



**Name of meeting: Standards Committee**

**Date: 11<sup>th</sup> September 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 March 2019.

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>	Cllr Graham Turner

**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 6<sup>th</sup> of March 2019.
- 1.2 This report will look at the number of complaints received since the 6<sup>th</sup> of March 2019, 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.
- 1.5 A new feature of this 6 monthly update will be some graphic interpretations of the complaints data, which it is hoped will assist in identifying trends visually.

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

### **2.1 Complaints Summary**

- 2.1.1 Since the 6<sup>th</sup> of March 2019 the Monitoring Officer has received 59 complaints relating to alleged breaches of the Code of Conduct. This figure includes multiple complaints relating to 4 councillors.
- 2.1.2 16 relate to Kirklees Councillors (a total of 12 Councillors) and 43 relate to parish councillors. The number of identified Town or Parish councillors complained about is 1, from 1 Town or Parish Council.
- 2.1.3 Of these, 1 progressed through to a formal consideration by the assessment panel and subsequent decision, 2 were not progressed after the initial assessment process and 9 were dealt with informally. The remaining 47 are relatively recent and 4 are currently being investigated before being considered under the initial assessment process, with the remainder being part way through the formal standards process.
- 2.1.4 There are currently 43 complaints, all concerning the same matter, a number of which are waiting to progress to the Assessment Panel for consideration. Barring any unforeseen delays, this complaint is due for consideration by the Assessment Panel on the 16<sup>th</sup> of September.

### **Update on previous complaints**

- 2.1.5 Of the 6 complaints recorded in the previous report as then ongoing, these have all now been resolved.

- 2.1.6 Of the 6, none went through the formal Assessment Panel and subsequent decision making process stage. 2 of these were not progressed as the complainants declined to complete a formal complaints form.
- 2.1.7 The remaining 4 complaints that were under investigation at the time of the previous report, were subsequently 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 14 complaints about 6 named members, plus an unidentified number of Town and Parish Councillors, covering the period from 6<sup>th</sup> of September 2018 to the 6<sup>th</sup> of March 2019. This compares with the current period under review, the 7<sup>th</sup> of March 2019 to the 11<sup>th</sup> of September 2019, where there is a total of 59 complaints that related to 12 named Kirklees Councillors and 1 named Parish Councillor.
- 2.2.2 The nature of the complaints in the present report concern the behaviour of members at Council meetings (10 complaints relating to 4 members), whilst 45 concern the behaviour of 3 members in social media posts, one concerns member involvement in Planning matters (3 members), one concerns alleged threatening behaviour by a member, and one concerns the alleged failure of a member to respond to a query from a member of the public. The sources of the complaints are that 4 were received from 3 Kirklees Councillors and the remainder were from members of the public.
- 2.2.3 Comparing this to the previous report, 2 of the complaints in that report related to the use of social media by one member and the remaining 12 related to behaviour, 8 relating to behaviour at official meetings and 4 to behaviour outside of official meetings. 2 of the 14 complaints were made by 2 Kirklees Councillors, 5 were from 5 Parish Councillors and the remaining 7 came from members of the public.
- 2.2.4 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. For that complaint, there was found to be no breach. This compares with 1 formal decision in the previous period, although there are 30 complaints, relating to a single incident, that are part way through the formal process. 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 14 to 59, whilst the number of Councillors

complained about has risen from 6 to 13. It should be noted that in this period there have been 4 instances of what is effectively the same complaint being made by multiple complainants and this has skewed the figures, generating a combined total of 52 complaints.

2.2.6 In this period, we have seen the same number of instances of 'multiple' complaints, 4, with the same complaint being made and supported by more than one complainant.

2.2.7 Another visible trend is the further rise in the total complaints relating to Town or Parish Councils, although these complaints all related to a single incident in this period. These are continuing to have an adverse effect on the resources of the Monitoring Officer. As previously noted, the data in the current report has been skewed by multiple complaints concerning the same Councillor and is, as a result, an exceptionally high figure. There is no reason to suppose this will not come down in the next period.

### **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.
- 6.2 Members of the committee are asked to consider the appended graphs and provide feedback as to what information they would find helpful to be presented in this way in future reports.

**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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## **Appendix A**