



Name of meeting: Standards Committee

Date: 10th October 2022

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 2022.

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 – 27 th September
Is it also signed off by the Service Director Finance?	Yes – Eamonn Croston – 23 rd September
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Yes – Julie Muscroft - 26 th September
Cabinet member portfolio	N/A

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 15th of March 2022.
- 1.2 This report will look at the number of complaints received from the 1st of March 2022 to the end of August 2022, 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 1st of March 2022 the Monitoring Officer has received 9 complaints relating to alleged breaches of the Code of Conduct. This figure includes three complaints that were made against more than one member.
- 2.1.2 All relate to Kirklees Councillors (a total of 9 Councillors). There are no complaints in this reporting period that relate to Town or Parish councillors.
- 2.1.3 Of these 9, 5 were not progressed after the initial assessment process. The remaining 4 complaints are currently being investigated, being considered under the initial assessment process.

2.2 Update on previous complaints

- 2.2.1 Of the 11 complaints that were carried forward from the previous report as ongoing, 7 were dismissed at the initial stage, 2 are being resolved informally (1 using a restorative approach) and 1 was finalised informally.
- 2.2.1 One complaint has been carried forward in this reporting period and is still being addressed.

2.3 Previous Report and comparison with the present report

2.3.1 The previous report, for the period the 15th of September 2021 to the end of February 2022, contained a total of 12 new complaints that related to 12 named Kirklees members and 1 named Town or Parish Councillor. This compares with the current period under review, where there is a total of 9 complaints relating to 9 Kirklees Councillors and no 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 (3 complaints relating to 3 members), one member complaint about the behaviour of another member, complaints about member correspondence by members of the public (3 complaints relating to 4 members), one complaint relating to planning issues from a member of the public, and one complaint from a member about another member relating to elections.

The sources of the complaints are that 7 were received from members of the public and 2 were from elected members.

2.3.3 Comparing this to the previous report, complaints then were about the behaviour of members towards members of the public (5 complaints relating to 5 members), whilst 1 concerned the behaviour of 1 member in emails, 2 concerned the behaviour of members in meetings, and 4 concerned the behaviour of members at Planning Committee.

The sources of the complaints in the previous reporting period were that 11 were received from members of the public and 1 was from a Town / Parish Clerk.

2.3.4 Comparison between the two reports shows that the overall number of complaints has fallen by 3. In percentage terms, this is a 25% drop in the number of member complaints from the last reporting period. If we extend the comparison to earlier periods, we can see that there is a downward trend to the number of complaints being made, from a high of 32 complaints about Kirklees members in 2020 (the exceptional number of complaints about one member of a Parish Council have been discounted) to this period's 9. The number of Councillors complained about has also fallen, to 9, from the previous period's total of 13.

2.3.5 In this period, we have not seen any instance of 'multiple' complaints.

2.3.6 The total number of complaints relating to Town or Parish Councils has fallen to zero in this reporting period.

2.3.7 The number of complaints relating to the planning process has also fallen in this period, from 4 to 1.

2.3.8 The biggest overall trend here is a significant fall in the number of complaints, to the lowest level since early 2018.

2.3.9 However, there has been a rise in the number of complaints made by members, but the numbers are still much smaller than they were in 2019 and 2020.

2.4 Non-Published Decisions

2.4.1 This report will now contain a simple summary table that informs members of standards decisions that have not been through the full standards process, so have not therefore been published on the Kirklees website.

2.4.2 This is a summary only without full details of which members have been the subject of complaints.

2.4.3 The table below contains details of the complaints closed in this period, what the subject matter and source of the complaint was, and the details of the resolution of the complaint.

Subject of complaint	Source	Outcome	Date finalised
Behaviour in Meetings	Member of the Public	No breach	21/03/2022
Planning	Member of the Public	No breach	21/03/2022
Behaviour	Member of the Public	No breach	13/04/2022
Planning	Member of the Public	No breach	14/04/2022
Behaviour	Member of the Public	No breach	13/04/2022
Correspondence	Officer	Not proceeded with	16/03/2022
Behaviour in Meetings	Member of the Public	Restorative resolution	15/08/2022
Behaviour	Member of the Public	No breach	15/08/2022
Behaviour in Meetings	Member of the Public	Informal Resolution	15/08/2022
Planning	Member of the Public	No breach	22/04/2022
Behaviour	Elected Member	No breach	01/06/2022
Correspondence	Member of the Public	No breach	05/04/2022
Elections	Elected Member	No breach	28/04/2022

Planning	Member of the Public	No breach	08/06/2022
Correspondence	Member of the Public	No breach	27/06/2022

2.4.3 Members are asked to consider when it is appropriate to remove any standards decisions from the public website. This is also discussed in Report 3 on this agenda.

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 Financial Implications for the people living or working in Kirklees

N/A

3.7 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.

3.8 Do you need an Integrated Impact Assessment (IIA)?

No

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**

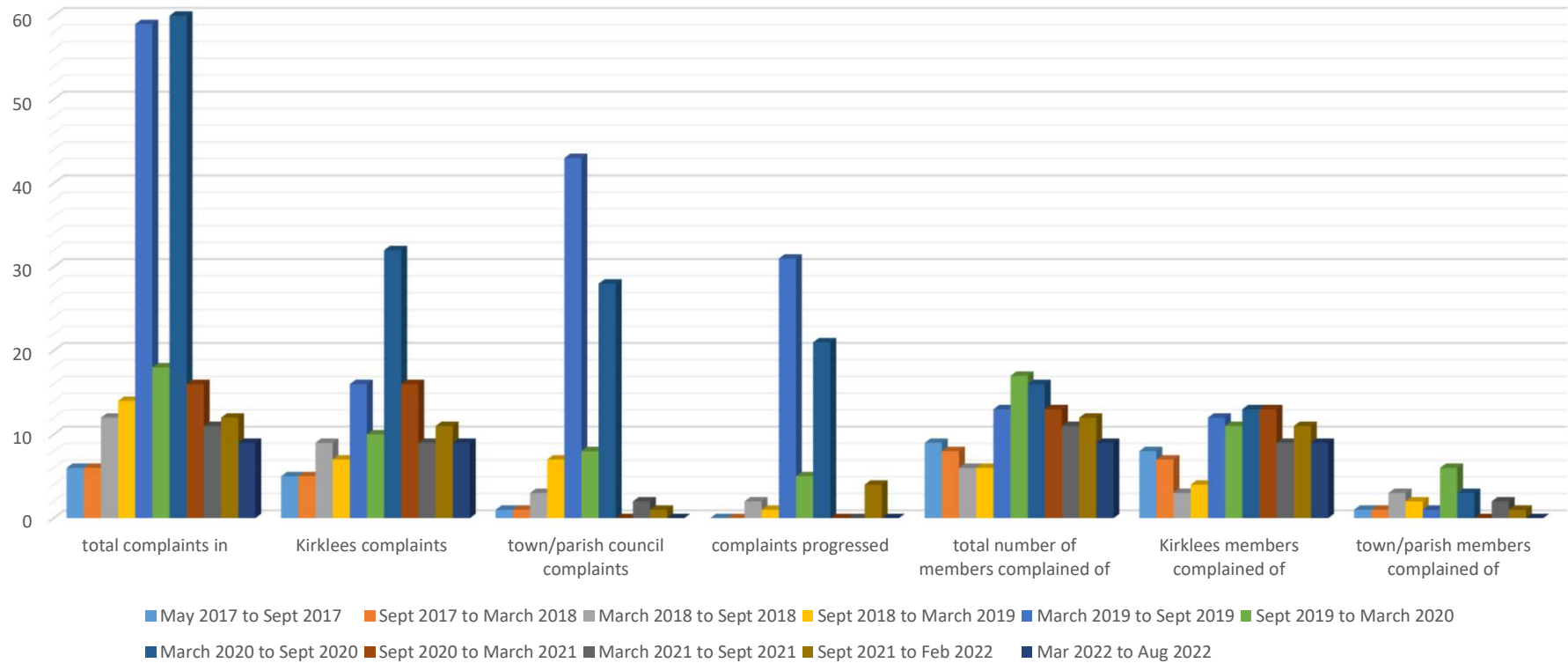
8.1 N/A

9. **Service Director responsible**

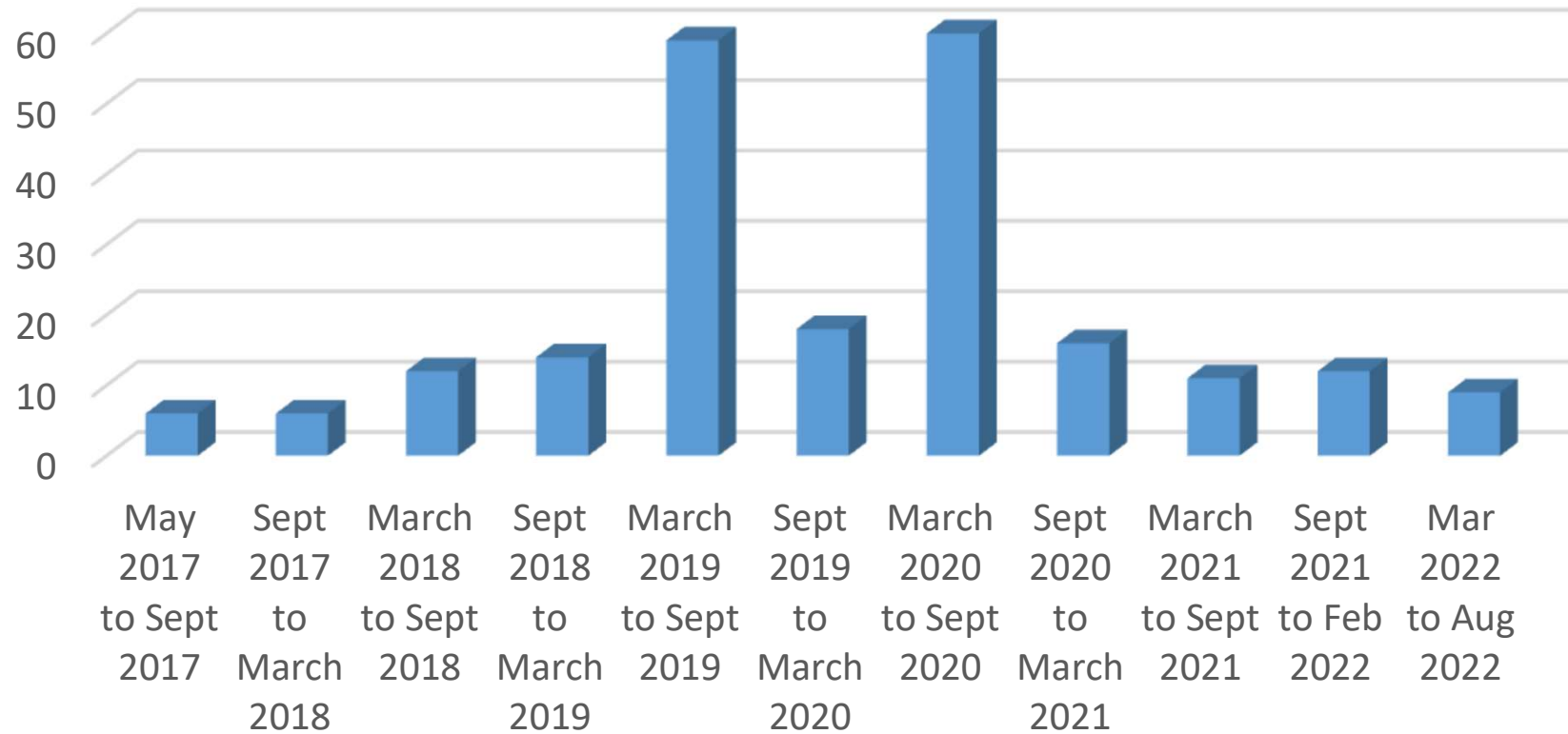
Julie Muscroft
Service Director – Legal, Governance and Commissioning
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Appendix A

Complaints summary

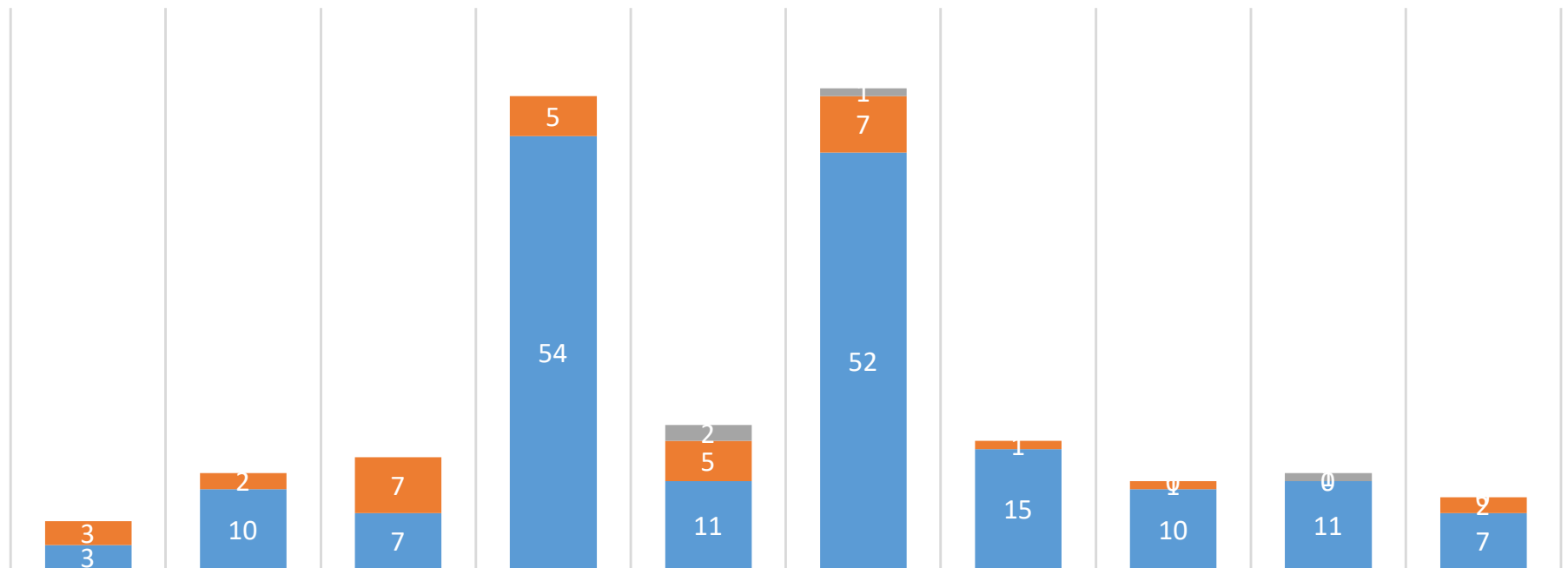


total complaints in



SOURCES OF COMPLAINTS RECEIVED

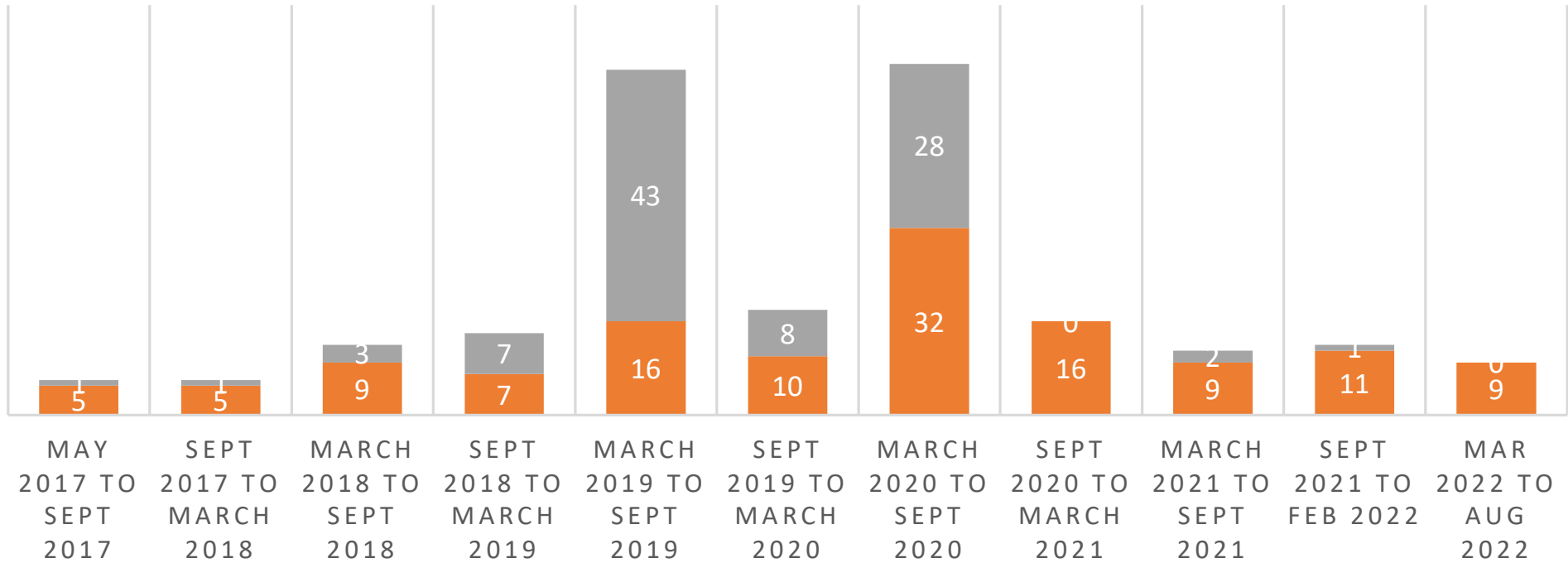
■ from mop ■ from cllrs ■ from officers



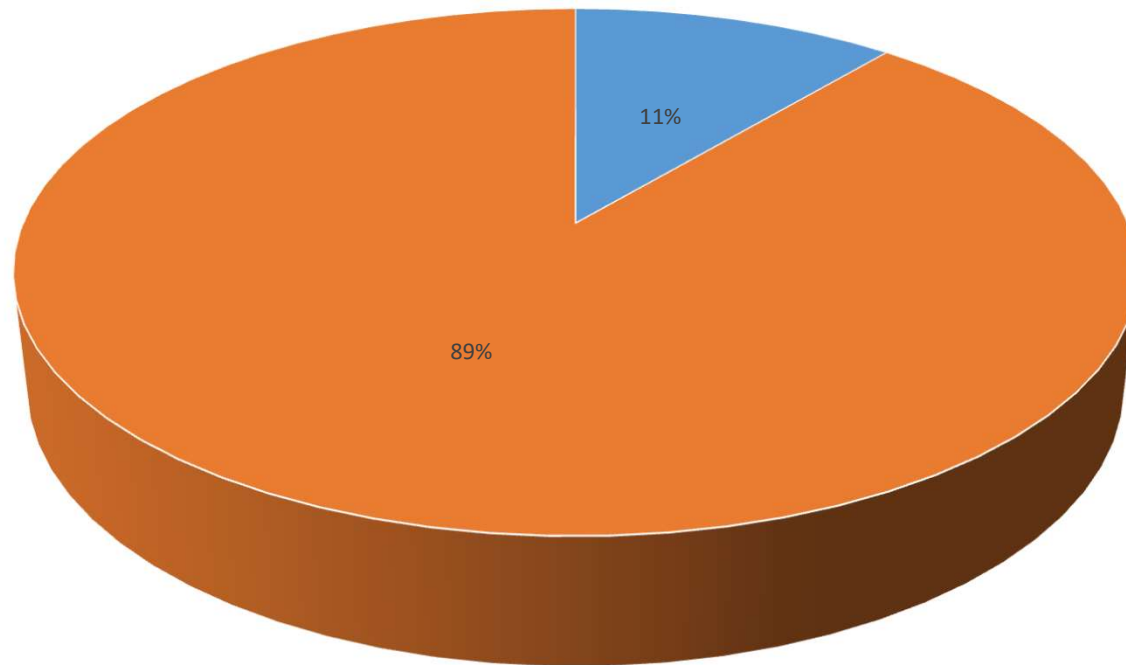
SEPT 2017 TO MARCH 2018 MARCH 2018 TO SEPT 2018 SEPT 2018 TO MARCH 2019 MARCH 2019 TO SEPT 2019 SEPT 2019 TO MARCH 2020 MARCH 2020 TO SEPT 2020 SEPT 2020 TO MARCH 2021 MARCH 2021 TO SEPT 2021 SEPT 2021 TO FEB 2022 MAR 2022 TO AUG 2022

COMPLAINTS - KIRKLEES / TOWN AND PARISH COUNCILS

■ Kirklees complaints
 ■ town/parish council complaints



Mar 2022 to Aug 2022



■ Planning related complaints ■ Other complaints