



**Name of meeting: Standards Committee**

**Date: 6<sup>th</sup> March 2019**

**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 meeting in September 2018.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <u>Strategic Director</u> & name  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**

**Have you considered GDPR? Yes**

## **1. Summary**

- 1.1 This report follows on from the report that was before the Standards Committee on the 5<sup>th</sup> of September 2018.
- 1.2 This report will look at the number of complaints received since the 6<sup>th</sup> of September 2018, 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 6<sup>th</sup> of September 2018 the Monitoring Officer has received 14 complaints relating to alleged breaches of the Code of Conduct. This includes multiple complaints relating to two councillors.
- 2.1.2 7 relate to Kirklees Councillors (a total of 4 Councillors) and 7 relate to parish councillors. One of the complaints, that has not progressed, was made against all members of the Town Council who voted for a particular proposal, without specifying the number or names of the councillors. As the complaint was dismissed at the earliest stage as being without merit, no enquiries were made into the original vote complained of. The number of identified Town or Parish councillors complained about is 2.
- 2.1.3 In 2 of those complaints, the complainants have yet to complete a formal complaint form, but have indicated that they may do so. No formal investigation work will be undertaken on any of these 2 potential complaints until such time as a complaint form is submitted.
- 2.1.4 Of the remaining 12, 1 progressed through to a formal consideration by the assessment panel and subsequent decision, 3 were not progressed after the initial assessment process and 1 further complaint was dismissed, but the complainant has asked for a review. The remaining 7 are relatively recent and are currently being investigated before being considered under the initial assessment process. Of those 7, it is anticipated that the outcome will be known shortly following investigation. One is related to a previous complaint that has already been dismissed and another relates to a parallel service complaint being considered under the Council's complaints procedure.

- 2.1.5 There are currently no complaints waiting to progress to the Assessment Panel for consideration.

### **Update on previous complaints**

- 2.1.6 Of the 8 complaints recorded in the previous report as then ongoing, these have largely now been resolved.
- 2.1.7 Of the 8, 6 went through the Assessment Panel and subsequent decision making process. 5 of these have now been resolved fully, the subject member having complied with the decision makers' recommendations. The other is still ongoing, due to the subject member not having carried out the recommendation.
- 2.1.8 The remaining 2 complaints that were under investigation at the time of the previous report, were dismissed at the initial assessment stage.

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

- 2.2.1 The previous report contained a total of 12 complaints about 6 members, covering the period from 7<sup>th</sup> March 2018 to the 5<sup>th</sup> of September 2018. This compares with the current period under review, the 6<sup>th</sup> of September 2018 to the 6<sup>th</sup> of March 2019, where there was a total of 14 complaints that related to 6 named Councillors, plus an unidentified number of Town Council members.
- 2.2.2 The nature of the complaints in the present report concern the use of social media (2 complaints relating to one Councillor and a number of tweets), whilst 12 concern the behaviour of Councillors, being split into behaviour at official meetings (8 complaints) and behaviour outside of official meetings (4 complaints). The sources of the complaints are that 2 were received from 2 Kirklees Councillors, 5 from 5 Parish Councillors and the remainder were from members of the public.
- 2.2.3 Comparing this to the previous report, 6 of the complaints in that report related to the use of social media and the remaining 6 related to behaviour, 4 relating to behaviour at official meetings and 2 to behaviour outside of official meetings. 2 of the 12 complaints were made by Councillors and the remaining 10 came from members of the public.
- 2.2.4 It is of note that only 1 complaint in this period has resulted in 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, compared to 2 in the previous period. It is also of note that, for that 1 complaint, there was found to be no breach. In this period no sanctions have been applied to any members.

- 2.2.5 Comparison between the two reports, shows that the overall number of complaints has risen from 12 to 14, whilst the number of Councillors complained about has remained the same, if we disregard the complaint concerning unidentified members of a Town Council. It should be noted that in this period there have been two instances of what is effectively the same complaint being made by multiple complainants.
- 2.2.6 In this period, we have seen more 'multiple' complaints, with the same complaint being made and supported by more than one member (all of the 'multiple' complaints were members making complaints about other members). This raises a number of concerns about the use of the Standards process in this way. This requires further consideration/discussion.
- 2.2.7 Another visible trend is the rise in complaints relating to Town or Parish Councils, which are increasingly taking up the resources of the Monitoring Officer. To date, none of the complaints relating to Town or Parish councils has progressed past the initial stage. There is a need for more work looking at this with the Town and Parish Councils.

### **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.

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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