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**Service Director – Legal, Governance and
Commissioning**

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Monday 7 March 2022

Notice of Meeting

Dear Member

Standards Committee

The **Standards Committee** will meet in the **Reception Room - Town Hall, Huddersfield** at **10.00 am** on **Tuesday 15 March 2022**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Standards Committee members are:-

Member

Councillor Erin Hill (Chair)
Councillor Martyn Bolt
Councillor James Homewood
Councillor Alison Munro
Councillor Mohan Sokhal
Councillor Lesley Warner
Councillor Michael Watson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence.

2: Minutes of Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Committee held on 15 September 2021.

3: Interests

5 - 6

Committee Members will be asked to advise if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion on the item or participating in a vote upon the item, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputation/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a

deputation.

6: Public Question Time

The Committee will hear any questions from the general public.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions shall not exceed 15 minutes. A maximum of 4 questions per person may be submitted.

7: Code of Conduct complaints update

7 - 18

To receive a report detailing complaints received since the last Standards Committee meeting in September 2021.

Contact Officer: David Stickley – Senior Legal Officer

8: Cases and News Update

19 - 54

To receive a report setting out news and cases of interest since September 2021.

Contact Officer: David Stickley – Senior Legal Officer

9: Survey analysis and workshop feedback update

55 - 100

To receive a report on the survey analysis and the outcome of the standards workshops held in November 2021 and February 2022.

Contact Officer: David Stickley - Senior Legal Officer

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.

Standards Committee - 15 September 2021

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

Standards Committee - 15 September 2021

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.

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KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Standards Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Standards Committee

Date: 15th March 2022

Title of report: Code of Conduct complaints update

Purpose of report

To brief the standards committee on Councillor complaints under the Code of Conduct since the last Standards Committee meeting in September 2021.

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 Council's Forward Plan (key decisions and private reports?)	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <u>Strategic Director</u> & name	Yes – Rachel Spencer-Henshall
Is it also signed off by the Service Director Finance?	Yes – Eamonn Croston
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Yes – Julie Muscroft
Cabinet member portfolio	N/A

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 This report follows on from the report that was before the Standards Committee on the 15th of September 2021.
- 1.2 This report will look at the number of complaints received from the 15th of September 2021 to the end of February 2022, along with their type and nature.
- 1.3 It will also look at which of those new complaints have been resolved and which are still subject to investigation or further action. It will also provide an update on those complaints that were received in the previous reporting period and were not resolved at the time of the previous report.
- 1.4 It will also compare this period's complaints with the previous period, to see if there are any significant differences or trends.

2. Information required to take a decision

2.1 Complaints Summary

- 2.1.1 Since the 15th of September 2021 the Monitoring Officer has received 12 complaints relating to alleged breaches of the Code of Conduct. This figure includes a complaint about one member, that was made by two separate members of the public and has been recorded as two complaints. It also includes one complaint that was against two members.
- 2.1.2 11 relate to Kirklees Councillors (a total of 11 Councillors). There is 1 complaint that relates to Town or Parish councillors.
- 2.1.3 Of these 12, 5 were not progressed after the initial assessment process. The remaining 7 complaints are currently being investigated, being considered under the initial assessment process.
- 2.1.4 The process for making a complaint has been amended slightly since the last report, with a web-based form for complainants to complete. This has a number of advantages over the previous process where we provided a copy of the form to complete and return to us.
- 2.1.5 However, there was a problem with the set up which meant that the form was not sending a notification email to the Monitoring Officer, alerting her to a new complaint. This has been identified and fixed, but there were 4 complaints that were made that were delayed in being acknowledged.

2.2 Update on previous complaints

- 2.2.1 Of the 19 complaints that were carried forward from the previous report as ongoing, 7 were dismissed at the initial stage, 4 progressed to a meeting of the assessment panel and findings were made, 4 were finalised informally and the remaining 4 are being reviewed by the Monitoring Officer and the Independent Person.

2.3 Previous Report and comparison with the present report

- 2.3.1 The previous report, for the period the 30th of March 2021 to the 14th of September 2021, contained a total of 11 new complaints that related to 9 named Kirklees members and 2 named Town or Parish Councillors. This compares with the current period under review, where there is a total of 12 complaints relating to 11 Kirklees Councillors and 1 Town / Parish Councillor.

- 2.3.2 The nature of the complaints in the present report concern the behaviour of members towards members of the public (5 complaints relating to 5 members), whilst 1 concerns the behaviour of 1 member in emails, 2 concern the behaviour of members in meeting, and 4 concern the behaviour of members at Planning Committee.

The sources of the complaints are that 11 were received from members of the public and 1 was from a Town / Parish Clerk.

- 2.3.3 Comparing this to the previous report, complaints there were about the behaviour of members towards members of the public (6 complaints relating to 6 members), whilst 1 concerns the behaviour of 1 member in social media posts, 2 concern behaviour in the pre-election period (3 members), and 2 concern the behaviour of members at Planning Committee.

The sources of the complaints are that 10 were received from members of the public and 1 was from a Kirklees Councillor.

- 2.3.4 Comparison between the two reports shows that the overall number of complaints has increased by 1, with a small rise in the number of complaints about Kirklees members. The number of Councillors complained about has risen to 12.

- 2.3.5 In this period, we have seen one instance of a 'multiple' complaint, with the same complaint being made and supported by more than one complainant.

- 2.3.6 The total number of complaints relating to Town or Parish Councils has fallen from 2 to 1.

- 2.3.7 The number of complaints relating to the planning process has risen in this period, from 2 to 4, although the 'multiple' complaint referred to above is one of these.

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

N/A

3.5 Improving Outcomes for Children

N/A

3.6 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.

4. Next steps and timelines

- 4.1 The Monitoring Officer will continue to assess any complaints about members' conduct as and when they are received and will report the outcomes to this committee as appropriate.

5. Officer recommendations and reasons

- 5.1 It is recommended that the report is noted.

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

N/A

7. **Contact officer**

David Stickley
Senior Legal Officer
01484 221000
david.stickley@kirklees.gov.uk

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

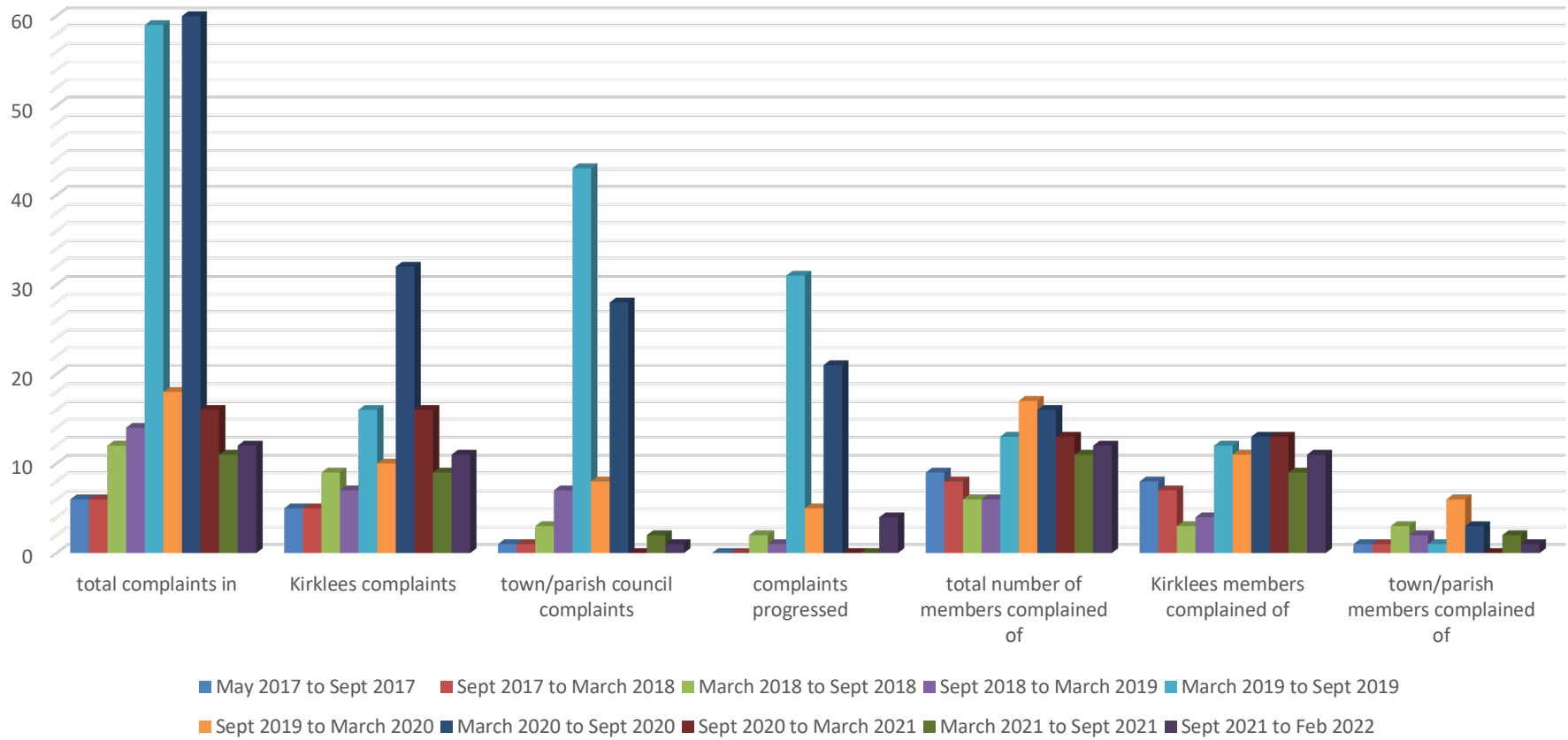
8.1 N/A

9. **Service Director responsible**

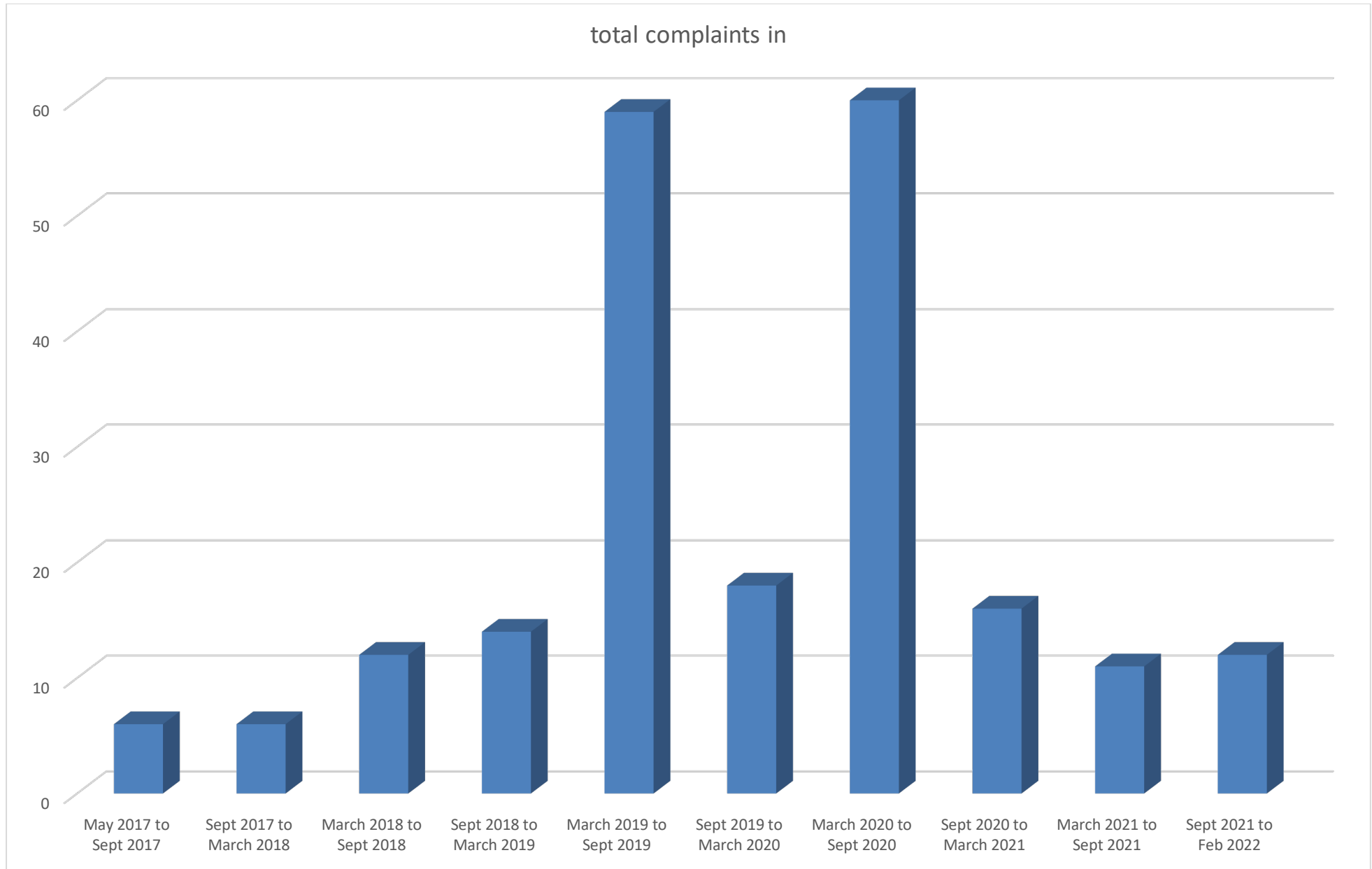
Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk

Appendix A

Complaints summary

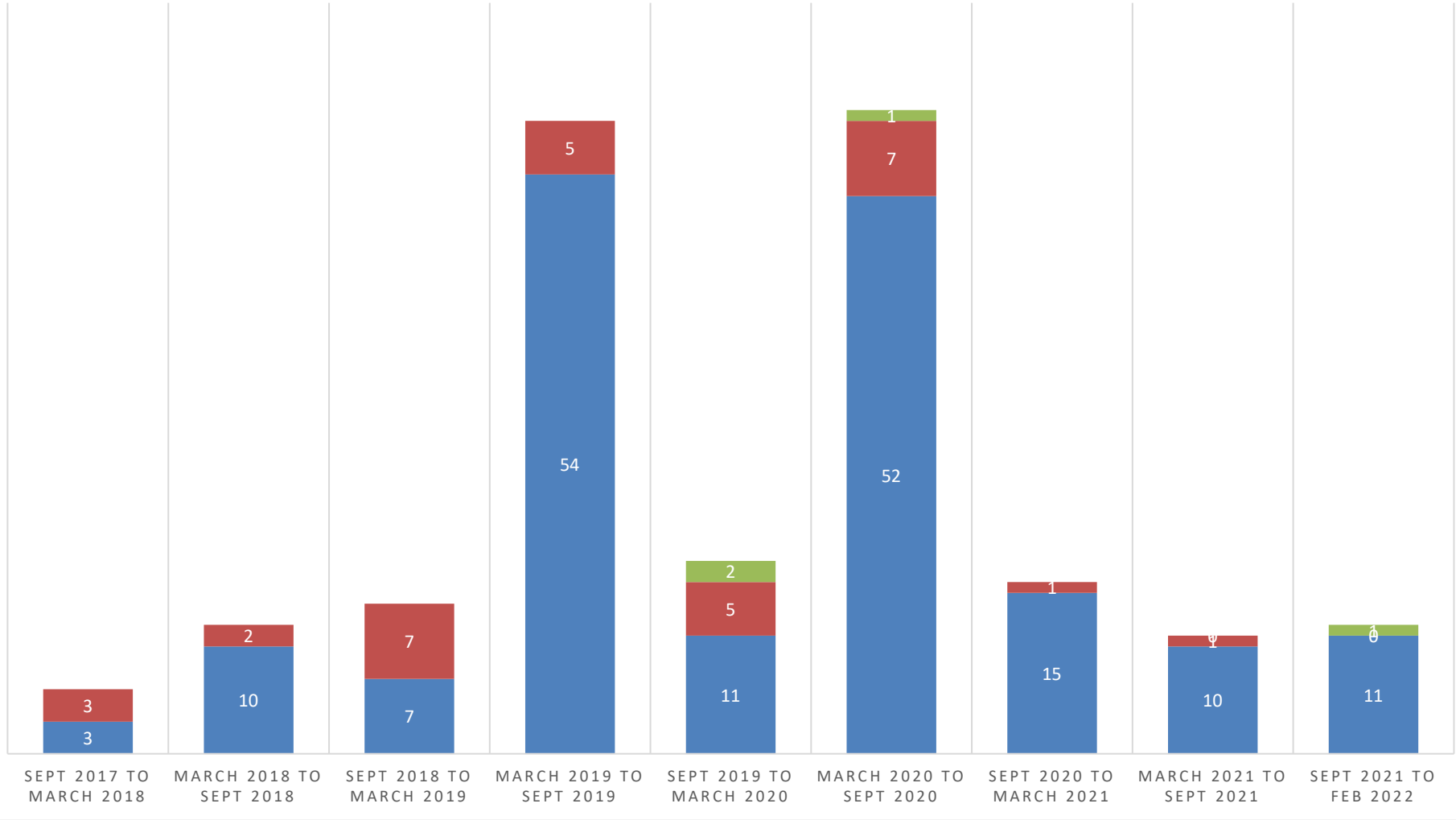


total complaints in



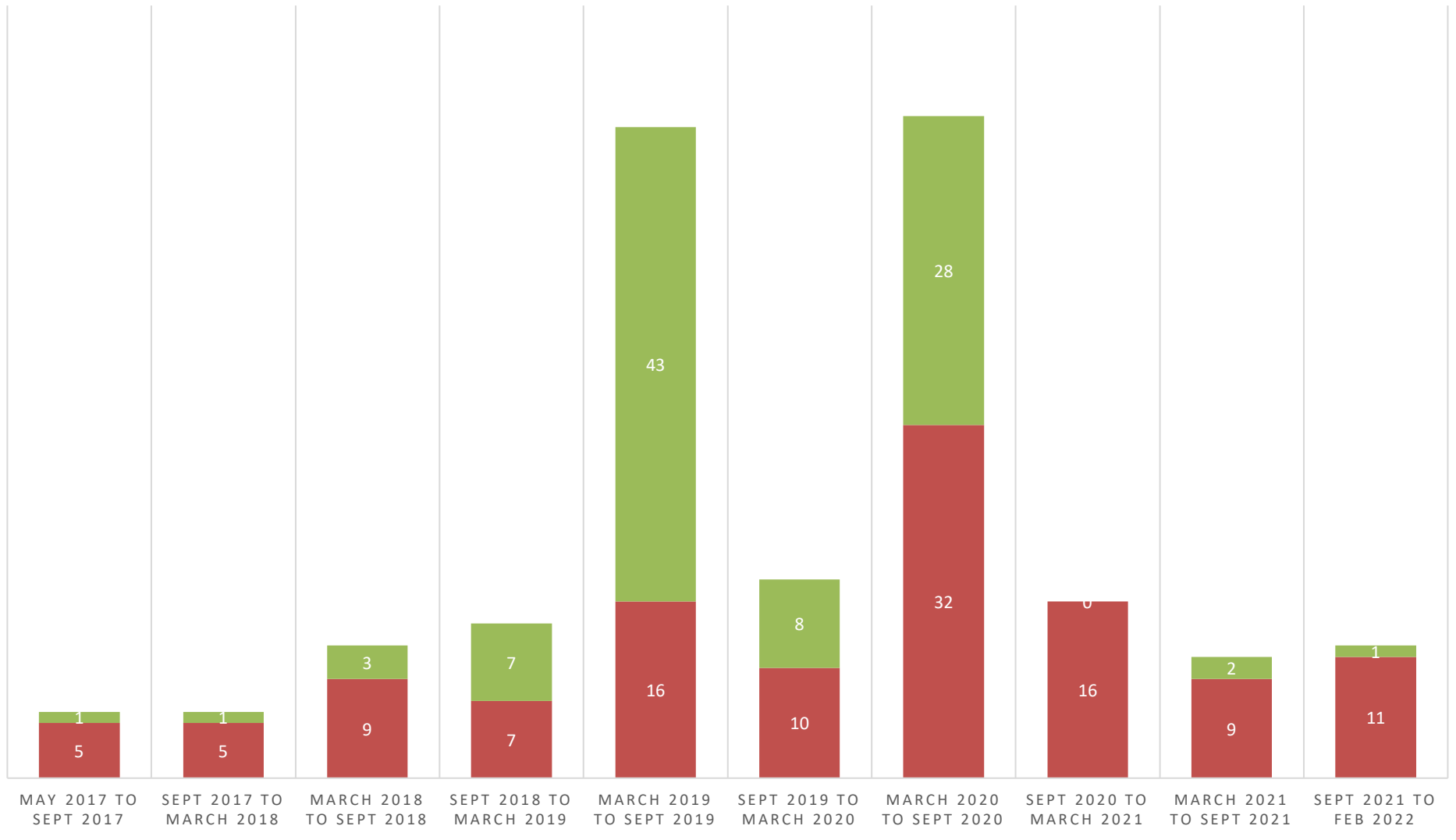
SOURCES OF COMPLAINTS RECEIVED

■ from mop ■ from cllrs ■ from officers

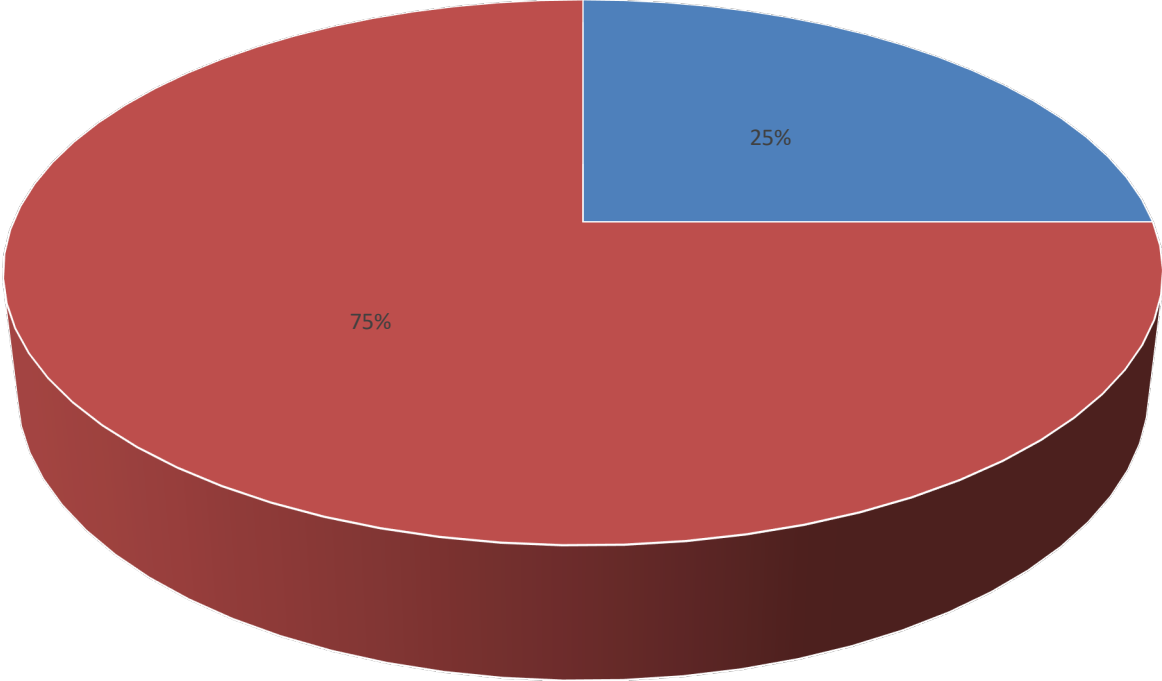


COMPLAINTS - KIRKLEES / TOWN AND PARISH COUNCILS

■ Kirklees complaints ■ town/parish council complaints



Sept 2021 to Feb 2022



■ Planning related complaints ■ Other complaints

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Name of meeting: Standards Committee

Date: 15th March 2022

Title of report: Cases and News Update

Purpose of report

To brief the standards committee on any news and cases of interest since September 2021.

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 Council's Forward Plan (key decisions and private reports?)	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by Strategic Director & name	Rachel Spencer-Henshall
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft
Cabinet member portfolio	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 any developments and news on matters of local government ethics.
- 1.2 It will look at news items and any relevant case law, as well as any recent published decisions from other local authorities or any of the existing standards boards.
- 1.3 It will also provide an update on the work of the CSPL that follows on from their report 'Ethical Standards in Local Government'.

2. Information required to take a decision

2.1 News since September 2021

- 2.1.1 A number of sources have been checked for details of any news items that are of relevance or may be of interest to the committee.
- 2.1.2 These include Local Government Lawyer, Lawyers in Local Government, the various standards boards' websites, websites of other local authorities as well as local and national media.
- 2.1.3 There are a number of articles, from various sources, which may be of interest to the committee, even if all are not directly relevant to the work of the committee. Copies of the articles are at appendix A, but the following are of particular interest.
- 2.1.4 In February 2022, it was reported that a Vale of Glamorgan Councillor was found to be in what was described as a 'serious breach' of the Code of Conduct, following his opening of a business without planning permission. Despite being a member of the Planning Committee, Cllr Leighton Rowlands claimed that he had limited knowledge of planning law.
- 2.1.5 Also in February 2022 an investigation into allegations about the elected mayor of Middlesbrough found that these were unfounded. It was suggested by the mayor that an internal investigation was closed, only to be reopened when a local MP made a formal complaint. There appears to be some history of animosity that may have contributed to the complaint.
- 2.1.6 In January, it was reported by the BBC that Newport City Council has said that it has no powers to remove a councillor who had been convicted of soliciting.
- 2.1.7 Southwark Council reported in January that a former Cabinet member had breached the Code of Conduct by running an anonymous account

on Twitter that he used to respond to comments about housing developments. The council engaged Bevan Brittan to provide an independent investigation and report. The report found that the tweets themselves did not breach the Code of Conduct but that, by acting anonymously, the member had breached the Code.

2.1.8 In November, it was reported that Jeremy Corbyn had received an apology and substantial damages from a councillor who published a fake picture of him, following the terrorist attack in Liverpool.

2.1.9 Also in November an MP lodged a formal complaint with Ashfield District Council after having been called a moron by the Council's Leader. At the time of making the complaint the Councillor had already apologised, but also made a comment about the use of Parliamentary privilege by the MP to call other people morons.

2.2 Recent published decisions

2.2.1 Some Local Authorities in England publish their decisions on member complaints, as do the Standards Boards in Wales, Scotland and Northern Ireland.

2.2.2 The Standards Commission for Scotland has continued to work, holding hearings remotely.

2.2.3 Since September 2021, the Commission has held a total of 3 standards hearings, all of which held that no breach had taken place. A copy of the press releases are at Appendix B, with full details of the allegations and findings.

2.2.4 There have been a total of 9 cases that were referred to the Commission where, following investigation, no further action was taken.

2.2.5 The Commissioner for Standards in Northern Ireland has had 3 cases referred to it since September 2021.

2.2.6 In 2 of these cases, a hearing is yet to be fixed and the 3rd case is recorded as having been 'closed by alternative action'. This arose as the Commissioner held a pre-adjudication hearing to deal with procedural matters and to explore alternative ways to resolve the complaint, at which the Councillor complained of accepted the conclusions of the report and agreed to take action in respect of the complaint. A copy of the Commissioners notice is at Appendix B.

2.2.7 The Public Services Ombudsman for Wales no longer publishes its 'Code of Conduct Casebook'. Instead, it now publishes its finding directly to its website.

- 2.2.8 Since the last report, there have been no Code of Conduct cases referred to the Ombudsman.
- 2.2.10 In England, publication of decisions still remains discretionary, although the CSPL did support publishing these, so it may be the case that we see more decisions from English local authorities being published in due course.
- 2.2.11 There is in general a lack of cases published on English local authority websites in this period and none of interest have been found.

2.3 Case Law

- 2.3.1 There has been no reported relevant case law since the last report.

2.4 The work of the Committee on Standards in Public Life

- 2.4.1 The CSPL have been fairly quiet in follow up work to their 2019 report, but this is largely due to the fact that they are still in the position of having to wait for a formal government response.
- 2.4.2 Since the last report, the CSPL have published the minutes of their meeting held on the 16th of December in which it was noted that the Chair had met with a government Minister (Kemi Badenoch) to enquire about a formal response. It was reported that it was confirmed that a response was in hand, but there was indication of when that response would be forthcoming.
- 2.4.3 The minutes of the 15th July 2021 meeting were published in December 2021 and make reference to the report, stating that '*The indications were now that the government would respond to the Local Government Ethical Standards 2019 report after the summer recess. Members were frustrated with this delay by the government.*'
- 2.4.4 It was reported in Local Government Lawyer in February 2022 that the Minister for Levelling up Communities told the House of Commons that the recommendations of the CSPL are currently being actively considered. The Minister indicated that she would respond 'shortly'. She was also reported as having said that '*It is of the utmost importance that local authorities have the right tools to make the system work.*'
- 2.4.5 It was also reported in Local Government Lawyer in January 2022 that the Local Government Ombudsman has addressed the Levelling Up, Housing and Communities Committee, confirming that the

Ombudsman would be willing to provide a route of appeal to councillors, as outlined by the CSPL report.

- 2.4.6 Following on from previous reports on 'Standards Matter 2', the committee has published its final report under the title 'Upholding Standards in Public Life'. The findings principally relate to standards and conduct in Parliament, rather than Local Authorities. If members are interested in reading these, the report can be found at [Upholding Standards in Public Life - A report of the Standards Matter 2 review \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

2.5 Update on work from the CSPL report

- 2.5.1 It was reported to the previous meeting that the consultation exercise has taken place and the results have been reviewed.

- 2.5.2 Following on from that, a number of standards workshops were held and the results and analysis are the subject of a separate report to this committee.

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 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 significant reputational implications.

4. Next steps and timelines

- 4.1 The Monitoring Officer will continue to monitor any relevant news and cases and will report back to this committee. She will also continue to monitor and report back on the work of the CSPL.

5. Officer recommendations and reasons

- 5.1 Members are asked to consider the report and comment on its contents (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

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

Appendix A

Local Government Lawyer articles

Welsh councillor who started coffee shop and wine bar without planning permission found to be in “serious breach” of code of conduct

February 7, 2022

A Vale of Glamorgan councillor who sits on the local authority's planning committee has been found in breach of its code of conduct after establishing a cafe without first securing planning permission.

Cllr Leighton Rowlands, who has been a member of the planning committee since 2017, was suspended for a month for what the standards committee called a "serious breach" of the code of conduct that brought the council and town council into disrepute.

The councillor and a business partner opened the coffee shop and wine bar named The Watering Hole in June 2019. The building was previously a shop and therefore a change of use planning application was required for the building to be used as a cafe.

Cllr Rowlands applied for planning permission but decided to open the establishment before the council decided on the case. At a Standards Committee meeting held late last month (January 26), the councillor said he had limited knowledge of planning law when asked to explain his decision.

He **told the committee**: "Like most new councillors who sit on the planning committee we have training but they are always a whistle stop tour [...] and I would say I had difficulty in understanding the planning law like any member of the public would, even with the training."

He added that he had "limited or confused knowledge of planning".

In addition, he told the committee that he had not known about the breach before opening. He said: "Planning and licensing rules are very complicated. I'm not a solicitor, I'm not a Planning Officer, and when I did ask for advice from the planning officer, it was very grey. In hindsight, I should have asked the monitoring officer for more advice - I don't know why I did that."

Representatives from the Public Services Ombudsman for Wales, which had previously investigated the case, relayed the investigation's findings to the committee.

Sinead Cook, Assistant Investigation Manager for the Ombudsman, told the committee: "The establishment required the change of use of planning permission, and Cllr Rowlands was aware of that at the time. And the Senior Planning Officer has given evidence to say that they told Cllr Rowlands and his colleague that, although it was not illegal, if the business did open, it would be in breach of planning control, and there was a risk of enforcement action".

Once the Monitoring Officer raised the issues concerning the planning breach with Cllr Rowlands, the councillor quickly moved to close the business down. Although he was unsuccessful in shuttering the business, he eventually resigned, withdrew the planning application and took no further part in the business and planning process. As a result, he also lost his investment in the company.

The standards committee was satisfied that he was aware of the consequences of opening the cafe before a change of use planning permission was implemented and the potential breach of planning control.

Mrs Cook later added: "The Ombudsman concluded that Cllr Rowlands' conduct in failing to consider his situation appropriately or seek advice about his role or position in advance of the decision to open the establishment suggested a significant lack of judgment and had the potential to impact on the mutual relationship of trust that exists between the council, the town council, its elected members, and members of the public.

"The Ombudsman determined that the evidence supports a finding that Cllr Rowlands' actions brought his office as a councillor and the council into disrepute and are suggestive of a breach of paragraph 6 1 a of the Code of Conduct."

Cllr Rowlands accepted that he breached the code of conduct and said that he was "naive" in doing so.

Richard Hendicott, chair of the Standards Committee, said: "The standards committee is of the view that this is a serious breach, especially of a councillor who is on planning. It brought the council and indeed the town council into disrepute. It's certainly not a case where no action should be taken".

He added: "This was a single incident. Once you knew about it or once you knew the significance or the seriousness of it, Cllr Rowlands, you took steps to try and extricate yourself from the position. But you, being on planning, you have a duty to uphold the high standards which are expected of you. In the circumstances, we think a suspension is appropriate and we are going to suspend you for one month."

Mayor says he is "exonerated" after council closes investigation into allegations of naked pictures on computer

February 10, 2022

The elected mayor for Middlesbrough said he has been "exonerated" of any wrongdoing following the closure of an external investigation into claims of a naked picture on his computer.

On his "*Tees Issues*" page on *Facebook*, Andy Preston said: "After a colossal waste of time and money – stretching back to October 2020 and probably costing £100,000 in time and money – an independent law firm found absolutely no evidence to suggest I even knew about an alleged but not reported image of a naked woman on my office computer.

"In fact the report has confirmed I wasn't even in the building on the morning the image was allegedly seen – and I hadn't been since the previous day.

"I'm delighted the truth has come out – but I can't pretend it hasn't been incredibly stressful and hurtful for me and my family seeing increasingly wild allegations in the local and national media."

Mr Preston said the matter began in October 2020 when a councillor claimed to have received an anonymous letter suggesting inappropriate material on his computer.

He claimed that the matter was closed after an internal investigation, only to be reopened after Andy McDonald MP, whom he strongly criticised, lodged a formal complaint.

Local Government Lawyer has been told that the costs of the external investigation were under £50,000.

Middlesbrough Council said it would not be publishing the report.

A spokesman for the local authority said: "This matter has now been concluded and the parties involved have been informed of the outcome.

"It would be inappropriate to make any further comment in relation to the process or opinions expressed by others."

Mr McDonald said he maintained his view that Mr Preston was "unfit for public office".

Welsh council outlines training plan after recognition that at extraordinary meeting it would have acted unconstitutionally if monitoring officer advice had not been followed

January 20, 2022

Wrexham Council has issued a statement on the conduct of future meetings, amid recognition it ran the risk of acting unconstitutionally had the advice of its monitoring officer not been followed at an extraordinary meeting in November 2021.

The statement issued this week (17 January) said the Mayor and Group Leaders recognised the need to have “high-quality public debate in Council meetings that respects different viewpoints and individuals, and that upholds democratic principles”.

It added: “Following positive meetings, since the November Council meeting, between the Mayor, Group Leaders and key officers, it has been recognised that at that Council meeting in November there was a risk that if the legal advice provided by the monitoring officer, which was ultimately accepted, had not been followed then the Council would have been acting unconstitutionally.”

To address this for future meetings, the following positive actions have been agreed:

- Training for the current Mayor around chairing, the constitution and the role of the monitoring officer.
- Training for incoming Mayors around chairing, the constitution and the role of the monitoring officer.
- Training for all Councillors as part of their induction around the types of meeting debates, the constitution and the role of the monitoring officer.

The meeting on 9 November 2021 was to discuss a bid for city status. The **minutes of the meeting** state:

Members considered a Notice of Motion in the following terms proposed by Councillor Marc Jones and seconded by Councillor Carrie Harper who further requested a recorded vote:

“This Council does not support a bid for city status”.

The Leader addressed the concerns raised by the mover of the motion and moved an amendment as follows:

“That full Council invites the Executive Board to consider a bid for city status at the next scheduled meeting”.

The mover of the motion made a point of order and referred to rule 4.23 section f of the Councils Constitution, suggesting that the amendment negated the main motion. In response, the Monitoring Officer referred to the full constitution and in particular s4.23.6.1.1, confirming that the proposed wording of the amendment was allowed under the rules of the Council's constitution.

The Mayor raised concerns at accepting the amendment stating he felt it negated the main motion and was therefore, in his opinion, undemocratic. The Monitoring Officer reiterated that the amendment to the motion was legal within the rules of the Councils constitution.

Following a short adjournment, the Mayor advised the meeting that following legal advice, whilst he still had strong reservations around its wording, he would accept the amendment to the motion.

The Deputy Leader seconded the amendment put forward by the Leader and a debate ensued.

In response to a number of point of orders raised during the meeting, the Monitoring Officer reminded the meeting a number of times of the rules of debate.

Following the debate it was resolved (36 for the amendment, 9 against and 1 abstention) that the full council invite the Executive Board “to consider a bid for city status at the next scheduled meeting. The Council will publicise through its website the benefits of a city status bid and include information on how the bid could positively influence the lives of people in Wrexham.”

Welsh council says it is unable to disqualify councillor who pleaded guilty to soliciting sex worker: report

January 13, 2022

Newport City Council has said it has no powers to disqualify a councillor who admitted soliciting a sex worker.

The **BBC has reported** that Independent councillor Chris Evans pleaded guilty to having last May solicited a sex worker.

In a statement the council said: "Newport City Council was unaware that Cllr Evans intended to plead guilty. It will now consider its position following further discussions with Cllr Evans.

"However, the council has no powers to disqualify him from his role as a city councillor."

A police officer who was chasing a wanted man through an Asda car park at the time recognised Cllr Evans with the sex worker in a car.

Magistrates heard from Cllr Evans' representative: "He did not go through with it and no money ever changed hands. He accepts a provision was made for an arrangement of sexual services. The officer recognised him. Had he not been a well-known face, he would not have been here today."

Cllr Evans was conditionally discharged for 12 months and ordered to pay £85 prosecution costs and a £22 victim surcharge.

Councillor breached Code of Conduct by acting anonymously through Twitter, independent investigator finds

January 7, 2022

A former Cabinet member for housing at Southwark Council breached the local authority's Code of Conduct by acting anonymously through a Twitter account, an independent investigation by law firm Bevan Brittan has found.

After his exposure in the local press as being behind the anonymous account (@SouthwarkYIMBY), Cllr Leo Pollak resigned his cabinet role in February 2021 and read out an apology at a full council meeting.

He also referred himself to the monitoring officer, while one of the campaigners mentioned made a complaint in March 2021 about him to the council.

The complainant was offended by the use of the word 'nimby' and what was described as the aggressive tone of a tweet that read: "This is pathetic nimbyism. Looking at the planning documents it's clear a lot of consultation with estate residents has gone into these proposals. Does the controller of this twitter account live on the estate?"

David Kitson, the partner at Bevan Brittan appointed by Southwark to investigate the actions of Cllr Pollak, concluded in a report – albeit it was “very finely balanced” – that the Code applied to tweets sent in 2020 and 2021 through the account about two local housing developments at Priory Court and the Elim Estate.

The report found that the Code also applied in relation to other tweets and retweets that referred to schemes and developments in which the councillor had been involved in his official capacity.

The Code was not found to have applied in relation to the residue of tweets by the account as these were more general in nature.

The Bevan Brittan report said: “It must be made very clear that we do not condone the councillor’s behaviour. Seeking to use an anonymous account through which to comment on social housing and housing developments, and to challenge others commenting on the same, is certainly not appropriate in the circumstances.”

However, Mr Kitson determined that the content of the tweets to which the Code applied was not such as to result in a breach of the Code.

He said: "The content of the tweets that referred to specific developments and schemes in which the councillor had been involved in a formal capacity (mainly retweets), are generally inoffensive and uncontroversial.

"With reference to the tweets regarding Priory Court and the Elim estate ballcourt, the content was at times provocative, but did not amount to breach. Those with whom the councillor was engaging had voluntarily chosen to involve themselves publically in matters of public concern, and the enhanced protection afforded by Article 10, as well as the higher thresholds of tolerance expected, applied to both the councillor and those third parties."

The report did find, however, that by acting anonymously Cllr Pollak had breached the Code.

Mr Kitson said: "By his own admission, one of the reasons that the councillor sought to use the account was to address what he believed to be false statements about the Priory Court and Elim estate ballcourt developments which he felt could significantly undermine them, and which he had not been able to address adequately using his named account. In other words his intention in this respect was the same, both when he was acting overtly using his named account, and when he was acting covertly, and that was to address misinformation, and influence public opinion and support for the developments."

Cllr Pollak also stated that he and other council members had been subjected to aggressive and provocative behaviour in response to their activities in the past. He said he was concerned about his safety and that of his family.

"Although again we must make it clear that we do not condone the councillor's behaviour, which he himself states was inappropriate and contrary to the Code, we accept that these concerns were genuine and go towards mitigation for his actions," the report said.

"Indeed notwithstanding the higher threshold of tolerance required by those in public office, there is and has been for some time a growing national concern in relation to behaviour towards public figures, and whether a change in the law is required."

Mr Kitson said that in relation to two anonymous comments made in support of the planning application for development of the Elim estate ballcourt, Cllr Pollak denied that he had made them, "and we did not find evidence other than supposition to conclude otherwise".

The Bevan Brittan partner noted that the councillor had clearly acknowledged at all stages that his actions were not appropriate. "He has also repeatedly expressed remorse, including via the statement he made to council, and by way of his self-referral through the standards regime.

"It should also be noted that the councillor resigned his role on Cabinet, a role which he is passionate about, and has suffered public criticism and condemnation for his actions, including significant personal hardship and turmoil. In our opinion any sanctions that could be applied in relation to this matter fall significantly short of the consequences that have resulted quite independently of this process."

Mr Kitson said Cllr Pollak was "clearly passionate" about social housing and the significant issues arising in this context. "Seeking to further his views by way of anonymous postings through the account was ill considered and inappropriate, which he wholeheartedly acknowledges. It is likely that the councillor will have learnt a number of valuable lessons from this unfortunate episode."

In light of this the report did not recommend that any further action was required. "Further we are of the opinion that this matter can reasonably be resolved without the need for a hearing, which in our view would not be in the public interest nor a beneficial use of council resources."

In his draft report provided to the complainant and Cllr Pollak, Mr Kitson had originally concluded that the Code did not apply to the councillor's tweets as a whole.

The final report said: "Our view that the councillor's behaviour in acting covertly was both inappropriate and ill-considered has not changed, however this is now considered to be a breach of the Code on the basis that we are now of the opinion that the Code did apply in certain respects, however it remains our view that no further action is required in consequence of this report."

It said this change from its initial position on application of the Code came about because the firm had to consider "very technical and difficult areas of law, with a lack of authoritative precedent on when the code applies.

"Considerations and arguments have been finely balanced throughout, and in this context we determined of our own volition to revisit and give further in depth thought to the issue of whether the code applied, and if so to what extent."

Mr Kitson's report is due to be considered at a meeting of Southwark's Audit, Governance and Standards (Conduct) Sub-Committee on 10 January.

Jeremy Corbyn secures apology, damages from councillor over tweet

November 25, 2021

Former Labour party leader Jeremy Corbyn has accepted an apology and substantial damages from a councillor who published a fake picture of him appearing to endorse the Liverpool terrorist attack.

Paul Nickerson, who was a Conservative member of East Riding of Yorkshire Council but now sits as an Independent Conservative, said: "On 15 November 2021 a false defamatory statement, for which I accept full responsibility, was published on my Twitter account about Jeremy Corbyn MP. My apology is attached. I have agreed to pay substantial damages and legal costs to Mr Corbyn. Please retweet."

Mr Corbyn said in a statement: "The post included a fake photograph of Mr Corbyn laying a poppy wreath at the site of a burning taxi outside the Liverpool Women's Hospital where a terror attack had taken place on Remembrance Sunday killing a suicide bomber and injuring others."

The fake photograph had been captioned by the word "unsurprisingly".

Cllr Nickerson said: "This gave the completely untrue impression that Jeremy Corbyn supports terrorist violence including suicide bombings, which without any hesitation I wholly accept he does not.

"Without reservation I fully withdraw any suggestion or inference that Jeremy Corbyn is a supporter of terrorist violence. The tweet was wrong and I retract it. I unreservedly and sincerely apologise to Mr Corbyn for the hurt and distress that has been caused to him by the tweet."

Mr Corbyn said Cllr Nickerson's photoshopped Twitter post "failed to understand the seriousness of the threat and did a disservice to all those affected by the attack and their loved ones".

He welcomed Cllr Nickerson's apology, agreement not to repeat the offending image and to pay substantial damages and legal costs, and said he would donate the damages to charities, including one in Liverpool and one in his Islington North constituency.

MP lodges complaint with council after leader called him a "moron"

November 18, 2021

An MP has lodged a formal complaint with the monitoring officer at Ashfield District Council after the authority's leader called him a "moron".

Lee Anderson, Conservative MP for Ashfield, told *Local Government Lawyer* that he had been insulted by council leader Jason Zadrozny and that while he had apologised through the media he had not done so personally.

Cllr Zadrozny, leader of ruling local party Ashfield Independents, said: "I have made an apology but maintain that the comments were made in a private meeting.

"I regret making the comments in the way I did but don't regret the sentiment."

The remark was made at a meeting of a working group considering changes to the local plan.

Cllr Zadrozny said Mr Anderson had recently used parliamentary privilege to call environmental campaigners morons.

The two stood against each other at the last general election, which Mr Anderson won with 19,231 votes to Cllr Zadrozny's 13,498.

Tory councillor in Worthing suspended over alleged support of far right

Party is investigating Tim Wills over claims he supports Patriotic Alternative, which promotes ‘white genocide’ theories

The Conservative party has suspended a councillor and is investigating allegations that he has been a secret supporter of a far-right organisation.

Tim Wills, a borough councillor in Worthing, West Sussex, is alleged to have been a supporter of Patriotic Alternative (PA), a racial nationalist group that seeks the removal of ethnic minorities from the UK.

In discussions on a PA channel of the social media app Telegram, he is alleged to have called for the promotion of conspiracy theories such as “white genocide” and urged the group to “infiltrate and influence those in power”.

Calls for Wills to be expelled from the Conservative party were led by the antiracist campaign group Hope Not Hate, which published the results of an investigation into him as Boris Johnson was addressing his party’s annual conference on Wednesday.

“It is frankly abhorrent that a councillor representing the Conservative party in Worthing not only actively supports Patriotic Alternative – an antisemitic, white nationalist organisation – but has openly endorsed racist conspiracy theories,” said Nick Lowles, the chief executive of Hope Not Hate.

“It is clear that Tim Wills should be immediately expelled from the Conservative party and lose the whip as a councillor, but it is also time for the Conservative party, as the party of government, to take serious steps to tackle the threat of far-right extremism within its ranks.”

Wills did not respond to attempts by the Guardian to contact him about the allegations. A Conservative party spokesperson said: “Cllr Tim Wills has been suspended pending the outcome of an investigation.”

Hope Not Hate’s investigation uncovered messages, alleged to have come from Wills, that endorsed the “white genocide” conspiracy theory, which suggests genocide is being perpetrated on white people by means of mass immigration and cultural suppression.

“My view is Covid is a loss maker for us, we just need to centre on white genocide [...] because many of our white race are convinced about vaccines, but not about our replacement,” Wills is alleged to have written on a social media under a different name.

In another, he is said to have urged fellow members to “remember the 14 words”, a reference to the 14-word white supremacist slogan: “We must secure the existence of our people and a future for white children.”

Wills is listed on Adur and Worthing councils’ website as a policy adviser to a member of the local authority’s executive, as a member of five committees and as an appointee to the charity Action in Rural Sussex.

PA has been particularly active in rural areas, eschewing electoral politics and street protests in favour of focusing on conservation and other tactics.

The claims against Wills come as the Tory party faces allegations of continuing Islamophobia in its ranks. In May a long-awaited review into Islamophobia within the Conservatives was condemned as a whitewash by Muslim Tories despite it including criticism of the language used by Boris Johnson and the mayoral campaign run by Zac Goldsmith for insensitivity.

Councillor Daniel Humphreys, Leader of Worthing Borough Council, said Wills’ membership of the Conservative Party and the Worthing Borough Conservative group has been suspended pending an investigation by the Party’s complaints board.

“Worthing Conservatives remain committed to promoting equality between all people and opposing all forms of racism,” he added.

Local press Carlisle 29th September 2021

Complaints upheld against deputy leader of Carlisle City Council

Complaints made against a councillor have been upheld and he has been asked to write an apology letter – but he claims that the actions heard by the standards committee do not tell the full story.

Documents seen by the Local Democracy Reporting Service reveal that sanctions from three complaints have been handed down to Carlisle City Councillor Gareth Ellis by the authority's standards committee.

The committee considered four complaints about the deputy leader at a meeting on Monday September 20.

The committee found no breach in the code of conduct after reviewing one complaint which alleged Cllr Ellis had made “derogatory comments about the complainant during the pre-live section prior to a virtual council meeting on 3rd November 2020.”

Cllr Ellis acknowledged to the panel that he made a comment but there was “some inconsistency” in witness accounts of what he had said. The council noted that the comment took place in the pre-live section and so he was not acting in his capacity as a city councillor.

A further three complaints were heard and the committee found that Cllr Ellis was in breach of the Members' Code of Conduct in each of them.

Former city councillor Chris Robinson brought two complaints – one which accused Cllr Ellis of making “rude and disrespectful” comments about him on social media and another which claimed he sent allegations about the former councillor to his place of work.

Cllr Robinson said he feared he would lose his job after colleagues received an email saying he was unfit to settle disputes: “I've been prescribed anti-depressants due to this. My anxiety in this comes from what is he going to do next?”

The deputy leader has been asked to send a formal letter for each breach and he must report back to the council.

A separate complaint that Cllr Ellis interrupted a fellow councillor's speech at council in 2020 was also sanctioned with a formal letter. The Conservative councillor said an altercation between him and Cllr Robinson in the chamber after that incident started the ill feeling between them.

Cllr Ellis said: “There was almost a stand-up fight at the council chamber because a fellow councillor come over to me, swore at me and came face to face with me.”

He launched his own complaint against Cllr Robinson at the time but the Labour councillor no longer serves on the council.

“He came face to face with me in an extraordinarily threatening way, in my history of politics I've never seen anything like that.”

Councillor Robinson believes that his former colleague has exaggerated the events. "I would disagree with his description of the event," he said.

Appendix B

Standards Commission for Scotland



5 October 2021

ABERDEEN CITY COUNCILLORS CLEARED OF BREACH OF CODE OF CONDUCT

Two Aberdeen City Councillors, Steve Delaney and Ian Yuill, were cleared by the Standards Commission, in respect of a complaint that they had fallen foul of the Councillors' Code of Conduct in relation to comments they made about another councillor at a Council budget meeting on 10 March 2021.

Mrs Tricia Stewart, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel considered that the remarks of Councillors Delaney and Yuill fell short of the behaviour expected under the Councillors' Code of Conduct. However, when we considered their right to freedom of expression under Article 10 of the European Convention on Human Rights, we concluded that the finding of a breach and imposing a sanction was not justified."

At the online Hearing on 5 October 2021, the Commission's Hearing Panel heard that it was not in dispute that at the council meeting, which was livestreamed via a webcast, Cllr Delaney referred to the complainer, Cllr Alan Donnelly, as the "resident sex offender" and suggested that "maybe it is time he realises what everyone else is saying and goes now." At the same meeting, Cllr Yuill referred to the complainer as a "convicted sex offender" and further stated that his presence was unwelcome.

The Panel noted that it was not in dispute that the complainer had been convicted of sexual assault at Aberdeen Sheriff Court on 13 December 2019. The complainer had subsequently been suspended for 12 months by the Standards Commission.

The Panel noted that the complainer's suspension had expired by the time of the events in question. While the Panel accepted that the complainer had been convicted of a sexual offence, it concluded that remarks to the effect that he was unwelcome at the meeting, or as a councillor, would have made him feel uncomfortable at work and offended. As such, the Panel was satisfied that the conduct of Councillors Delaney and Yuill amounted, on the face of it, to a contravention of the requirement in the Code for councillors to treat each other with respect.

The Panel noted, however, that Councillors Delaney's and Yuill's remarks concerned matters of public interest, namely whether the contribution of a councillor who had been convicted of a sexual offence was welcome and whether that councillor should resign. In such circumstances, the Panel considered that both Councillors Delaney and Yuill would attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10 of the European Convention on Human Rights.

The Panel noted that the Courts have held that politicians are subject to wider levels of acceptable criticism than officers or members of the public when matters of public concern were being discussed.

The Panel further noted that the Courts have held that the less egregious the conduct in question, the harder it would be for a Panel to conclude that a restriction on an individual's right to freedom of expression was justified.

The Panel determined that the conduct of Councillors Delaney and Yuill, in making comments to the effect that the complainant, as someone who had been convicted of a sexual offence and was not welcome / should resign, was not sufficiently gratuitous as to justify a restriction on their right to freedom of expression. As such the Panel concluded that a breach of the Code could not be found.

Mrs Stewart said: "The Panel wants to emphasise that the requirement for councillors to behave in a respectful manner towards each other is a fundamental requirement of the Code of Conduct, as it ensures a minimum standard of debate. We believe that a failure to reach this standard has the potential to undermine the reputation of a Council and public confidence in elected members."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 7 days.



18 October 2021

PERTH AND KINROSS COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Councillor Lewis Simpson, of Perth & Kinross Council, was cleared by the Standards Commission at a Hearing held online, on 18 October 2021, in respect of a complaint that he had breached the Councillors' Code of Conduct in relation to a comment made in an email dated 16 October 2020.

The Chair of the Standards Commission's Hearing Panel, Mike McCormick, said: "The Panel considered that while Councillor Simpson could have chosen the wording of his email more carefully, it was not sufficient to constitute a breach of the Code. A member of the public, in receipt of the email in question and with a knowledge of the relevant facts, would be aware that there was nothing to prevent Councillor Simpson, or indeed anyone else, from asking a committee member to raise a question at the meeting."

The Hearing Panel heard that Councillor Simpson, in an email to a constituent, suggested that he had "colleagues who may be persuaded to ask questions etc. on his behalf", in respect of a planning matter to be considered at an upcoming meeting of the Council's Planning and Development Management Committee. Councillor Simpson was not a member of the committee.

It had been argued that the use of the word "persuaded" could give rise to suspicion, or the appearance of improper conduct. The Panel was not convinced, however, that Councillor Simpson's use of the word "persuaded", would necessarily be interpreted as him suggesting that his colleagues on the committee could be pressured or influenced into reaching a certain decision or into doing something wrong.

The Panel noted that it may have been helpful for Councillor Simpson, in his email, to have explained that any committee member, having been approached to ask a question at an upcoming committee meeting, would have to be careful not to pre-judge or be seen to be pre-judging the matter.

After considering and weighing up the evidence presented at the Hearing, the Panel concluded that Councillor Simpson had not breached the Councillors' Code of Conduct. Mr

McCormick said: "Though this case did not result in a finding of breach, it does serve as a reminder of the need for clarity in communication at all times – councillors should ensure that their correspondence, with all parties and especially with constituents, is unambiguous, transparent and avoids any appearance of improper conduct."



6 December 2021

ABERDEEN CITY COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Aberdeen City Councillor, Alison Alphonse, was cleared by the Standards Commission at a Hearing held in respect of a complaint that she had breached the Councillors' Code of Conduct in relation to a visit she made to a constituent in February 2021.

Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found that Cllr Alphonse had been unnecessarily confrontational and accusatory towards the constituent. The Panel considered that having decided to attend the property, Cllr Alphonse should have been more conciliatory and empathetic and should have chosen her wording more carefully. However, the Panel accepted that Cllr Alphonse was trying to resolve a difficult situation involving a matter of public concern and, having considered her enhanced right as a politician to freedom of expression under Article 10 of the European Convention on Human Rights, we concluded that a finding of a breach and imposition of a sanction was not justified in the circumstances."

At the online Hearing on 6 December 2021, the Commission's Hearing Panel heard that it was not in dispute that Cllr Alphonse made an unannounced visit to a constituent's property on 26 February 2021, during the Covid-19 pandemic, in respect of a neighbourhood dispute that had been ongoing for over a year.

The Panel heard evidence from a senior council officer to the effect that while it was not uncommon for councillors to visit constituents, such visits were usually arranged in advance. The Panel was of the view that an unexpected and unannounced visit could have caused some anxiety, and that it would have been reasonable for the constituent to have perceived Cllr Alphonse, as an elected member, to be in a position of power or influence. The Panel acknowledged the constituent's evidence that the visit caused him anxiety and upset.

Having listened to an audio recording made of the meeting, the Panel determined that while it may not have been Cllr Alphonse's intention, some of the comments made to the constituent were accusatory and confrontational. The Panel was of the view that Cllr Alphonse should have been more careful in her choice of words, given her position of authority and responsibility. As such, the Panel was satisfied, on balance, that when considered as a whole, Cllr Alphonse's conduct amounted, on the face of it, to a contravention of the requirement under paragraph 3.2 of the Code for councillors to treat members of the public with courtesy and respect.

The Panel noted, however, that Cllr Alphonse's remarks had been made in context of her visiting a constituent to discuss another constituent's concerns about a neighbourhood dispute that involved council land and the use of CCTV, and that the matter in question was already the subject of engagement by the police, council services and at least four separate households. In the circumstances, the Panel considered that Cllr Alphonse would attract the enhanced protection of freedom of expression afforded to politicians, under Article 10 of the European Convention on Human Rights, when they are discussing matters of public concern.

The Panel further noted that the Courts have held that the less extreme the conduct in question, the harder it would be for a Panel to conclude that a restriction on an individual's right to freedom of expression was justified. This was particularly the case if the individual was entitled to enhanced protection.

The Panel determined that the Respondent's conduct was not sufficiently offensive or gratuitous as to justify a restriction on her right to freedom of expression. As such, the Panel concluded that a breach of the Code could not be found.

Ms Dunn stated that: "The Panel would wish to emphasise that the requirement for councillors to behave in a respectful and courteous manner towards members of the public is a fundamental requirement of the Code, as it protects the public and also ensures public confidence in the role of an elected member and the council itself not undermined."



Northern Ireland

Local Government
Commissioner for Standards

15 November 2021

Local Government Act (Northern Ireland) 2014
Councillor McDonough Brown (Belfast City Council)

Determination of the Acting Northern Ireland Local Government Commissioner for Standards

Following a complaint against Councillor McDonough Brown, the matter was investigated by Michaela Mc Aleer, Acting Deputy Commissioner for Local Government Ethical Standards, who then submitted her Investigation Report to me for adjudication.

A pre-adjudication Hearing review was held to determine procedural matters during which the parties requested time to explore an alternative resolution of the complaint.

The outcome was that Councillor McDonough Brown accepted the conclusion of the Investigation Report and he has taken the following action:

- posted a corrective tweet which included an apology to the complainant who was upset by a tweet which Councillor McDonough Brown posted in late February 2018;
- removed the complained about tweet;
- apologised for the manner in which he responded to the complaint which the complainant raised directly with him and which he had wrongly characterised as harassment; he acknowledged that the complainant's correspondence was nothing less than appropriate and respectful

Councillor McDonough Brown has also confirmed that he has read and familiarised himself with the Commissioner's Guidance for Councillors on Social Media and the Code of Conduct (particularly guidance pages 20-23).

Furthermore, Councillor McDonough Brown apologised for delay he occasioned in bringing this matter to a conclusion, acknowledged that Alternative action avoids the cost of proceeding to adjudication and undertook to engage more expeditiously in any future matters.

The Acting Commissioner was pleased that this long-standing matter had been resolved and noted that it was in the public interest for matters to be resolved by way of "Alternative

Action” whenever and as expeditiously as possible. The investigation of this complaint has now ceased in accordance with the provisions of section 55 (6) of the Local Government (NI) Act 2014’.

The Acting Commissioner emphasised the importance of councillors who are complained about engaging with the ethical standards process and the office of the Commissioner for Local Government Standards at an early stage, so that the resources associated with any investigation or adjudication are expended wisely and proportionately in the public interest.

Katrin Shaw

Acting Northern Ireland Local Government Commissioner for Standards



Name of meeting: Standards Committee

Date: 15th March 2022

Title of report: Survey analysis and workshops feedback update

Purpose of report

To brief the standards committee on the survey analysis and the outcome of the standards workshops held in November 2021 and February 2022.

To consider a number of recommendations arising from the survey and workshop findings.

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 Council's Forward Plan (key decisions and private reports?)	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 Finance?	Eamonn Croston
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Julie Muscroft
Cabinet member portfolio	N/A

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 Members may recall that in March 2021 this Committee received a report which considered initial thoughts, feedback and observations about the survey. The Next Steps and timelines had two main actions:

“4.1 LGA Model Code of Conduct

4.1.1 The Monitoring Officer will continue to look for a response to the CSPL report from central government.

4.1.2 The Monitoring Officer will also consider any comments or views from this committee in considering what changes, if any, should be made to the Kirklees code of conduct.

4.2 Kirklees Standards Survey

4.2.1 Due to the volume of information that the survey has provided, it is proposed that further consideration and analysis is made by the Monitoring Officer and a more detailed report is brought back to this committee.

4.2.2 Part of the more detailed work will look at the issues highlighted in parts 2.2.9 and 10 that have been brought up by the survey responses.....”

- 1.2 This Committee considered the LGA Code of Conduct at its 15th September 2021 meeting and recommended that the Council adopt a new hybrid Code of conduct combining some of the best of the existing Kirklees Code with the LGA draft. The Council adopted the hybrid code in December 2021.
- 1.3 A more detailed analysis of the survey has now been carried out. This is included in Appendix B of this report.
- 1.4 This report details the feedback and comments from the standards survey and from the standards workshops.
- 1.5 The three workshops brought together elected members, both from Kirklees Council and our Town and Parish Councils, with officers, including the Monitoring Officer and the Deputy Monitoring Officers, plus the Kirklees Independent Person.
- 1.6 As well as the detailed analysis from the survey, this report will look at each scenario in turn, and then look at the key points that were made during the discussions, along with any other more general issues that came out.

2. Information required to take a decision

2.1 Survey Analysis

- 2.1.1 An initial analysis of the ‘structured’ questions was completed and those results are at Appendix A and were included in the report to this committee in March 2021.

2.1.2 A further comprehensive analysis of the 'open' question results was undertaken and the results were put into the report that appears as the second part of Appendix B.

2.1.3 The results from the 'structured' questions show that there was significant support for a strong standards process, with high standards of behaviour being seen as important, but also strong support for sanctions that are stronger than those currently in place. Points that were made include:

- it is important to the respondents that Councillors are respectful and adopt good behaviour – 99% of respondents felt this was very important or important
- it is important that Councillors are held accountable for poor behaviour and that they respond to any sanctions – 99% of respondents felt this was very important or important
- a significant number of respondents were unaware of the Code of Conduct or the complaints process and member sanctions - only 28% of respondents felt that the current sanctions were sufficient to address poor behaviour
- 94% of respondents agreed or strongly agreed that there should be a power to impose financial penalties, such as removal of allowances
- 96% of respondents agreed or strongly agreed that there should be a power to suspend
- 97% of respondents wanted to see the website updated to record when sanctions have been complied with
- the majority of respondents who were asked felt that Town and Parish Councils should have a role in the complaints process, particularly where Town and Parish members were the subject of complaints

2.1.4 The analysis of the 'open' questions highlighted a number of issues that came up on a number of occasions and these are detailed in the report at Appendix B. The key themes that came out were:

- respondents were asked for details of bad and good experiences with members
 - o The biggest theme for bad experiences was general rudeness and low standards of behaviour

- This was countered by the biggest theme for good experiences being general good conduct and behaviour
- one key theme that became apparent from the responses was that there may be a need to look at relationships between members and officers
- another key theme was that respondents felt quite strongly that available sanctions were insufficient for more serious breaches
- a number of respondents felt that better training for members would help address issues
- greater visibility of the standards process and complaints received and the outcomes

2.2 Workshops / Scenarios

- 2.2.1 The three workshops took place in November 2021 and February 2022 and consisted of a brief presentation, that was followed by discussions on a number of scenarios, prompted by the survey feedback, that had been prepared to engage the attendees in thinking about various aspects of standards.
- 2.2.2 The workshops brought together elected members, both from Kirklees Council and our Town and Parish Councils, with officers, including the Monitoring Officer and the Deputy Monitoring Officers, plus the Kirklees Independent Person. Members of the Councils restorative team helped facilitate two of the sessions.
- 2.2.3 Scenario 1 was intended to focus on member-officer relationships and we asked members and officers to look at the situation from both sides, and to try to put themselves in each other's shoes.
- 2.2.4 Scenario 2 focused on the use of social media and asked attendees to consider how to use social media in a positive way and to consider what can go wrong and how best to address that.
- 2.2.5 Scenario 3 looked at sanctions and the role of groups in dealing with standards complaints. The scenario contrasted the potential difference between complaints that concerned members of a political group and complaints made about independent councillors.
- 2.2.6 The final scenario 4 looked at behaviour in meetings, using a real life incident that occurred at a meeting of Maldon District Council.

2.2.7 The facilitator used a number of questions to frame the discussions, that were intended to focus the members and officers in attendance. These and group answers are at Appendix C.

2.3 General Discussions

2.3.1 A number of issues were raised during the opening of the workshop sessions. These reflected concerns that members had about the wider standards issues and more general pressures that they faced.

2.3.2 These included the following:

- a general feeling that members meeting with officers in this type of session more often would be a positive – members did express the view that they had benefitted from attending and engaging
- the issue of Town / Parish Councils and the costs involved in providing a standards function to them was raised, with the suggestion that an SLA could be used to recoup costs
- the importance of Councillor Enquiries in supporting members was raised – many members noted that they were facing increasing demands and enquiries and it was important for members and officers to be able to work together effectively
- members felt that it was important for them to be able to provide help and support to their communities
- one member raised the issue of how much we could rely on what they felt was a small sample of respondents – analysis of statistical confidence rates would indicate that the results obtained would be within +/- 3.84% - given that many of the responses obtained were around the 90/95% level, we can be confident about considering these views to be representative and reliable
- Planning was also an area that was discussed and some further work and/or training for members may be indicated
- closer working with the LGA and NALC around sanctions and standards was raised
- the possible need for a ‘fast track’ standards process to deal with repeat complaints

2.33 Some of the issues raised are already in view and may be actioned or continue to be actioned. The work around engagement with Town and Parish Councils and greater involvement in the Standards process and

decision- making needs further work and discussion with them and forms part of the recommendations

2.4 Conclusions

- 2.4.1 There were a lot of issues that have been highlighted, both by the survey responses and by the workshop discussions.
- 2.4.2 It is recognised that many of these cannot be resolved until such time as there has been a formal Government response to the CSPL, with legislative action.
- 2.4.3 There are, however, a number of issues highlighted that can be addressed and a number of recommendations have been included in this report, as well as a request for Committee members to make suggestions.

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

N/A

3.5 Improving Outcomes for Children

N/A

3.6 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.

4. Next steps and timelines

- 4.1 The feedback from the workshops and the survey will be used to consider whether there are any amendments that may need to be made to the standards process or the Code of Conduct.
- 4.2 Members are asked to consider what changes to the standards process or the Constitution that they feel may be appropriate in light of the survey results and the workshop discussions. Members are asked in particular to consider the issues of visibility of standards to members of the public and how to continue to raise awareness.
- 4.3 Members are also asked to consider whether the survey and workshops have highlighted a need for any focused member training, particularly around members' role in the planning process, and media issues
- 4.4 Members are also asked to consider introducing a fast track process for managing persistent poor behaviour of a similar nature by a Councillor(s)

5. Officer recommendations and reasons

- 5.1 It is recommended 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 in September.
- 5.2 It is recommended 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.
- 5.3 It is recommended 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.
- 5.4 Agree 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
- 5.5 On the back of the recent workshop sessions consider more regular workshop and engagement sessions with members and officers to discuss issues of common concern about behaviours
- 5.6 Members are asked to consider any further actions or training support they feel may be appropriate and whether any , for example code of conduct updates, should be compulsory.

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

N/A

7. **Contact officer**

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

8.1 Report to Standards Cttee – [Report to Standards Committee \(item 9\) – 29th March 2021](#)

9. **Service Director responsible**

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Appendix A – Kirklees Standards survey – analysis of the closed questions

Appendix B - Kirklees Standards survey – analysis of the open questions

Appendix C - Workshop scenarios and comments

Appendix A

Kirklees councillor standards process - stakeholder survey

661 responses received to an online survey January - March 2021.

This marked up questionnaire provides a summary of results and a full list of all comments received. The comments are in a separate document, appended to this.

Are you completing this survey as... (Select all that apply)

495	A local citizen
8	A previous complainant (someone who has made a complaint about a councillor)
12	A community group
213	A Kirklees Council employee
24	A local councillor
0	A Group Business Manager (someone who manages the councillors in a political group)
10	A town or parish councillor or clerk
6	An Independent Person or Monitoring Officer (non-political roles ensuring fair decision making and compliance with standards)

Please note that, as respondents could reply in more than one capacity, the figures above total more than 661.

Do you work closely with councillors? This will help us ask you relevant questions in the survey.

63 (30%)	Yes
85 (40%)	Sometimes
63 (30%)	No

How important is it to you that...

	Very important	Important	Not important	Not at all important
Councillors are respectful and treat people fairly	601 (93%)	43 (7%)	0 (0%)	1 (0%)
Councillors set a good example through their behaviour	585 (91%)	53 (8%)	1 (0%)	1 (0%)
Councillors are held accountable for their behaviour	610 (95%)	30 (5%)	1 (0%)	1 (0%)
Anyone is able to raise a complaint about a councillor	541 (84%)	94 (15%)	4 (1%)	2 (0%)
Councillors respond appropriately to any required sanctions (actions to address poor behaviour), following the completion of a complaint	582 (91%)	54 (8%)	1 (0%)	1 (0%)

Are you aware that we support good councillor behaviour through...

	Yes	No	Unsure
A Code of Conduct which sets out the standards of behaviour required of councillors	361 (56%)	234 (36%)	49 (8%)
A complaint process if someone has a concern about a councillor's behaviour	366 (57%)	222 (34%)	56 (9%)
Putting sanctions in place to help maintain good standards	258 (41%)	286 (45%)	93 (15%)

Have you ever experienced poor behaviour on the part of an elected councillor?

319 (49%)	Yes
336 (51%)	No

Have you ever experienced good behaviour on the part of an elected councillor?

390 (61%)	Yes
253 (39%)	No

Sanctions**Sanctions currently include:**

- requiring a councillor to apologise for any breach of the Code of Conduct
- requiring a councillor to undertake remedial action, e.g. deleting a social media post that has breached the Code
- requiring a councillor to undertake training
- being removed from committee roles
- formal censure by the council

Do you think the sanctions currently available sufficiently address poor behaviour?

180 (28%)	Yes
287 (45%)	In most cases, but not all
174 (27%)	No

In their review on Local Government Ethical Standards, the Committee on Standards in Public Life recommends some more serious sanctions be made available.

How much do you agree the following sanctions should be used in Kirklees, if legislation made them available to us?

	Strongly agree	Agree	Disagree	Strongly disagree
The power to impose a financial penalty (<u>e.g.</u> removal of allowances)	399 (63%)	195 (31%)	33 (5%)	9 (1%)
The power to suspend councillors, without allowances, for up to 6 months	463 (71%)	164 (25%)	19 (3%)	4 (1%)
Another sanction - please specify <u>below</u> .*	151 (73%)	34 (16%)	19 (9%)	4 (2%)

*See Appendix for the comments

Where a complaint has proceeded to a formal investigation, the outcome is currently published on the council's website.

Do you think outcomes should be updated to record when councillors have complied with the sanction imposed, where a finding of a breach of the Code of Conduct is made?

633 (97%)	Yes
20 (3%)	No

What do you consider to be an appropriate time limit, from an issue occurring with regards to a councillor's behaviour or actions, for someone to make a complaint?

18 (10%)	Up to 1 month
47 (26%)	Up to 3 months
13 (7%)	Up to 6 months
7 (4%)	Up to 12 months
7 (4%)	Up to 24 months
92 (50%)	Different time limits based on the nature of the complaint

Complaints can sometimes refer to a pattern of poor behaviour, which becomes apparent over a period of time. In cases like this, do you think...

31 (17%)	The agreed time limit should still apply from the latest occurrence
149 (83%)	Time limits should be considered on a <u>case by case</u> basis

How much do you agree that...

	Strongly agree	Agree	Disagree	Strongly disagree
Town and Parish councils should have a role in decisions around complaints	12 (32%)	16 (42%)	8 (21%)	2 (5%)
Town and Parish councils should be able to participate in the Kirklees standards process <u>when this relates to Town and Parish councillors</u>	19 (50%)	16 (42%)	1 (3%)	2 (5%)
There should be one consistent Code of Conduct for councillors and Town and Parish councillors	28 (74%)	7 (18%)	2 (5%)	1 (3%)

Appendix B

Councillor Standards Survey 2020

Open Questions Thematic Analysis

Q – Are you able to give any examples of your experiences of poor councillor behaviour? Please ensure these are anonymous.

This was an open question and received 262 comments.

The 12 key themes to emerge from the comments to this question are as follows:

- General rudeness and low standards of behaviour from Councillors
- Failure to act or respond
- Threatening behaviour or language
- Unprofessional behaviour and conduct within the Council
- Disregard for local issues
- Abuse of power / Vested interests / Bias
- Poor behaviour on social media
- Party Politics
- Invisibility
- Lack of knowledge/ Inaccuracies / Badly Informed
- Lack of integrity
- Lack of accountability

Below is a summary and description of each theme, including quotes from respondents. Themes have been ordered with the most prominent theme coming first. The last 6 themes in the list all received about the same number of comments each.

General rudeness and low standards of behaviour from Councillors

This was by far the biggest theme to emerge. Respondents frequently used the following words and phrases to describe Councillors –

Self-entitled, rude, argumentative, opinionated, abrasive, negative, disrespectful, belittling, demanding, inappropriate, demeaning, arrogant, condescending, patronising, criticising, interrupting, 'do you know who I am', defensive, 'worse than children in a playground', lazy, uncaring

Key quotes from respondents include:

“Rude, opinionated, demanding, not listening properly, not acting on facts, belittling, treating as if dirt (not high enough up the power chain to warrant listening to).”

“Spoken to in a derogatory manner because they are a Councillor and made it plainly clear they hold a position of status much greater than mine.”

“They are often rude and arrogant in their approach when dealing with Council employees and think they are more important than everyone.”

Failure to act or respond

This was the second biggest theme to emerge. This includes failure to respond to specific requests via email, phone call or letter, neglectful behaviour, and general failure to engage with the public or Council employees that can be described as one of the following: ignoring, not listening, and/or not giving support where it was requested or expected.

“A basic failure to respond to reasonable email questions and requests concerning local issues.”

“Multiple promises to call back but no call received.”

“Failing to act by not listening to people’s concerns therefore costing the council more expense.”

Threatening behaviour or language

Threatening behaviour or language that went beyond general rudeness was the third biggest theme to emerge. This was categorised as comments that contained references to bullying, threats, shouting, swearing or aggression.

“Bullying language and behaviour reducing a colleague to tears. Bullying where I and colleagues made to feel 'useless' and unable to do our jobs.”

“I was once locked in a meeting room by some councillors when I attended to deliver training who wanted to engage in discussions about issues connected to other matters that I deemed inappropriate to discuss in an open meeting, their response was to lock the door... My staff have been shouted out and threatened with losing their jobs on some occasions...”

“Bullying, being shouted at, being undermined and humiliated publicly at public events in front of people within and outside the Council... Councillors swearing to members of staff and to external parties, being pushed by a Councillor at an event.”

Unprofessional behaviour and conduct within the Council

This was the joint third biggest theme. This included: taking credit for other people's work, ignoring regulations, policies or protocol, a lack of collaborative effort to work with the wider Council, and inappropriate / poor standards of behaviour towards Officers and Council employees.

"Nasty emails sent to me as an officer - calling me incompetent and lazy because I wasn't able to follow their instructions."

"Bullying officers, threatening to sack officers, inappropriate behaviour in meetings."

"Councillor correspondence and items in the local press where they present officers as the enemy to be overcome rather than people there to deliver their job as best they can."

"Failure of some councillors to actually see themselves as Kirklees Council and a determination to damage the council's reputation for their own political gain."

Disregard for local issues

This was the fourth biggest theme. This is categorised as an attitude of ambivalence towards the needs of the local community; not taking local issues seriously and appearing lazy and uncaring towards constituents.

"Not caring one jot about the communities they are supposed to be representing."

"I complained about the current state of the road surfaces in my locality. Fobbed off with "I will get round to it" and "You're not of interest to me" attitude."

"Laughing off genuine concerns."

Abuse of power / Vested interests / Bias

This was the fifth biggest theme and includes allegations of nepotism, corruption, and incidents where Councillors have used their position and influence for personal gain, revenge or to assist friends or family members.

"The Mayor promoting family and friends business in his chains."

"Reported son of councillor not being charged after drug dealing."

"A councillor shouting at someone who they thought had undermined him, when in fact it was a fellow councillor's action that caused the upset. No apology was given and the individual has been informed that they can never work for the Council. A clear abuse of power but what can you do?"

The following themes all received a similar number of comments each, so have not been placed in any particular order:

Poor behaviour on social media

This includes the use of inappropriate content and language online, using social media to make allegations or personal smears, and 'playing games' to raise their own profile, often at the expense of others.

"Inciting anger at the council via Facebook groups."

"Repeated abusive use of social media. Sanctioned twice, ignored the sanctions."

Party Politics

This includes petty squabbling and infighting between Councillors from different political parties, acting with the sole purpose of 'point-scoring' against other Councillors, refusing to work alongside members of opposing political parties, and considering their own personal political gain above other concerns.

"Councillors from one political party refusing to have meetings with councillors from another party to discuss a project, insisting that they are consulted separately at all times making it very difficult to progress the project..."

"misleading information for political gain, bullying"

Invisibility

This includes several comments that Councillors were only ever seen at election time, that Councillors had no visible presence within the community; respondents said they felt unrepresented because their Councillors never seemed to be available, and that Councillors neglected to attend meetings or events that they were expected to / had been invited to.

"Local councillors not having a presence in the community and not fulfilling their role but happy to receive an income."

"a lot of local councillors...only show their faces when they are up for election."

Lack of knowledge/ Inaccuracies/ Badly Informed

This includes many accounts of Councillors not presenting correct information, not listening to facts, giving or using inaccurate figures or data to people within the Council or the general public, and generally not being well informed.

"Where in a planning meeting the councillor wrongly challenged a senior officer, who was right, over a matter that cost the council many thousands of pounds."

“Announcements made in the press without reference to staff involved or even making them aware, inaccurate information that causes difficulties for frontline staff”

Lack of Integrity

This includes Councillors being accused of lying, deliberately misrepresenting the facts, and breaking promises.

“...telling people to shut up and swearing, telling lies and misrepresenting the truth to fit their purposes...”

“I watched at least one of them bare face lie about how they had supposedly, supported their community.”

Lack of accountability

Several respondents commented that Councillors are not held accountable for their actions.

“As an employee I have found some Cllrs to be extremely rude, derogatory and self entitled but there is no recourse as they are not staff so can't be held to account.”

“the hands of Senior Management seem to be tied when it comes to imposing any sanctions, and there is an appearance this lack of recourse is compounded the more senior the Councillor involved.”

Other comments that were mentioned by a handful of respondents included – experiences of racism, sexism, bad parking, not paying council tax, and that poor Councillor behaviour was only from a minority of Councillors.

Q – Are you able to give any examples of good Councillor behaviour?

This was an open question and received 299 comments.

The 10 key themes to emerge from the comments to this question are as follows:

- General good conduct and behaviour
- Listening to and caring about the community
- Showing professionalism within the wider Council
- Resolving issues effectively
- Providing a prompt response

- A visible presence within the community
- Going above and beyond
- More examples of poor behaviour
- Integrity
- Positive presence and visibility on social media

Below is a summary and description of each theme, including quotes from respondents. Themes have been ordered with the most prominent theme coming first.

General good conduct and behaviour

This was the biggest theme to emerge from the comments. Respondents frequently used the following words and phrases to describe Councillors –

Polite, kind, caring, open, honest, compassionate, hard-working, helpful, acting for the good of the people, respectful, co-operative, agreeable, approachable, considerate, honest, understanding, supportive, reliable, selfless, there when needed, unbiased, friendly, shows exemplary conduct, shows courtesy, cheerful, accountable

Key quotes from respondents include:

“The few I have come across in my job have been friendly, supportive, understanding, co-operative and respectable.”

“Far too many to name we have had and continue to have great councillors”

“Most elected members have been courteous, reasonable and approachable.”

“Far too many to list. Most councillors are respectful, reliable, hardworking and fun to work with in my experience.”

Listening to and caring about the community

This was the second biggest theme to emerge; and is categorised by examples of Councillors listening, engaging and consulting with residents, offering support, advice and explanations, working hard to help when needed, keeping people updated and informed, showing genuine care and concern for the community, and generally acting for the good of others.

“Many councillors act as independent advisors, reviewing decisions and explaining things for residents fairly.”

“Most councillors do their very best to help wherever possible, listening to problems and trying to help correct that problem without a great deal of fuss”

“Hosting home security event when there was a series of burglaries in my area and residents were worried and upset. The event helped to allay concerns and gave lots of practical tips and advice. It was very well organised, at fairly short notice. The local police came, as did the local crime prevention officer. The local councillors came as did our local MP. It made me feel that the councillors cared”

Showing professionalism within the wider Council

This was the third biggest theme to emerge from the comments. This includes general examples of professional behaviour, Councillors supporting Officers, attending meetings, cross-party working, following policies and protocol, Councillors dealing with facts as opposed to their own political agenda, fulfilling their duties, and expressing gratitude and praise for Officers and other Council staff.

“Councillors are very appreciative of the work done by council employees which sets a good example and boosts moral in the Council workforce.”

“Councillors supporting each other regardless of politics.”

“I have been with councillors who have been needlessly abused by members of the public but have maintained their dignity and carried on answering questions politely. I have observed councillors sitting in interminably boring meetings with patience and a real sense of public duty.”

“Many years of excellent working relationships with councillors. This is the norm rather than the exception. We have had many fine councillors in Kirklees who work well with officers in a respectful partnership.”

Resolving issues effectively

This was the fourth biggest theme to emerge. Several respondents gave examples of Councillors effectively resolving issues and problems from members of the public; including on occasions where the Council had previously failed to do so.

“Acting quickly to sort out missed refuse collection when the Council’s procedures for dealing with such an event are inadequate.”

“Dealt with a problem I had with the council successfully”

“Potholes & overgrown vegetation dealt with swiftly when reported to local councillor”

“Councillor XXXX was excellent helping to get litter bins restored in our area when people started to dump rubbish where bins had been previously placed. He also was an enormous help when getting potential building permission rescinded and the land quite rightly put back as green belt.”

A visible presence within the community

This was the fifth biggest theme and includes examples of Councillors having a visible presence within the community – getting involved in community events, being

pro-active and available, involving themselves in local projects and generally getting their hands dirty. Several respondents cited the pandemic as having highlighted those Councillors who were willing to step up and help the public when truly needed at a difficult time.

“Many times. They've been around to help out and join in with many things, eg. Helped preserve trees that I care about, help out at local events and clean ups.”

“I work closely with Councillors and have seen many examples over my many years of civic-minded, community-spirited behaviour on the part of Councillors, giving generously of their time, getting into the spirit of community events and joining in”

“Helping with "hands on" approach on community projects.”

“During this pandemic some have been very visible helping in their communities, others nowhere to be seen, no leaflets not even social media.”

Providing a prompt response

This was the sixth biggest theme to be identified and includes any examples of a fast or prompt response received to a query or request, regardless of the eventual outcome.

“Clear, concise and timely reply to a question about recycling in Kirklees”

“My local councillors respond promptly to various e-mail requests I make regarding local matters.”

“A senior councillor replied promptly and helpfully by letter to a concern I raised.”

Going above and beyond

This theme is the joint sixth biggest theme and includes examples of Councillors going out of their way to help people, or going above and beyond what could be reasonably expected of them in their role – either within the Council or when helping Kirklees residents.

“Stood up to travellers single handedly until Police arrived”

“Going out of his way to help with appropriate housing”

“Goes extra mile. She always there when needed. Never talks down to people.”

“An unexpected supportive visit and chocolates for the team when staff had experienced a very traumatic and dangerous incident”

More examples of poor behaviour

This is the seventh biggest theme to be identified within the responses to this question and includes any comments from respondents that used this opportunity to

express more negative opinions of Councillors. These were predominately generalised comments and not specific examples.

“Not represented at all never seen the lady in her area of constituency”

“Never seen one, not even sure what they do they are so invisible and have no presence locally. They are pinching a wage.”

“They think they are a cut above the rest the councillors of old were very polite and professional but this new breed need to get manners and training on being human and kind and considerate and be in touch with us normal folk!”

“In general none of them have been a great help as they don't want to put themselves forward as they don't want to rock the boat. Or they are arrogant enough to assume they know better than everyone else, or just serving their own interests.”

Integrity

This was the eighth biggest theme and includes examples of Councillors keeping their promises, being true to their word, displaying fair and honest behaviour, ensuring they follow up on issues and having no hidden agendas in their actions.

“Fair, considered approach. Listening to facts and acknowledging the work conducted. Being kind and considerate. Clearly caring for their local area and not trying to make themselves look important/better or generally raise their own profile.”

“I have seen examples of honesty and biding by the law”

“Yes, by an independent councillor, who is honest, not bias, and does not have the attitude of ‘what’s in it for me’”

“Ward councillors who actively engage in and support ward committees by attending meetings AND following through on what they promise to do.”

Positive presence and visibility on social media

This was the smallest theme to emerge from the comments to this question, but significant enough to be included. Several respondents gave examples of Councillors using social media in a positive way – to update, inform and assist people.

“Very good communication from ours via Facebook, engages well with local community very calm”

“High profile on social media, great visibility in the local community through that medium.”

“Very visible presence on social media, responding to local concerns, taking action and providing updates and feedback”

Q – What sanction should be imposed if a Councillor refuses to accept the outcome or actions required following a complaint?

This was an open question and received 407 comments.

There were 4 key themes, 6 secondary themes and 4 minor themes to emerge from the comments. They are all listed below:

Key themes

- Dismissal from role
- Suspension from role
- Sanction should be dependent upon the severity of the misconduct / burden of proof
- Fine / financial penalty

Secondary themes

- Councillor should resign / step down
- Councillor should be banned from standing again
- Disciplinary procedure
- Removal of committee duties
- By-election should be held
- Name & shame / censure

Minor themes

- Independent panel or committee
- The right to appeal
- Training, talking, understanding
- Police prosecution

The 4 key themes have been ordered below with the most prominent theme coming first:

Dismissal from role

This was by far the biggest theme and was mentioned in some capacity by almost half the respondents. Various terms and phrases were used to describe the suggestion that the Councillor should be forced to leave his/her role in the event of them refusing to accept the outcome or actions required following a complaint:

Deselected, struck off, removed, sacked, expelled, forced out, lose seat, made to resign, fired, recalled, taken off the Council, disqualified, barred, made to stand down, terminated, dismissed

Key quotes from respondents include:

“There needs to be the ability for Cllrs to be removed or subject to a recall in the most serious circumstances.”

“Removal from post as not fit for purpose”

“Removed from the council; if MPs can be subject to recall, so local councillors should be too”

“We should be able to take them out of office if they’re not performing to our expectations, if my employees were constantly failing I would find new ones so why don’t we do the same in government?”

“Expulsion is the only way to drive good behaviour, as the others do not really do anything.”

Suspension from role

This was the second biggest theme to emerge. Respondents suggested that Councillors should be barred for a period of time. It was frequently stated that suspension should be accompanied by one or more of the following – a fine, a loss of income, a full investigation and/or report into the circumstances. Suspension was often mentioned in conjunction with dismissal depending on the outcome of any investigation or report, or the severity/frequency of wrong doings.

“Our councillor has refused to cooperate with any sanctions that require him to change his behaviour. He refuses to apologise. The only progress has been in removing him from committees and removing his email address. The removal of the social media accounts has also helped but that is not something within the council's control. the best option would be that a councillor who refuses to apologise or change their behaviour is barred as a councillor for 6 months.”

“Removal from office for a specified period, with responsibilities given to another serving councillor”

“Suspension pending investigation and report.”

Sanction should be dependent upon the severity of the misconduct / burden of proof

This was the third biggest theme to be identified and describes the degree to which many respondents felt there was not a ‘one size fits all’ answer to this question. Comments often mentioned more than one suggestion of possible sanctions depending on the severity of what had happened, the past conduct of the Councillor, or suggested an approach that combined different sanctions in ‘stages’ – such as a warning, then suspension, then dismissal if the behaviour continued. The importance of proving the misconduct (through an investigation, hearing or report) before administering a sanction was also mentioned by several respondents.

“Removal from office if the complaint is of a serious nature, is proven and upheld”

“To suspend the councillor for a period of time and if there is not satisfactory outcome at the end of that time, the councillor should be sacked.”

“I think this is subjective, it really depends on the breach”

“Warning first then disqualified if occurs again.”

“...entirely dependent on how the individual circumstances and the seriousness of the situation including the impact this may have had on a third party including officers.”

“this would always depend on severity of the poor behaviour.”

Fine / financial penalty

This was the fourth biggest theme and includes any comments that called for the Councillor in these circumstances to receive a fine, loss of pay, removal of allowances / income, deduction of money / stipend, or a financial penalty of any kind. As with previous comments this was often mentioned in conjunction with other sanctions.

“Deduct their allowance that is our money for them to actually do something but hide in their houses”

“Remove from Committee and stop the stipend.”

“Loss of pay if unable to accept mediation between the interested parties.”

“A fine imposed and / or no allowance paid.”

The 6 secondary themes are now listed below. These themes all received a similar number of comments so have been listed in no particular order.

Councillor should resign / step down

This includes any comments that suggest the Councillor should leave their role of their own free will – by resigning their position, stepping down or leaving office. This is differentiated from being forced to resign which has been included in ‘Dismissal from role’.

“In cases of serious misconduct, eg sexual misconduct, requirement to resign as councillor. This would require a councillor to give an undertaking asking to do as I understand it is not possible to dismiss an elected councillor”

“THEY SHOULD RESIGN.”

“they should step down from their post and they should no longer be allowed to represent their constituents or the Council”

Councillor should be banned from standing again

This includes comments that Councillors in this situation should be banned or prevented from standing for re-election (or in some cases from holding any position within local government), either for a specified period of time or indefinitely. As with many comments in answer to this question this was often mentioned in conjunction with other sanctions.

“Remove from council and banned from standing for re-election for ten years”

“Being removed now and in the future from any local government position or advisory capacity”

“Such a person should be barred from holding public office.”

Disciplinary procedure

This refers to any comments made by respondents that Councillors should be treated the same as any other Council staff and be subjected to the same or similar formal disciplinary procedure / action / process in the event of any wrongdoing.

“Disciplinary procedure as same would apply to a council employee. You can’t have a different rules for members hence they get away with a lot.”

“The same as for any company employee. A disciplinary process, verbal and written warnings, followed by dismissal if not resolved”

“There should be a process where they can be dismissed just as if they were employees”

Removal of committee duties

This includes any comments that referred to removing Councillors from committee roles/ duties/meetings, not allowing them to vote, and/or withdrawing their resources (such as their email address and social media account) as part of the sanction. As with many of the comments to this question, this was often suggested alongside other sanctions (such as a financial penalty), and subject to the severity of the wrongdoing and/or as part of a multi-sanction process.

“Severe cases should see the loss of vote and opinion in important discussions and/or decision making processes.”

“The councillor needs banning from being able to attend any committee meetings, land charity trust meetings and definitely ought not to be allowed to attend the full Parish council meetings. A full apology needs to be received before they are allowed back to attend meetings.”

“I believe that an appropriate sanction would be to be removed from committee duties and to undertake training.”

By-election should be held

This includes any comments that suggested a by-election should be held in order to elect a different Councillor. A small proportion of respondents suggested the existing Councillor should be permitted to stand again in the by-election to let the public decide, but the majority who suggested a by-election did not specify this. This suggestion was often made in conjunction with either suspending or removing the Councillor prior to a by-election.

“Councillor should put themselves forward re-election at the earliest time.... a case of public trust.”

“Work with all the Group leaders to agree a response led by all 68 other councillors. This should ultimately include deselection and a by-election.”

“It should be possible to prompt a by-election if a councillor continually refuses to accept the sanctions so that the electorate can choose if the person should still represent them.”

Name & shame / censure

This includes any comments that suggested the details of the indiscretion or incident should be made public in some way so that voters were aware of the Councillor's behaviour. This also includes any suggestions that a formal censure should take place.

“Complaint, facts and outcome published widely so that electorate can make up their own mind. May then stop some councillors who are out for glory and not for good of residents.”

“A list of upheld complaints should be published.”

“Suspension and naming and shaming would help including being put in front of a citizens jury for arbitration and for dignity and respect training etc”

“Official censure by elected colleagues”

The 4 minor themes are listed below. They are placed in no particular order as they all received a similar number of comments.

Independent panel or committee

This theme encompasses the following suggestions: a public panel, an impartial group, an independent tribunal, a citizen's jury, a cross-party committee, an independent investigation. These have been grouped together as they are all suggestive of the Councillor's behaviour being scrutinised by an official body outside of the Council in order to reach a judgement on the situation.

“Ideally they would be suspended from their party and like the Ombudsman a formal independent report published outlining the situation, if they are unable to recognise the advice and outcome they have been given.”

“Suspension until independent enquiry completed and if still refuse removal from post”

The right to appeal

Several respondents made the point that a Councillor in this situation should have the right to appeal.

“it would be worth considering what right of appeal does the councillor have, and have they been able to properly exercise this?”

“They should be allowed the right of appeal but if still refuse the sanction they should be required to stand down.”

Training, talking, understanding

This includes any suggestions of restorative justice, conciliation, arbitration or re-training to be used in this situation.

“Perhaps using a restorative practice approach would help in some cases - all parties involved are supported to communicate with each other describing impact.”

“Independent arbitration/mediation by a public panel (from outside the councillor's Ward) to review the complaint to ensure the original outcome was fair.”

Police prosecution

This includes any suggestion that Councillors should be investigated or prosecuted by the police or imprisoned.

“No I believe they should go to prison, just like a Company director, at the end of the day they are in a position of power & through their neglect a lot of peoples life can & will be affected.”

“Removed from office. Investigated by the Police. And relatives / family subject to inspection.”

Respondents were then asked the following question:

In their review on Local Government Ethical Standards, the Committee on Standards in Public Life recommends some more serious sanctions be made available.				
How much do you agree the following sanctions should be used in Kirklees, if legislation made them available to us?				
	Strongly agree	Agree	Disagree	Strongly disagree
The power to impose a financial penalty (e.g. removal of allowances)	362	170	29	8
The power to suspend councillors, without allowances, for up to 6 months	420	140	18	4
Another sanction - please specify below:	137	31	17	4

Respondents were given the option to specify below in an open text box any other sanctions they would suggest.

There were 206 suggestions of other sanctions made.

The key themes to emerge here were very similar to the suggestions made to the previous question (*What sanction should be imposed if a Councillor refuses to accept the outcome or actions required following a complaint?*).

The main 6 suggestions (in order – starting with the largest) to emerge were:

- Removal / Dismissal from role
- To be prevented from standing again (permanently or for a specified time period)
- Training / community service / mediation / restorative justice
- By-election
- Formal apology (made openly to the public)
- Jail / criminal proceedings

Suspension was also mentioned by several respondents despite already appearing as an option within the question. People commented that suspension should be reserved only for the most serious offences, that 6 months suspension was too long, and that dismissal / by-election was a better solution due to the fact that suspension takes away representation from that councillor's constituency.

Q – Please share any suggestions you have on how to improve councillor behaviour:

There were 203 comments received with regards to how to improve councillor behaviour with several key themes occurring:

- Further/ongoing training and coaching for councillors
- Increase in scrutiny, tougher sanctions, and increased accountability
- More transparency with actions and plans
- Improved methods of communications and better transparency
- Working more collaboratively with other elected councillors, council officers and communities
- Clearer and more accessible routes to report and assess behaviours of councillors

Further/ongoing training and coaching for councillors

The largest theme to emerge from the comments was offering further/ongoing training and coaching opportunities to elected councillors. Areas that were discussed to be beneficial with some suggesting saying they should be mandatory included the following:

- Local history, equality, communities, heritage, planning, regeneration, equalities
- Ongoing reminders of the code of conduct
- Social media training
- Basic reading, writing and comprehension
- Restorative practise approaches

“If not already the case, councillors, both new and experienced, should be obliged to undertake training”

“On-going training and support to help old and new councillors understand their role and responsibilities and their impact on officers and residents what they behave inappropriately”

It was suggested that an element of formal training should be offered as part of the induction process, and it was also mentioned that training should be recorded as being completed. Several people suggested that until specific necessary formal training was completed that the elected member should not take part in certain activities.

“Restorative practice training as part of their induction, not allowed to take part in panels until this training is complete.”

“There should be mandatory training for all Councillors and especially Parish Councillors. If they don't undertake the training, then their roles in the Council should be legally restricted, in terms of not being able to have a place on committees with specific knowledge needs”

A number of people suggested councillors could benefit from training materials of some form such as booklets on reminding them of reasons why they have been elected, what their duties are and a reminder of the current code of conduct.

“They should be allocated a booklet / training on procedures”

Increase in scrutiny, tougher sanctions and accountability

Another large theme which was discussed was the need for increasing the use of scrutiny panels, tougher sanctions, and accountability.

“Make them more accountable for their actions.”

A few people discussed the importance of sanctions needed to be taken, making these stronger and easier to issue, ensuring that councillors were held accountable more than they currently are for their actions.

“Go hard on sanctions from the very beginning. Allow general public to have input on what sanctions councillors face.”

Several respondents spoke about the need for ensuring the results of any investigations taking place into poor councillor behaviour should be transparent and made publicly available along with being easily accessible.

“Reports on investigations into the conduct of councillors should be made publicly available on the council website.”

A number of comments suggested an ongoing performance assessment in which was continually used whilst elected members were in post with results visible to the public.

“Some form of assessment / insight about what impact a councillor has on the community they serve where this is transparent, and they can be measured about the impact they have in assisting their communities would be very good.”

Improved Communications and better transparency

Several areas were discussed amongst respondents around improving communications with councillors and their wards.

“The councillors should be more transparent we should see what type of work they do and how they are helping their constituents.”

“I have lived in Kirklees nearly three years and never see any communications from the local councillors.”

Suggestions were put forward to increase the use of local media/websites and social media tools to better communicate with their communities.

“This information should also be available in the local media and all social and media formats”

“It should be published on social media/ in the newspapers etc when Cllr's have done something wrong so the people who are electing these Cllr's know who they are really electing”

Some respondents spoke about the need for plans to be made more transparent and to be made much more accessible for the public to access. This included publishing short, medium and long-term action plans with financial implications and the time scales.

It was discussed that communication of outcomes need to be more honest, open and much more accessible to the public with some highlighting that they have very little awareness of any councillor activities.

“They should be encouraged to be more transparent & open. Their annual reports can be vague with very little substance”

Engaging more with the community more in terms of increased visual attendance at events and gathering of feedback via surveys was also suggested as a way of improving transparency and communications.

“Provide a means of feedback to the arbiters of good behaviour after attending a councillors surgery with an issue.”

“Proactively seek councillor related feedback from local residents - such as when sending out new Council Tax bills or seeking electoral related information”

Working more collaboratively with other elected councillors, council officers and communities

Linking in with improved communications another large theme to emerge was the importance and benefits of working more collaboratively.

“To work with us when we ask them for assistance”

This was suggested as a way of improving levels of trust, respect and overall awareness of what councillors are doing in their roles to help their communities and make for better working relationships. Suggestions for this included increased physical attendance at events along with more sharing of positive experiences amongst Councillors.

“We want to see our councillors in our communities working with us and helping us”

People discussed the need for Non-Political approaches to residents and less use of “party politics” from local government as a good approach to working better with residents.

It was also suggested by a few the benefits of gathering feedback on performance from residents, communities, councillors, and officers by having more open conversations and using feedback surveys.

“Maybe bring council members to a room and make them take a survey of what they should do as council members and help remind them why the people of the community voted for them.”

The importance of acknowledging receipt and giving time scale of consideration to public when submitting documentations was also discussed in several comments as improving relationships and understanding.

“They should reply to all who have been in contact with them.”

“When asking public to submit documentation: Acknowledge receipt and give time scale of consideration”

Clearer and more accessible routes to report and assess behaviours of councillors

The importance of ensuring that routes of reporting poor behaviour are easily accessible and clear in how to do this was a theme raised by several people. The need for empowering staff to speak up when they encounter poor behaviour was also discussed ensuring they felt they could safely report issues trusting that these would be dealt with in a fair and transparent process.

“Raising an issue should be easy & human based - not confined to the internet. Merely saying that information or pro-formas are 'on the website' is not good enough”

“Empowering and supporting council officers to call out bad behaviour”

Supporting citizens on how to provide feedback on the councillor’s performance was raised with suggestions such as guides on how to do this, along with making the code of practice readily available to residents and easy for them to access.

“Kirklees complaints procedure re councillors & the code of conduct for them should be very much in the public domain e.g. displayed in places where council services / business are conducted, such as libraries.”

“Supporting citizens to provide constructive feedback on the performance of councillors”

The need to be acknowledged for raising concerns along with being kept fully up to date with the outcome was expressed in a few comments.

“I think there needs to be a level of transparency at all times and that outcomes should be displayed to ensure the public are confident with the Council's management of a Councillor actions”

A suggestion was made of an ongoing form of assessment on what impact councillors are having on the community they serve. This was suggested to highlight any weak spots and promote good learnings across councillors.

“If we made a database to see how councillors are performing with heat maps we could break the data down and then see where needs work and where doesn't, meaning funds will be free to go to the places that need it most.”

Other areas discussed in the comments included the following:

- Increased support for councillors in roles with particular focus on reducing their workload
- More protection for councillors from harassment
- A clearer code of conduct

Q – Please make any comments or suggestions about how Town and Parish councils could be involved in Standards:

This was an open question and received 11 comments.

The majority of respondents did feel that Town and Parish council should have some degree of involvement in Standards and an ability to express their views, either through representation on the Standards Committee/Panel, or closer involvement through the District/County:

“One councillor could represent them on the Standards Committee”

“Being involved through the District/County should give them a better understanding of what is expected/required if they are not already involved at a broader level. Need to help them be part of that broader picture - training, surgeries, support for clerks, networking, other support organisations.”

Some respondents however felt they shouldn't have any involvement – that Town and Parish should be responsible for their own complaints, and that the current system was sufficient:

“Although we as a Parish have adopted the Kirklees Code of Conduct and complaints are investigated by the Monitoring Officer and referred to the standards committee, we have always been happy for this separation. The Parish council is still able to decide what sanctions it imposes from the ones recommended. It is very helpful to have this separation and 'higher authority' as it gives more credibility to the decision making process and gives a breathing space between the councillor concerned and the other councillors.”

“Town and Parish Councils should sort out their own complaints, rather than Kirklees.”

Q – Using your experience as a Group Business Manager, Independent Person or Monitoring Officer, please make any final comments or suggestions on maintaining councillor standards, the Code of Conduct, or complaints process:

This was the final question on the survey and received only 1 comment:

“There is a general culture of standards and the sanctions not being generally respected and need to be enforced by the political parties, perhaps the parties also being fined or having sanctions if their members are found to be in breach?”

Appendix C

Scenario 1

Cllr Smithers is having a bad day. He is telephoned by a persistent constituent who, to be honest, causes him aggravation and extra work with calls about all sorts of local issues. He agrees to follow the call up with a manager in the Planning Team and, because he is busy and annoyed by the constituent, dashes off a short and terse email to the Planning manager.

The Planning manager receives the email and is upset because she feels that Cllr Smithers is being rude, demanding and critical of her team's work. She feels that he is 'shouting' at her and making unreasonable demands, expecting his enquiries to be prioritised.

Discussion Point	Responses
<i>How can a member best avoid coming across as rude or arrogant?</i>	avoid being overdemanding or condescending
	treat officers with respect and try to appreciate their position
	never use the 'don't you know who I am?' approach
	members felt that both sides could come across as being arrogant
	misunderstandings can affect and lead to a breakdown in communication
	dealing with things in the right way – taking time to start off any conversation well, with a greeting or social chat – being direct and straight to the point can come across as rude or uncaring
	building good relationships with officers – you never know when you may need to ask for a favour
	it is important to recognise we are all on the same side, although some members felt that it doesn't always feel like that
	there was some recognition that emails can be a source of problems, with no

	inflection etc and that verbal communication can be very different
<i>How can officers help members to work with them effectively?</i>	members felt that it would help them if officers could proactively look at giving deadlines for responses, although it was recognised that officers were often under pressure
	members were generally of the view that officers were doing their best
	members felt that sometimes it did take a long time to get in touch with officers and that simple queries can take some time to be responded to – members felt that they were the ones who often got the stick for that
	members felt that officers should learn from any issues – the example given related to missed bin collections – members felt that the response was more reactive – i.e. go and empty the bin – than possibly enquiring into why there was an issue and learning from that – more than one member had said they had been contacted about recurring bin collection failures – there was perhaps a need for some ownership at higher levels
	one member said that they felt it would be beneficial to be able to meet with the officers in Councillor Enquiries and that they had fostered good relationships during the Councillor Support trial
	one member also suggested telephone contact, rather than email, would be better
	members also felt that different roles affected the working relationships – i.e. portfolio holder, committee chair or member, or ward member

	<p>members also felt that more contact between members and officers would be beneficial, perhaps through formal sessions</p>
	<p>some reference was made to having some form of casework management tools, the example given was the one used by MPs – this followed on from a discussion around member enquiries and how to best keep on top of them – some members present worked with MPs and felt that their system was better – we went on to discuss the pressures that members and officers can be under and these comments were echoed in those discussions</p>
	<p>members agreed that it was good practice for all ward members to work together to avoid duplication of queries – it was recognised that this is more difficult where different groups are involved – nevertheless members felt that they should be communicating with each other and not being overly political</p>
	<p>one member raised a query that she had dealt with for a resident – the department involved were unable to accommodate the request and that message was passed back to the resident – the member later found out that the resident had approached a more senior member in their group and the issue had been looked at again by a more senior officer and the decision changed – the member felt undermined by this and was concerned that the resident may have a negative view now of them – there were some concerns expressed about officer decision making and consistency, which members felt could undermine them</p>
	<p>one member raised an issue around the emergency contact number during the recent storms – they stated that the advice was good, but that on every occasion they called, there was a long</p>

	wait – view was that there should have been a different number for members to call that would have got a quicker response
<i>Do you – officers – feel that you understand the pressures that member can be under?</i>	the officers present did appreciate the fact that there would be expectations on the part of constituents that members would be able to deal with their enquiries quickly
	members felt that officers perhaps needed more understanding of the councillor role, especially working within a political environment
	members felt that officers may not understand the pressures that they face or have a great understand of members' roles
	it was recognised that many queries that come to members may also be being dealt with in parallel through the service complaints process – it was suggested that there should be more sharing in general to avoid members being caught up in a dispute that was either already being properly dealt with or being expected to take sides / try to overturn a previous decision
<i>Do you – members – feel that you understand the pressures that officers may be under?</i>	in general the members in the group did feel that they understood the pressures that officers were often under, with workloads and deadlines of their own
	members did feel that better case management tools could assist – for example, if they could themselves check the status of any outstanding queries, that would ease pressure on officers
	members did acknowledge the knock on effect of resourcing and officer turnover – perhaps more thought could be given to priority resourcing in areas that were under particular pressure

	It was suggested that sometimes it can appear that officers spend more time and effort saying 'no' when saying 'yes' would be easier and cheaper – this was countered by officer comment that it can open to the door to all manner of demands, especially with persistent complainers
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Scenario 2

Cllr Jones has two Facebook accounts – one for her work as a councillor, and one for her personal posts. She is normally very good at keeping to two apart but recently, late one evening, made a number of posts to her councillor page that she had intended to post to her personal, private account. The posts contained two dubious jokes, that were in poor taste, but Cllr Jones was happy that her friends and family who were the intended recipients would not take offence, as they knew her and her sense of humour.

Cllr Jones realised her mistake the following day, and quickly deleted the posts. However, she had had a few 'likes' and 'angry' reactions, as well as two comments, both of which were critical of the posts. She is in two minds about whether to respond to each of the commentors directly, and whether to respond to the people who had 'liked' or were 'angry' about the posts, but is keen to put up an apology post, explaining her mistake and that her family and friends understand her sense of humour and that she is sorry for any offence caused.

Discussion Point	Responses
<i>What would you do in this situation?</i>	apologise and explain
	send a written apology to those who commented critically, along with a general apology on the same social media platform
	apologise directly to the 'angry' comments and make a general apology that is publicly visible – try to draw a line and to not escalate
	there was discussion around the risk of misinterpretation, particularly around humour, on social media

<i>How do you think a member can best avoid behaving inappropriately on social media and present a professional face?</i>	training and guidelines for social media use
	having a council-wide policy / code of practice on social media use
	members make a pledge on their use of social media
	avoid using social media
	developing the council's own social media platform
	there was some discussion about historic social media posts and the potential for these to be used against members for political ends
<i>How can members best manage the private vs public aspects of their social media presence?</i>	use different social media sites for private / public posts
	use caution when considering making constituents 'friends'
	be aware of social media privacy settings, but also be aware that posts can be shared by others
	be aware of what is being said in public and in private
<i>What might be an appropriate reaction to a negative comment on one of your posts?</i>	stick to facts, be polite and explain your point of view
	accept critical comments if they are right, respond quickly and issue an apology if needed
	OK to challenge if wrong
	it was felt that some people commented on posts deliberately to be noticed or to cause controversy, and to stir things up

	the issue of apologies was raised and the fact that sometimes an apology isn't actually an apology or is not sincere can be a source of annoyance
	members are able to block when appropriate
<i>Do people think that social media should only be used for informing and helping constituents or is it OK to use it for party politicking?</i>	both – to discuss wider political policies and to inform about local events and issues
	for informing only
	the discussion felt that it should be informing only and not self-promotion
	there was also discussion about the role of social media in an election period, particularly where it has been used to push 'fake news' or misleading information
<i>Is there a 'good' way to have a social media presence?</i>	yes – sharing positive news about meetings and events
	yes, but requires thoughtful use
<i>Should there be rules or guidelines for members?</i>	yes, and full training
	yes, and with effective sanctions
<i>Do members feel that focusing on an active social media presence could make constituents who don't use social media feel left out? How can that be best managed?</i>	need some balance to ensure we reach all communities, including groups that may be hard to access
	use of local notice boards to complement social media postings – need more local notice boards
	the members who didn't use social media themselves felt most strongly that this could happen

Scenario 3

You are an elected member and make a complaint to the Monitoring Officer about the behaviour of two other members. They had both posted comments about a local news story on social media that you felt were discriminatory. You felt that they had both breached the equality duties of the Council. These are investigated by the Monitoring Officer and both complaints are upheld. Both members are subsequently asked to delete their posts and to post an apology.

Cllr Perry is a member of one of the political groups and his GBM is made aware of the complaint at an early stage. His group take the decision to suspend him pending the outcome of the complaint. Cllr Perry subsequently agrees with the Monitoring Officer's findings and says that he thinks he was a little naïve. He agrees to delete the post and to issue an apology. The matter is considered to be dealt with and Cllr Perry's suspension is lifted.

Cllr Nash is an independent member and has no GBM or group to back up any actions taken by the Monitoring Officer. She refuses to accept the Monitoring Officer's findings and will not comply with the sanctions, instead insisting that she is being censored and being silenced. The matter remains unresolved.

Discussion Point	Responses
<i>What are your views on the outcome of this complaint?</i>	could damage public confidence in standards as the outcome cannot be enforced
	look at the non-compliance – publicise the outcome and failure to comply
	would not get involved – members are free to post what they want and answer to the electorate – Cllr Nash is entitled to her view and should be able to explain herself to the voters
<i>Do you regard member on member complaints as being different to other complaints?</i>	normally yes, but need to consider whether a member of the public would make the same complaint under the circumstances
	need to be sensitive to the potential political dimension
	a bigger role for GBMs in member on member complaints

<i>Do you agree with the view from the survey that sanctions need to be strengthened? If so, what do you think is an appropriate 'top' sanction?</i>	recall – the view was that this was potentially a good option, as it would lead to an early election with voters expressing their views
	avoid political sanctions – avoid limiting attendance but instead limit lines of communication with officers etc
	there was strong support for letting sanctions be decided by the electorate, but also an acknowledgment that, depending on a member's term, it could be some time until they were facing re-election – it was also acknowledged that there would be a reputational risk if there were no ability to sanction
	power to suspend with safeguards
	sanctions could be strengthened or there could be a means for the public to intervene – e.g. recall petitions
	there should be no power to suspend or dismiss
<i>Do you think political groups should have more or less involvement in dealing with poor behaviour?</i>	GBMs should deal with poor behaviour
	political group action should not affect the council's processes but can be useful as an additional intervention
	There was no group support for involving members in decision making – this was felt to have the potential to make standard matters political
<i>Do you think there is a significant difference in the way that poor behaviour is addressed for members in a political group and for those that are independent?</i>	all members sign up to the Code of Conduct
	all members are covered by the Code of Conduct regardless of whether there is a GBM – need to look beyond political groups

<i>Do you feel there should be more emphasis on resolving matters, rather than 'punishing' members? What are your views on restorative approaches to standards complaints?</i>	restorative approaches are best to try where it is the first complaint of that nature against a member
	one member had direct experience of participating in a restorative resolution and felt that it was positive
	there was a general view that we should be more visible about complaints and how they are publicised, with follow ups on compliance
<i>There was some suggestion that members should take responsibility for poor behaviour themselves and step down or resign. What are your views on this?</i>	members should be prepared to publicly accept and apologise for standards breaches – should resign where it would damage public confidence in the council to stay
	members should resign, but they cannot be forced to
<i>What sort of safeguards would you like to see should there be a power to dismiss or suspend a member?</i>	an appeal process that is independent of Kirklees
	need for independent oversight and right of appeal – also needs to be concluded in a timely fashion
Additional discussion points	
when complaints appeared to be politically motivated	one member acknowledged that he had been the subject of a number of complaints, but made the point that were all made by members of a local branch of a political party
	members did feel there was the possibility that the complaints process could be used as a political tool, particularly around election time to either undermine a member standing for re-election or to try and have them suspended to directly affect their re-election

	some members felt that complainants should be asked about their political affiliations – the opposing view was that any complaint should stand on its own and be determined by evidence alone
Council meetings were raised	it was suggested that it was important for members to be able to speak freely at Council without the threat of other members making complaints
the issue of members bullying officers was raised	it was felt that it was important to be able to protect officers from the behaviour of bullying members
	it was suggested that member email access could be restricted and officers given appropriate support
	it was also suggested that members could be restricted to a single point of contact, but views on this were mixed

Scenario 4

Cllr Morris was found to have breached the Code of Conduct and had attended a Council meeting at which members were to vote on sanctions. When the chair was trying to call for a vote on proposed sanctions, Cllr Morris interrupted, repeatedly saying ‘point of order’, using a megaphone at times. He was asked to stop by the Chair who then reminded him of the procedure rules that gave authority to the chair to move that a member be ‘not further heard’. The same rule also gives the chair the authority to move that the member leave the meeting if they continue to behave improperly.

It was moved that Cllr Morris be not further heard, but he disregarded this and the Chair moved to have him removed. This culminated in the Police being called and Cllr Morris being told he was in breach of the peace. The Chair then closed the meeting.

Discussion Point	Responses
<i>How do you think disruptive members can be most effectively dealt with?</i>	having a strong chair
	members of the public can sometimes struggle to understand the rules / meeting etiquette

	a need to remind members about behaviours – how to do this effectively?
	what are the symptoms that are causing such issues?
	important for the chair to have the tools and the knowledge to be able to deal with particular problem issues swiftly and effectively
	with regards to this specific case, most members felt that the issues should have been dealt with firmly and immediately
	it was also put that there was conflict of interest and the disruptive member should not have been present in the first place
<i>What challenges do you think arise with independent members who have no GBM or leader?</i>	more difficult to enforce the rules
	no power to suspend independent members
	all agreed that the GBMs were useful as there was more will to manage members where reputational damage to a group was a possibility
<i>Do you think this sort of behaviour is more problematic or less problematic at Town / Parish Council level?</i>	potentially, if there is a difficult individual involved
<i>Do you think the sanctions that are available are able to effectively control this sort of behaviour?</i>	the general consensus was no
	in the absence of effective sanctions, members considered if there were other ways to manage this
	it was suggested that there may be a need to amend the standards process

	- it was felt that there could be a role for the political groups in screening candidates prior to selection
	could we recognise potential issues before they arise and look to manage them?
	is there a role for the LGA?
	there is a need to get the public to understand terms of engagement
	a need for training was identified, but also a need for support and development – some issues might arise from personalities and behaviours
	the Code of Conduct is one tool that can be used to manage member behaviours and interactions
	the power of the apology was noted, but the point was also made that it was rarely seen
	it was suggested that emphasis should be on support and learning, rather than simply on punishing members
<i>The Chair and Deputy Chair of Maldon DC have since resigned. Do you feel that was an appropriate response and that they should bear responsibility for this?</i>	the general feeling was no

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