



Name of meeting: Standards Committee

Date: 23rd October 2023

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 2023.

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	Rachel Spencer-Henshall - 26/9
Is it also signed off by the Service Director Finance?	Isabel Brittain
Is it also signed off by the Service Director for Legal, Governance and Commissioning?	Julie Muscroft
Cabinet member portfolio	Cllr Paul Davis

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 23rd of March 2023.
- 1.2 This report will look at the number of complaints received from the 1st of March 2023 to the end of August 2023, 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 2023 the Monitoring Officer has received 24 complaints relating to alleged breaches of the Code of Conduct.
- 2.1.2 16 relate to Kirklees Councillors (a total of 17 Councillors) whilst the remaining 8 relate to Town or Parish councillors (4 named Councillors).
- 2.1.3 Of these 24, 8 were not progressed after the initial assessment process. 4 complaints (both multiple complaints) were found to be breaches of the Code of Conduct. The remaining 12 complaints are currently being investigated, being considered under the initial assessment process.

2.2 Update on previous complaints

- 2.2.1 Of the 8 complaints that were carried forward from the previous report as ongoing, 3 were dismissed at the initial stage, 2 were not pursued by the complainants, 2 were finalised informally and 1 remains unresolved and carried forward.
- 2.2.1 12 complaints have been carried forward in this reporting period.

2.3 Previous Report and comparison with the present report

- 2.3.1 The previous report, for the period the 1st of September 2022 to the end of March 2023, contained a total of 6 new complaints that related to 6 named Kirklees members and no Town or Parish Councillors. This

compares with the current period under review, where there is a total of 16 complaints relating to 17 Kirklees Councillors and 8 complaints relating to 4 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 / fellow members (11 complaints relating to 9 members), behaviour at meetings (2 complaints relating to 2 members), social media behaviour (4 complaints relating to 2 members), the planning process (5 complaints relating to 4 members) and pre-election behaviour (1 complaint about 1 member).

The sources of the complaints are that 14 were received from members of the public, 6 received from members (4 Kirklees members, 2 Town or Parish Council members) and 4 from officers.

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), and one complaint about the planning process.

The sources of the complaints in the previous reporting period were that 5 were received from members of the public, with the remaining complaint being made by a Kirklees member.

2.3.4 Comparison between the two reports shows that the overall number of complaints has risen by 17. In percentage terms, this is an 340% rise 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 general 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). Whether or not this period's figures are a one-off or a sign that complaints are rising again remains to be seen. The number of Councillors complained about has also risen, to 21, from the previous period's total of 6.

2.3.5 In this period, we have seen two instances of 'multiple' complaints, both of which relate to social media use.

2.3.6 The total number of complaints relating to Town or Parish Councils has risen in this reporting period, from zero to 8. Whether or not this can be ascribed to the changes following this year's Town and Parish Council elections remains to be seen.

2.3.7 The number of complaints relating to the planning process has risen in this period, from 1 to 5.

2.3.8 In terms of any trends, it is possibly too early to say whether the current reporting period is an exception and whether numbers of complaints will fall again.

2.4 **Published Decisions**

2.4.1 This report now contains a simple summary table that informs members of standards decisions that have been published on the Kirklees website. In line with the decision of the Committee, the published decisions will now only be complaints that have been upheld.

2.4.2 This is a summary only and full details, including copies of the relevant decision notices, remain available on the website.

Council	Councillor	Complaint	Date of decision	Outcome
Holme Valley Parish Council	Cllr James Dalton	member's use of social media	05/07/2023	Complaint upheld
Holme Valley Parish Council	Cllr James Dalton	member's use of social media	06/12/2021	Complaint upheld
Holme Valley Parish Council	Cllr James Dalton	member's use of social media	03/8/2020	Complaint upheld
Holme Valley Parish Council	Cllr James Dalton	member's use of social media	23/10/2019	Complaint upheld
Mirfield Town Council	Cllr Steven Benson	member's use of social media	16/10/2019	Complaint upheld

2.4.3 Members will note that the decision notice concerning former Cllr James Dalton has been added to the website.

2.4.4 The other breach that has been referred to in 2.1.3 above has not been recorded on the website as it was not the subject of a formal decision notice. Whilst a breach was found to have occurred, the member complained of took appropriate steps to address the issues complained of in line with the requirements of the Monitoring Officer, who took the decision that, as a result of that, there was no need for the complaint to proceed through the formal standards process.

2.5 **Discussion Points**

- 2.5.1 Members are asked to consider the following discussion points, which have arisen since the last Committee meeting and that members' views on would be helpful.
- 2.5.2 Members have been clear about publishing decisions on breaches on the Kirklees website, following decisions made through the formal standards process.
- 2.5.3 Members are asked to consider whether any complaints that do result in a finding of a breach but which are resolved informally, should also be recorded on the Kirklees website.

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.
- 4.2 Any recommendations from the discussion points at 2.5 above will be introduced.

5. Officer recommendations and reasons

- 5.1 It is recommended that the report is noted and that members consider the discussion points.

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
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