



**Name of meeting: Standards Committee**

**Date: 5<sup>th</sup> September 2018**

**Title of report: Code of Conduct complaints update**

**Purpose of report**

To brief the standards committee on Councillor complaints under the Code of Conduct.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <a href="#">Strategic Director</a> & name  Is it also signed off by the Service Director for Finance IT and Transactional Services?  Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Yes
Cabinet member <a href="#">portfolio</a>	

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

## **1. Summary**

- 1.1 This report follows on from the report that was before the Standards Committee on the 7<sup>th</sup> of March 2018.
- 1.2 This report will look at the number of complaints received since the 7<sup>th</sup> of March 2018, along with their type and nature.
- 1.3 It will also look at which of those complaints have been resolved and which are still subject to investigation or further action.
- 1.4 It will also compare this period's complaints with the previous period, to see if there are any significant differences.

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

### **2.1 Complaints Summary**

- 2.1.1 Since the 7<sup>th</sup> of March 2018 the Monitoring Officer has received 12 complaints relating to alleged breaches of the Code of Conduct.
- 2.1.2 9 relate to Kirklees Councillors (a total of 3 Councillors) and 3 relate to parish councillors.
- 2.1.3 In 4 of those complaints, the complainants have yet to complete a formal complaint form, but have indicated that they may do so. No investigation work will be undertaken on any of these 4 until such time as a complaint form is submitted.
- 2.1.4 Of the remaining 8, 1 is on hold pending the outcome of a related HR issue. The complainant is aware that the complaint will not be progressed until then.
- 2.1.5 A further complaint is still being considered by the Monitoring Officer and the Independent Person and more information is being gathered before a preliminary decision can be made.
- 2.1.6 6 complaints concerning 2 councillors are to progress to be considered by the Assessment Panel of the Standards Committee. 2 of the complaints referred to at 2.3 above are about one of these 2 councillors and it is anticipated that these will not now be progressed. Both complaints are due to be considered on the 4<sup>th</sup> of September by the Assessment Panel before a decision is made by the Monitoring Officer, the Independent Person and the Chair of the Standards Committee.
- 2.1.7 There is 1 complaint listed in the Appendix to the previous report that was then still outstanding. This was a complaint about Parish Councillors that was received in February 2018 and was subsequently

resolved. It was held that there was no basis for the complaint to proceed.

## **2.2 Previous Report and comparison with the present report**

- 2.2.1 The previous report contained a total of 12 complaints about 17 members, covering the period from the introduction of the standards process on 24<sup>th</sup> May 2017 to the 7<sup>th</sup> March 2018. This compares with the current period under review, the 8<sup>th</sup> of March 2018 to the 5<sup>th</sup> of September 2018, where there was a total of 12 complaints that related to 6 Councillors.
- 2.2.2 The nature of the complaints in the present report concern the use of social media (6 complaints relating to one Councillor and one incident), whilst 6 concern the behaviour of Councillors, being split into behaviour at official meetings (4 complaints) and behaviour outside of official meetings (2 complaints). The sources of the complaints are that 1 was received from a Kirklees Councillor, 1 from a Parish Councillor and the remainder were from members of the public.
- 2.2.3 Comparing this to the previous report, 4 of the complaints in that report related to the use of social media and the remaining 8 related to behaviour, and in particular, complaints about members failing to respond and communicate. 3 of the 12 complaints were made by Councillors and the remaining 9 came from members of the public.
- 2.2.4 It is of note that all of the complaints that were recorded in the previous report were all either dismissed at the first review stage or dealt with informally. By contrast, complaints recorded in this report about two Councillors are to progress to formal consideration by the Assessment Panel, with a decision then being made by the Monitoring Officer, Independent Person and the Chair of the Standards Committee. These are the first that have proceeded to the formal stage under the revised complaints process.
- 2.2.5 Whilst the periods of comparison between the two reports are not like for like, roughly 9 months, compared to roughly 6 months, it is of note that, although the overall number of complaints is the same, the number of Councillors that the complaints relate to has dropped.

## **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 (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. Consultees and their opinions**

N/A

## **5. Next steps**

- 5.1 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.
- 5.2 Following discussion with the Group Business Managers, the Monitoring Officer will now notify those Councillors who are the subject of complaints that do not progress beyond the initial assessment. It is anticipated that any information that is provided will be limited and anonymised.

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

- 6.1 It is recommended that the report is noted.

## **7. Cabinet portfolio holder's recommendations**

N/A

## **8. Contact officer**

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

9.1 N/A

10. **Service Director responsible**

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