



Name of meeting: Standards Committee

Date: 29th September 2020

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 March 2020.

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 for Finance IT and Transactional Services?	Yes
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Yes
Cabinet member portfolio	Cllr Graham Turner

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 11th of March 2020.
- 1.2 This report will look at the number of complaints received since the 11th of March 2020, 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 Some graphical representations of the data on complaints has been prepared, which allows for comparisons for a longer period than the report and these are at the Appendix A to this report. These include data from May 2017 and will highlight whether any trends have become apparent since then.

2. Information required to take a decision

2.1 Complaints Summary

- 2.1.1 Since the 11th of March 2020 the Monitoring Officer has received 60 complaints relating to alleged breaches of the Code of Conduct. This figure includes multiple complaints relating to 4 councillors.
- 2.1.2 32 relate to Kirklees Councillors (a total of 13 Councillors) and 28 relate to parish councillors. The number of identified Town or Parish councillors complained about is 3, from 3 Town or Parish Councils.
- 2.1.3 Of these 60, 24 were not progressed after the initial assessment process and 1 was reported by the complainant as being resolved. A further complaint was dealt with as a staffing issue rather than as a standards issue. Of the remaining 34, 2 were resolved informally, 18 were progressed through the formal standards process (along with 3 carried forward from the previous reporting period) and findings were made. The remaining 14 complaints are relatively recent and are currently being investigated before being considered under the initial assessment process.
- 2.1.4 There are a number of interrelated complaints involving one Town or Parish Council.

2.2 Update on previous complaints

2.2.1 Of the 13 complaints recorded in the previous report as then ongoing, these have mostly now been concluded. 3 of these were taken through the formal standards process with the 18 complaints referred to in 2.1.3. 1 complaint was dealt with as a staffing issue, rather than as a standards issue. 1 complaint is on hold, pending further clarification from the complainant. 4 complaints were not taken forward. 4 were referred back to the Town / Parish Council for resolution by mediation.

2.3 Previous Report and comparison with the present report

2.3.1 The previous report contained a total of 18 new complaints about 11 named Kirklees members, plus a total of 6 Town and Parish Councillors, covering the period from the 11th of September 2019 to the 11th of March 2020. This compares with the current period under review, the 12th of March 2020 to the 29th of September 2020, where there is a total of 60 new complaints that related to 13 named Kirklees Councillors and 3 named Town or Parish Councillors.

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 6 members), whilst 30 concern the behaviour of 4 members in social media posts, 1 concerns behaviour towards an officer, 22 concern behaviour at meetings, and 2 concern the behaviour of a member during lockdown.

The sources of the complaints are that 6 were received from a Town or Parish Councillor, 1 was from an officer of a Town or Parish Council, 1 was from a Kirklees Councillor, and the remaining 52 were from members of the public.

2.3.3 Comparing this to the previous report, complaints there were about the behaviour of members towards members of the public (3 complaints relating to 3 members), whilst 9 concerned the behaviour of 5 members in social media posts, 1 concerned behaviour towards an officer, 1 concerned alleged failures to comply with sanctions from a previous complaint, 3 concerned behaviour at meetings, and the final complaint concerned allegations made in the local press.

Of these 18 complaints, 5 were received from 4 Town or Parish Councillors, 2 came from Town or Parish clerks and the remainder came from members of the public.

2.3.4 Comparison between the two reports, shows that the overall number of complaints has risen from 18 to 60, whilst the number of Councillors complained about has fallen slightly to 16 from 17. The rise in overall

numbers is attributable to a high number of complaints about two Councillors in the current period.

2.3.5 In this period, we have seen 6 instances of a 'multiple' complaints, 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 risen in the current period, and remains a cause for concern, particularly as the same Town or Parish Council member that was the subject of a significant number of previous complaints is again the subject of a large number of complaints, with a total of 24 complaints in this period about just this one member.

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. 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 and the Standards Committee have regard to the information in considering the training and support requirements for Councillors.

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