

REPORT TITLE: Code of Conduct complaints update

Meeting:	Standards Committee
Date:	23rd October 2024
Cabinet Member (if applicable)	N/A
Key Decision Eligible for Call In	No No – not a decision-making report
Purpose of Report To brief the standards committee on Councillor complaints under the Code of Conduct since the last Standards Committee meeting in March 2024.	
Recommendations <ul style="list-style-type: none"> • That the report be noted by members Reasons for Recommendations <ul style="list-style-type: none"> • The report is for information only 	
Resource Implications: None	
Date signed off by Executive Director & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Rachel Spencer-Henshall – 7th October Kevin Mulvaney– 7th October Samantha Lawton– 7th October

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

- 1.1 This report follows on from the similar report that was before the Standards Committee on the 20th of March 2024.
- 1.2 This report will look at the number of complaints received from the 1st of March 2024 to the end of August 2024, 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 2024 the Monitoring Officer has received 38 complaints relating to alleged breaches of the Code of Conduct.
- 2.1.2 29 relate to Kirklees Councillors, 5 relate to Town or Parish councillors and the remaining 4 relate to both Kirklees Councillors and Town or Parish Councillors. A total of 15 Kirklees councillors have been the subject of complaints, with 6 Town and Parish Councillors complained of.
- 2.1.3 Of these 38, 1 was withdrawn by the complainant, 3 were not pursued, 15 were not progressed after the initial assessment process. 8 were found to be breaches of the Code of Conduct, but were resolved informally. The remaining 11 complaints are currently being investigated, being considered currently 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, 9 were dismissed at the initial stage, 1 was not pursued by the complainant, and 1 was taken through the formal standards process and was dismissed.

2.2.1 11 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 2023 to the end of February 2024, contained a total of 24 new complaints that related to 17 named Kirklees Councillors and 4 Town or Parish Councillors. This compares with the current period under review, where there is a total of 38 complaints, with 29 complaints relating to Kirklees Councillors and 5 complaints relating to Town or Parish Councillors, with 4 complaints made against both Kirklees and Town or Parish Councillors. A total of 15 Kirklees members and 6 Town or Parish Council members have been the subject of complaints in this period.

2.3.2 The nature of the complaints in the present report concern behaviour of members towards members of the public / fellow members (3 complaints relating to 3 members), behaviour at meetings (10 complaints relating to 4 members), behaviour during the election period (13 complaints about 3 members), social media behaviour (9 complaints relating to 11 members), allegations of criminal conduct (1 complaints relating to 1 member) and correspondence (2 complaints about 2 members).

Members are asked to note that a number of complaints that have been recorded as being related to behaviour at meetings also contained an element of social media complaint, as the meeting in question resulted in social media commentary. Whilst these complaints have been recorded as being related to behaviour at meetings, as this was the principal source of the complaint the social media 'element' of the complaints has been recorded in the total of 11 members who were the subject of complaints relating to social media above.

The sources of the complaints are that 24 were received from members of the public, 14 received from members (5 Kirklees members, 9 Town or Parish Council members) and 0 from officers.

2.3.3 Comparing this to the previous report, complaints then concerned the behaviour of members towards members of the public / fellow members (14 complaints relating to 11 members), behaviour at meetings (3 complaints relating to 5 members), social media behaviour (2 complaints relating to 2 members), the planning process (1 complaints relating to 1 member) and press statements (1 complaint about 1 member).

The sources of the complaints in the previous reporting period were that 19 were received from members of the public, 5 received from members (2 Kirklees members, 3 Town or Parish Council members) and 0 from officers.

- 2.3.4 Comparison between the two reports shows that the overall number of complaints has risen, from 24 to 38. If we extend this to earlier periods, we can see that the general downward trend to the number of complaints being made that was apparent is being reversed, with complaints at a new high in this period, up from the previous high of 32 complaints about Kirklees members in 2020 (the exceptional number of complaints about one member of a Parish Council have been discounted) that now appears to be being reversed. The number of Councillors complained about has stayed the same, at 21.
- 2.3.5 In this period, we have seen no instances of ‘multiple’ complaints.
- 2.3.6 The total number of complaints relating to Town or Parish Councils has risen in this reporting period, from 5 to 8.
- 2.3.7 The number of complaints relating to the planning process has fallen in this period, from 1 to 0.
- 2.3.8 In terms of any discernable trends, the numbers of complaints being made continues to rise, after a sustained period of complaints falling. Factors that may be influencing this are the fact that we have had two elections in this period which have both been affected by national events which resulted in an increased independent presence, particularly in North Kirklees.

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	Cllr James Dalton	member's use of	05/07/2023	Complaint upheld

Parish Council		social media		
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 this is the same as in the previous period's report.

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

N/A

3.7 Legal Implications

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 adverse reputational implications.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

None

4. Consultation

N/A

5. Engagement

None

6. Options

6.1 Options Considered

It is recommended that the report be noted.

6.2 Reasons for Recommended Option

The report is an 'information-only' report.

7. Next steps and timelines

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.

8. Contact officer

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9. Background Papers and History of Decisions

N/A

10. Appendices

11. Service Director responsible

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Appendix A