budget cuts by about 70 outside Huddersfield Town Hall and in the foyer of the Town Hall. In those circumstances it was considered that the alleged comments of the subject member were part of a heated political debate and should be judged as such.

#### 4(b)2011-045(B)

The Assessment Sub-Committee on 31 March 2011 also considered a complaint concerning the alleged conduct of another Councillor present at the Budget Council meeting on 23 February 2011. The complainant claimed that whilst in the meeting the subject member made the comment “will someone shut the loons up”. He considered that the comment was “insensitive at best”.

The Sub-Committee decided that whilst the alleged conduct could in some circumstances disclose a potential breach of the Kirklees Council Code of Conduct which justified further action, in these circumstances the complaint was considered too trivial to merit further investigation. They considered that the reference to “loons” by the subject member appeared to be directed at protestors mounting a demonstration rather than at disabled people or their carers. The language used by the subject member had to be judged in the context within which it had been used.

The complainant was not satisfied with the determinations of the Assessment Sub-Committee and applied for the decisions to be reviewed. The Review Sub-Committee therefore met on 21 July 2011 to consider the complaints.

The Review Sub-Committee came to the same conclusions as the Assessment Sub-Committee and decided that no further action should be taken in respect of the allegations.

5(a)2011-046(A)

The Assessment Sub-Committee met on 18 April 2011 to consider a complaint regarding the alleged behaviour of a member during a Cabinet meeting on 15 March 2011. It was claimed that the member made several “scurrilous remarks” about BBG Communities Trust and in particular referred to the Trust as an “incompetent group”. The complainant believes that the member had not treated others with respect and furthermore that in his words and actions the member had “demonstrated his clear predetermined bias view on all matters appertaining to BBG CT”.

The Assessment Sub-Committee decided that whilst the evidence submitted by the complainant was sufficient to demonstrate a potential breach of the Code of Conduct, rather than pursue with a formal investigation a far more constructive course of action would be to attempt to address the breakdown in relationships between the member and the complainant/representatives of the BBG Community Trust. The matter was therefore referred to the Monitoring Officer for other action.

4. 2011-046(B)

The Assessment Sub-Committee also considered a complaint regarding the behaviour of another member during the same Cabinet meeting. The complainant complained that this member was seen to “snigger” at the remarks made by a fellow Councillor about BBG CT and that as Chair of the meeting he made no attempt to restrain his colleague from breaching the Code of Conduct in such a blatant way.

The Assessment sub-Committee decided that the allegation should be referred to the Monitoring Officer for other action, namely for the Monitoring Officer to have discussions with the Councillor as to how he might manage future meetings in order to avoid similar potential conflicts.

5. 2011-047

On 18 April 2011 the Assessment Sub-Committee met to consider a complaint that the subject member failed to declare a prejudicial interest at a meeting of Full Council on 8 December 2010. The complainant claimed that he had put this to the subject member at the meeting but that he declined to declare a prejudicial interest or to leave the meeting room. The complainant also alleged that the subject member had failed to declare similar interests in the past and that complaints to the Standards Committee about him have been upheld.

The Assessment Sub-Committee formed the view that even if the subject member did have a prejudicial interest that he should have declared at the meeting on 8 December 2010, his failure to make such a declaration and leave the Council Chamber had no impact on the legitimacy of the proceedings as the question did not lead to a formal decision being made by the Council. They also considered that the subject member did not gain any advantage by remaining in the Council Chamber and therefore that if any potential breaches of the Code of Conduct should be viewed as frivolous and technical. Furthermore the subject member had not

deliberately chosen not to engage in the other action recommended by the Assessment Sub-Committee in relation to a similar Standards complaint previously made. Officers were responsible for the recommended other action not taking place.

6. 2011-048

The Assessment Sub-Committee met on 16 May 2011 to consider a complaint regarding the conduct of a member in allegedly changing answers prepared by Council officers to Freedom of Information requests made by members of the public.

The Assessment Sub-Committee considered that the allegations suggested that the subject member had prevented people from gaining information to which they were entitled under the Freedom of Information Act and that the allegation suggested that the subject member may have compromised the impartiality of Council officers. They also considered that the subject member may have conducted himself in a manner which could reasonably be regarded as bringing his office or Kirklees Council into disrepute and that he may have used or attempted to use his position as a member improperly to confer on or secure for himself or any other person an advantage or disadvantage. In those circumstances the matter was referred to the Monitoring Officer to commence an investigation.

7. 2011-49

On 16 May 2011 the Assessment Sub-Committee met to consider a complaint concerning the alleged aggressive behaviour of a member when speaking to a member of the public. The complainant also alleged that the subject member had used disparaging remarks towards him and that he had threatened to use his position as a Councillor to have double yellow lines put in to the complainants detriment.

The Assessment Sub-Committee decided that as the subject member lost his seat on Kirklees Council in the May 2011 Local Government Elections, there was little to be gained in pursuing the allegations further in that context.

8. 2011-50(A)

The Assessment Sub-Committee met on 15 September 2011 to consider a complaint that the subject member had sought to interfere with the complainant's ability to participate in a Scrutiny role to which he had been appointed.

The Assessment Sub-Committee decided that no action should be taken in respect of the allegation as they did not consider that the subject member's emails had been disrespectful to the complainant. The Sub-Committee also decided that there was no evidence before them that the subject member had at any point applied any pressure on any officer or other member of the Council for the complainant not to sit on the Scrutiny Panel.

9. 2011-50(B)

The Assessment Sub-Committee on 1 June 2011 also considered a complaint against another member by the same complainant. The complainant alleged that the subject member had made disparaging remarks about him which were untrue and wrongly sought to interfere with his role as a Scrutiny Co-opted member.

The Assessment Sub-Committee did not consider that the comments made by the subject member did breach the Code of Conduct. In reaching their decision they were mindful that the emails were private and internal to the Council and that the member had not intended his comments to become public. They also considered that the member's comments were not made maliciously and that he was simply setting down his understanding of the past events and encounters between the complainant, Councillor members and employees. The Assessment Sub-Committee also found no evidence that the member had done anything to compromise or likely to compromise the impartiality of Council officers or had used or attempted to use his position as a member improperly to confer on or secure for himself or any other person an advantage or disadvantage.

The complainant was not satisfied with the decisions of the Assessment Sub-Committee and requested a review. The Review Sub-Committee therefore met on 15 September 2011 to consider his complaints. The Review Sub-Committee upheld the decisions of the Assessment Sub-Committee and decided that no action should be taken in respect of the allegations against either member. In both cases the Review Sub-Committee endorsed the reasons given by the Assessment Sub-Committee on 1 June 2011.

10. 2011-51

On 20 June 2011 the Assessment Sub-Committee met to consider a complaint regarding an alleged threatening letter sent by a member to the complainant in response to a pre-election flyer issued by a local community association and a letter to the Examiner written by the complainant.

The Assessment Sub-Committee decided that no action should be taken in respect of the allegations relating to Paragraph 3(2)(b), 5 and 6(a) of the member Code of Conduct. However the Sub-Committee decided that the subject member's letter of 27 April 2011 had demonstrated a potential breach of Paragraph 6(b)(ii) of the Code as it was sent out on Council headed paper during the purdah period for what appeared to the Sub-Committee to be ostensibly party political purposes rather than routine constituency business. In the circumstances they decided that this allegation should be referred to the Council's Monitoring Officer to provide a briefing to the subject member on how to ensure that the Authority's resources are used by him for proper purposes only.

11. 2011-52

The Assessment Sub-Committee met on 12 August 2011 to consider a complaint that the subject member had intervened in a neighbour dispute to a personal association he has with one of the parties. It was claimed that the subject member's involvement had not been balanced or appropriate.

The Assessment Sub-Committee decided that no action should be taken in respect of these allegations as none of the information provided by the complainant revealed any breach of the Code of Conduct.

12. 2011-053

The Assessment Sub-Committee met on 18 August 2011 to consider a complaint regarding the alleged conduct of a Parish Council member. The complainant claimed that the subject member had not made the required declarations of interest.

The Assessment Sub-Committee decided to refer the allegations to the Monitoring Officer for investigation as the submitted information suggested that the subject member may have failed to declare a personal and/or prejudicial interest at meetings of the Kirkburton Parish Council. They also considered that if those allegations were found to have substance the subject member may have conducted herself in a manner which could reasonably be regarded as bringing her office or Kirkburton Parish Council into disrepute. The allegations also raised the issue that the subject member may have used or attempted to use her position as a member improperly to confer or secure for herself or any other person an advantage or disadvantage.

13. 2011-054

On 7 October 2011 the Assessment Sub-Committee met to consider a complaint concerning the failure of a member to respond to four emails sent to him by the complainant. The complainant considered that the lack of response by the subject member demonstrated a lack of respect for him in breach of the Code.

The Sub-Committee decided that no action should be taken in respect of the allegations and noted that the subject member had held his hand up and said that he was sorry that he had forgotten to respond. They also considered that the Conduct complained of could not amount to failing to treat the complainant with respect.

14. 2011-055(A)

The Assessment Sub-Committee met on 15 September 2011 to consider a complaint concerning allegations made by the same complainant in relation to complaints 45(A) and 45(B) above. For reasons similar to those previously given by the Assessment Sub-Committee and Review Sub-Committee, this Sub-Committee decided that no action should be taken in respect of the allegations.

The complainant was not satisfied with this decision of the Assessment Sub-Committee and has requested a Review which is due to be heard shortly.

15. 2011-056(A)

The Assessment Sub-Committee met on 7 October 2011 to consider a complaint against a member of Kirklees Council and a member of Denby Dale Parish Council. The complaint concerns allegations regarding the conduct of the subject members during a visit to the complainant's property on 7 September 2011.

The Sub-Committee decided to refer the allegation regarding the Kirklees Council member to the Monitoring Officer for investigation on the basis that the alleged comments could be regarded as offensive and accusing the complainant of being prejudiced. This could also amount to a lack of respect.

16. 2011-056(B)

The Assessment Sub-Committee decided to refer the allegation against the Denby Dale Parish Council member to the Monitoring Officer for investigation on the basis that the subject member's alleged comment about the complainant being placed under the concrete may have been said jokingly, in which case it would have been in poor taste, and demonstrates a lack of respect. If taken seriously it could amount to bullying.

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

The role of the Standards Committee sub-Committees is an important part of the process of handling complaints about member conduct and retaining confidence among members and the public that complaints are being dealt with in a timely and efficient manner.

### **4. Consultees and their opinions**

N/A

### **5. Next steps**

It is recommended that the contents of this report be noted.

### **6. Officer recommendations and reasons**

N/A

### **7. Cabinet portfolio holder recommendation**

N/A



## **8. Contact officer and relevant papers**

Vanessa Redfern  
Acting Assistant Director – Legal, Governance and Monitoring

## **9. Assistant director responsible**

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