

**Name of meeting: Standards Committee**

**Date: 7 March 2018**

**Title of report: Review of Complaints**

**Purpose of report**

To brief standards committee upon the complaints dealt with since the commencement of the new arrangements for standards matters on 24 May 2017 and to review the role of the Independent Person

<b>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?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a></b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>N/A</b>
<b>Date signed off by Director &amp; name</b>	
<b>Is it also signed off by the Service Director for Finance, IT and Transactional Services?</b>	<b>No</b>
<b>Is it also signed off by the Service Director - Legal Governance and Commissioning?</b>	<b>Yes – 27 February 2018</b>
<b>Cabinet member portfolio</b>	

**Electoral wards affected: N/A**

**Ward councillors consulted: N/A**

**Public or private: Public**

**1. Summary**

1.1 Following a standards review the Council adopted an amended code of conduct and new arrangements for dealing with standards complaints with effect from 24 May 2017.

1.2 This report considers the type, nature and number of complaints received since the new arrangements were introduced. All of the complaints have either not been pursued by the complainants or resolved at an early stage by the Monitoring Officer and Independent Person. None of the complaints have progressed to the next Stage in the Standards procedure to information resolution.

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

- 2.1 Since 24 May 2017 the Monitoring Officer has received 12 complaints about the conduct of elected members.
- 2.2 In 3 of those complaints the complainant when contacted did not wish to either complete the complaint form, contact the relevant officer or provide further information for the complaint to proceed.
- 2.3 In the remaining 9 complaints the Monitoring Officer followed the arrangements agreed by Council on 24 May 2017 and consulted with the Independent Person to make an informal assessment of whether the complaint should proceed.
- 2.4 One of those complaints is currently under consideration by the Monitoring Officer.
- 2.5 Of those 8 complaints remaining the Monitoring Officer contacted the Group Business Manager in relation to 4 of the complaints. This was to either remove the offending tweets or posts, provide an explanation or apology and no further action was pursued by the complainant.
- 2.6 In the remaining 4 complaints the Monitoring Officer and Independent Person considered the complaint and decided that there was insufficient evidence for the complaint to proceed to through the standards process.
- 2.7 The individual complaints and the action taken are summarised in the Annex to this report.

### **Themes and Trends**

- 2.8 Of the complaints received:
  - 2 were in relation to Parish or Town Councillors
  - 3 of the complaints were made by Councillors (the remaining members of the public)
  - 4 related to social media and comments or posts
  - 8 related to complaints relating to direct communication in various forms or failure to interact e.g. failing to respond, communication at meetings, telephone calls or in correspondence etc.
- 2.9 In terms of themes arising from the complaints, social media and communication whether that be in meetings, emails, telephone or in person are the main areas where the complaints have arisen.

### **Review of the Independent Person**

- 2.10 Following the Standards review last year it was agreed that it was necessary to re-advertise for the role of the Independent Person. This

was completed and Mike Stow was appointed by Council on 13 September 2017 for two years. He is the Authority's only Independent Person. It was agreed that the Standards Committee would keep this under review as it is recommended a minimum of 2 Independent Persons are appointed.

2.11 So far this has worked well and there have been no issues. The Independent Person has been available where necessary and there have been no difficulties.

2.12 Members views are sought.

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

#### **3.1 Early Intervention and Prevention (EIP)**

N/A

#### **3.2 Economic Resilience (ER)**

N/A

#### **3.3 Improving Outcomes for Children**

N/A

#### **3.4 Reducing demand of services**

N/A

#### **3.5 Other (e.g. Legal, Financial etc ....)**

3.1 The promotion and maintenance of high standards of conduct among councillors is an important part of maintaining public confidence in the council and its members.

3.2 The Council is required by law (under the Localism Act 2011) to have an Independent Person appointed to consult in relation to the Code of Conduct complaints and incorporated within the Standards regime. If the Council fails to appoint an Independent Person they would be in breach of this requirement and could face legal challenge.

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

N/A

### **5. Next steps**

The Monitoring Officer will continue to assess complaints about member conduct as and when they are received and will report the outcomes to this committee as appropriate.

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

It is recommended this report is noted and having one Independent Person is kept under review. Independent Persons are also required if there is a complaint of misconduct in relation to the Statutory officers. Should the

Statutory Officer Disciplinary Committee be required to form in relation to a complaint then the Authority is able to invite Independent Persons from other local authority's to assist.

Members provide views on whether the present position with the Independent Person should be maintained or whether a further Independent Person should be re-advertised and appointed.

**7. Cabinet portfolio holder recommendation**

N/A

**8. Contact officer**

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

N/A

**10. Service Director responsible**

Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
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## **ANNEX**

### **May 2017**

The complaint alleged a Councillor had re-tweeted a video that was political material and was an inappropriate use of Council resources. It was also alleged the Councillor had encouraged the individual to post the video.

The video was removed by the original individual and the Monitoring Officer found no evidence the tweet was in breach of any of the protocols or code of conduct.

### **June 2017**

1. The complaint was about a Meltham Town Councillor whom was alleged to have posted inappropriate Facebook posts.

The complainant was referred to the Code of Conduct, information on the Kirklees website and asked to complete the complaint form. No response was received.

2. The Councillor had re-tweeted a post from a far right political party.

The Group Business Manager was contacted and the Councillor removed the tweets. The complainant did not wish to take the matter further.

### **July 2017**

A member of the public viewed the tone and content of an email sent by a Councillor as inappropriate and lacking in information and explanation.

No further action was taken as there was no evidence in the Facebook posts or email exchange that supported the complainants view.

### **August 2017**

1. The complaint was in relation to two Kirklees Councillor who had failed to listen to the complainant and advice provided. The manner in which they were spoken to in front of council staff and members of the public was inappropriate.

No further action taken.

2. The complainant complained of three Kirklees Councillor and their behaviour at meetings and failing to communicate with the resident.

The complainant was contacted and asked to provide further information and provided with the information on the complaints process, Code of Conduct and the complaint form. They did not wish to take the matter further and no further action was taken.

### **September 2017**

Councillors failed to respond to a member of the public who had raised complaints regarding a local issue.

The Group Business Manager was contacted. The Councillors provided an explanation, apologised and offered to meet the constituent.

### **October 2017**

The complaint was received from a Councillor that another Councillor had potentially brought the party into disrepute in relation to the selection of a candidate and the financial motives behind it.

This was a matter for the political party and no further action taken

A complaint was received from a member of the public who had attended a Committee meeting. There was an exchange of views at the meeting and the complainant alleged the Councillor was rude and one of the points made by the Councillor was incorrect.

The webcast was viewed and the Monitoring Officer and Independent person did not find there was no evidence to support the Councillor had behaved inappropriately, however they had made a mistake in a point they raised and included incorrect information. This was brought to the attention of the Councillor who confirmed they had been mistaken and expressed regret at the confusion caused. This was relayed to the complainant and no further action was taken.

### **November 2017**

The complaint was that the Kirklees Councillor had failed to respond to information requested and that information provided confidentially to a Councillor had been shared inappropriately

The Monitoring Officer contacted the Group Business Manager and obtained the information from the Councillor and it was subsequently shared with the complainant. No further action necessary.

### **December 2017**

A councillor had made inappropriate tweets of an insulting and derogatory nature about local towns and cities.

The Group Business Manager was contacted and as a result the Councillor removed the offending tweets. The complainant did not wish to take the matter further. No further action taken.

### **February 2018**

A complaint that Parish councillors have behaved inappropriately at a Parish meeting by calling another Councillor a bully, aggressive and other inappropriate remarks.

Currently being considered.