

Minutes

Constitution Committee
Monday, 7 September 2020



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Mike Exton (Vice-Chairman)
Councillor Paul Fellows

Councillor Mark Whittington
Councillor Linda Wootten (Chairman)

Officers

Director of Law and Governance
Head of Governance
Democratic Officer

Other Members

Councillor Ashley Baxter
Councillor Barry Dobson
Councillor Nikki Manterfield
Councillor Virginia Moran
Councillor Jacky Smith
Councillor Adam Stokes
Councillor Rosemary Trollope-Bellew

25. Register of attendance, membership and apologies for absence

Apologies for absence had been received from Councillors David Bellamy, Breda Griffin and Anna Kelly. Following a register of attendance, it was confirmed that four Committee Members were in attendance and the meeting was therefore quorate

26. Disclosure of interests

No interests were disclosed.

27. Minutes of the meeting held on 29 June 2020

The minutes of the meeting held on 29 June 2020 were approved as a correct record.

28. Local Government Association consultation on draft Members' Code of Conduct 2020 - submitted response

The Chairman explained that the draft Local Government Association Code of Conduct had been published for consultation earlier in the year. The Committee had drafted an initial response to the consultation at its meeting in June 2020. The draft had been

circulated to all Members of the Council, who had been invited to submit any further comments they wished to be included.

The comments received had been collated and incorporated into the Council's final response, which had since been submitted. A copy of the submitted response had been included in the agenda pack for Members' information.

The Chairman outlined some of the main points that had been made in the Council's consultation response and thanked the Head of Governance for compiling the comments made by Members. The Committee considered the points made and felt that a good response had been submitted.

29. Review of arrangements for dealing with allegations regarding breaches of the Members' Code of Conduct

The Head of Governance explained that the procedure relating to dealing with complaints regarding alleged breaches of the Members' Code of Conduct had not been reviewed since it was adopted in 2012. As such, it was appropriate for a review to be undertaken to ensure that the current arrangements were still fit for purpose.

A presentation was given outlining the requirements contained in the Localism Act, the relevant Case Law and examples of arrangements for dealing with alleged breaches of the Members' Code of Conduct that were in place at other local authorities.

Members considered the points raised by the presentation and put forward suggestions to inform the development of a new procedure for breaches in the Members' Code of Conduct. These are summarised below:

- The Committee felt that there should be greater emphasis placed on arbitration and mediation, with local resolution the aim in most cases.
- It was stressed that consistency in the way any potential breaches in the Code of Conduct were handled must be prioritised. Members suggested that a filtering process was developed to ensure that all allegations were assessed by the same criteria.
- It was requested that Members who may be asked to form a Review Board (composed of any three Members of the Licensing Committee) were given regular training to ensure that their knowledge of the Code of Conduct was kept to a sufficient standard.
- The procedure for any formal hearing should be clearly set out.
- Members suggested that it would be helpful to include a chart setting out the process flow for dealing with complaints regarding alleged breaches of the Members' Code of Conduct.
- A suggestion was put forward that Members' training could also be used to demonstrate the requirements for behaviour during debate in Council and Committee meetings. It was acknowledged that there were occurrences where political debate had led to personal comments, which had resulted in Code of Conduct complaints in the past.

A Member of the Committee asked for information to be provided giving the details of how many complaints had been discussed with the Independent Person and how many of these had resulted in action being taken against the Councillor. The Director of Law and Governance confirmed that a spreadsheet was kept updated with this information and further details would be provided to the Committee at the next meeting.

Following the feedback received from Members throughout the discussion, it was confirmed that the Director of Law and Governance would develop some suggested criteria to standardise the process and establish the appropriate course of action upon receipt of Members' Code of Conduct complaints. This would be presented to the Committee for consideration at its next meeting.

Action Points

- **Information to be provided at the next meeting confirming an up to date position on the number of Members' Code of Conduct complaints received, the nature of the complaint and how they had been resolved.**
- **The suggested criteria for filtering complaints and establishing the agreed course of action to be developed for the Committee's consideration at its next meeting.**

30. Close of the meeting

The meeting closed at 12:16.