



**Name of meeting: Standards Committee**

**Date: 29<sup>th</sup> March 2021**

**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 September 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 <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	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 <a href="#">portfolio</a>	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 29<sup>th</sup> of September 2020.
- 1.2 This report will look at the number of complaints received since the 29<sup>th</sup> of September 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.

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

### **2.1 Complaints Summary**

- 2.1.1 Since the 29<sup>th</sup> of September 2020 the Monitoring Officer has received 16 complaints relating to alleged breaches of the Code of Conduct. This figure includes one multiple complaint relating to 6 councillors.
- 2.1.2 All 16 relate to Kirklees Councillors (a total of 13 Councillors). There are no complaints that relate to Town or Parish councillors.
- 2.1.3 Of these 16, 13 were not progressed after the initial assessment process and 1 was not pursued by the complainant, after further information was requested. The remaining 2 complaints are relatively recent and are currently being investigated before being considered under the initial assessment process.

### **2.2 Update on previous complaints**

- 2.2.1 Of the 18 complaints that were carried forward from the previous report as ongoing, these have mostly now been concluded. None were taken through the formal complaints process 3 were closed because the member complained of had ceased to be a member and the Monitoring Officer felt there was nothing to be gained by continuing with any of these, 1 was closed due to the complainant failing to respond, and 5 were not found to have been breaches of the Code of Conduct after investigation and closed at the informal stage. There are 4 complaints relating to one member of a Parish Council that are effectively repeat complaints and need to be taken through the formal process. 5 complaints are still under investigation, 3 of which are multiple

complaints about the same issue, but it can be anticipated that these will be completed shortly.

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

2.3.1 The previous report contained a total of 44 new complaints about 12 named Kirklees members, plus a total of 3 Town and Parish Councillors, covering the period from the 11<sup>th</sup> of March 2020 to the 29<sup>th</sup> of September 2020. This compares with the current period under review, the 30<sup>th</sup> of September 2020 to the 29<sup>th</sup> of March 2021, where there is a total of 15 new complaints that related to 10 named Kirklees Councillors and no named Town or Parish Councillors.

2.3.2 The nature of the complaints in the present report concern behaviour at meetings (9 complaints relating to 5 members), 1 concerns an allegation of an undeclared conflict of interest, and 2 concern the behaviour of a member during lockdown. There are 4 complaints that have arisen from the planning process, concerning the actions of ward members. Of the 9 complaints recorded above relating to behaviour at committee meetings, 8 of these were complaints about behaviour at planning committee meetings.

The sources of the complaints are that 1 was from a Kirklees Councillor, and the remaining 15 were from members of the public.

2.3.3 Comparing this to the previous report, there were complaints about the behaviour of members towards members of the public (5 complaints relating to 6 members), whilst 30 concerned the behaviour of 4 members in social media posts, 1 concerned behaviour towards an officer, 5 concerned behaviour at meetings, and 2 concerned the behaviour of a member during lockdown.

Of these 44 complaints, 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 36 were from members of the public.

2.3.4 Comparison between the two reports, shows that the overall number of complaints has fallen from 44 to 16, whilst the number of Councillors complained about has fallen to 13 from 15.

2.3.5 In this period, we have seen 1 instance of a 'multiple' complaint, 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 fallen to zero in the current period, with all complaints received relating

- to Kirklees members, although some of Kirklees members who are the subject of complaints are also Town and Parish Council members.
- 2.3.7 There have been a number of complaints that relate to behaviour at meetings that perhaps would not have been made if those meetings were not being conducted virtually. Members at committees, such as planning, are possibly forgetting that, unlike in the Council chamber, they remain on camera throughout the entire meeting, which can give rise to their behaviour being scrutinised in a way that would not have happened before the pandemic.
- 2.3.8 Complaints have also been received about elected members being in breach of the Covid regulations. Clearly these are not complaints that could have been made prior to March 2020 and the first national lockdown. They were of sufficient concern to the Monitoring Officer to prompt the sending to all members of a reminder about the regulations in place and the need to comply with these. Since the beginning of the March 2020 lockdown, there have been a total of 3 complaints about members alleged to have been in breach of the regulations. As a percentage, this is 5% of the total number of complaints made between March 2020 and now.
- 2.3.9 Looking at the overall trends, it is clear that two of the periods being reported on did contain a large number of complaints that have somewhat skewed the overall picture. These were complaints concerning Town and Parish Council members and did result in the imposition of sanctions. They were related to posts being put on Twitter that breached the Code of Conduct. There have been no complaints in this period, but we are aware that the Twitter account in question has been suspended.
- 2.3.10 If those two skewed results are disregarded, the overall trend with the total number of complaints is upwards. If we look at Kirklees complaints on their own, the trend is still an upwards one. With regards to Town and Parish Councils, whilst there have been no complaints in this period, the trend is still broadly upwards.

### **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. Next steps and timelines**

- 4.1 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. Officer recommendations and reasons**

- 5.1 It is recommended that the report is noted.

**6. Cabinet portfolio holder's recommendations**

N/A

**7. Contact officer**

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

- 8.1 N/A

**9. Service Director responsible**

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## **Appendix A**