

Constitution Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Monday, 7 December 2020 at 10.30 am
Virtual meeting - This meeting is being held remotely using
Skype for Business

Committee Members: Councillor Linda Wootten (Chairman)
Councillor Mike Exton (Vice-Chairman)

Councillor Ashley Baxter, Councillor David Bellamy, Councillor Paul Fellows, Councillor Breda Griffin and Councillor Mark Whittington

Agenda

Virtual Meeting - Joining Arrangements

Councillors should access the meeting using the link in their calendar.

Members of the press and public can gain access to the meeting by using the following link:

[Constitution Committee – 7 December 2020](#)

If you are using a smartphone or tablet it may be necessary to download the Skype for Business app before you can enter the meeting; please allow yourself time to do this. If you are using a laptop or desktop computer, you should be able to access the meeting via your web browser.

When you follow the link to the meeting you will enter a virtual lobby; you will be invited into the meeting from the lobby just before the meeting begins. Members of the public should not use the Chat function in Skype for Business. This is for use by Councillors, who will use it to indicate that they would like to speak.

If you have any questions about how to join the meeting, please e-mail democracy@southkesteven.gov.uk.

- 1. Register of attendance, membership and apologies for absence**
- 2. Apologies**
- 3. Disclosure of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
- 4. Minutes of the meeting held on 7 September 2020** (Pages 3 - 5)
To receive the minutes of the Constitution Committee held on 7 September 2020.
- 5. A Summary of the Complaints Received under the Members' Code of Conduct** (Pages 7 - 10)
To brief the Constitution Committee on the number of complaints received about Members under the Code of Conduct from September 2019 to October 2020
- 6. Amendments to the Constitution - Constitution Review 2020** (To follow)
This report updates Members on the work of the Constitution Review Working Group and asks the Committee to make recommendations to the Council on revisions to: Article 4: The Council
- 7. Any other business which the Chairman, by reasons of special circumstances, decides is urgent**

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.

This page is intentionally left blank



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Constitution Committee

7 December 2020

Report of: Councillor Linda Wootten

Chairman of the Constitution
Committee

A Summary of the Complaints Received under the Members' Code of Conduct.

To brief the Constitution Committee on the number of complaints received about Members under the Code of Conduct from September 2019 to October 2020.

Report Author

Dan Snowdon, Interim Head of Governance

Tel: 01223 699177

Email: Dan.Snowdon@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Administrative	Administrative	N/A

Reviewed by:	Shahin Ismail, Director of Law and Governance	27/11/20
Approved by:	Karen Bradford, Chief Executive	27/11/20
Signed off by:	Councillor Linda Wootten, Chairman of the Constitution Committee	27/11/20

Recommendation to the decision maker

1. To note the contents of the report.

1 The Background to the Report

- 1.1 At its last meeting, the Constitution Committee requested a brief report that provided high level statistics on the number of complaints received about Members of the Council.
- 1.2 The Localism Act (“the Act”) places a statutory duty on the District Council to promote and maintain high standards of conduct amongst its Members. This include the obligation on the Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as Councillors.
- 1.3 The requirements of the Act are supported by Article 2 of the Constitution, Members of the Council and by Article 18 Part 2.3, Members Code of Conduct.

2 Overview of Complaints Received

- 2.1 Currently there are 7 complaints submitted under the Code of Conduct being processed that this report cannot comment on.
- 2.2 Since September 2019, 23 complaints have been closed with the following outcome
 - 3 fully investigated, 2 of which were no breach of the Code of Conduct was found and 1 although a breach was found, an apology was accepted and therefore resolved without the need for a hearing;
 - 13 where no investigation was required;
 - 2 were handled through the informal complaint process;
 - 2 were unable to be investigated due to lack of evidence or the complaint was not relating to their role as a Councillor; and
 - 1 complainant failed to respond and therefore no further action was taken.

3 Member Complaints Process

- 3.1 Details of how a complaint can be made about a Member can be found here <http://www.southkesteven.gov.uk/index.aspx?articleid=8438>
- 3.2 Complaints are investigated by the Monitoring Officer in consultation with the appointed Independent Person.
- 3.3 The Independent Person is a person appointed by a positive vote from a majority of all the members of Council. A person cannot be “independent” if he/she
 - Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
 - *[Is, or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority’s area];*
 - Is a relative or close friend, of a person within paragraph 3.3 above. For this purpose, “relative” means –
 - a) Spouse or civil partner;
 - b) Living with the other person as husband and wife or as if they were civil partners;
 - c) Grandparent of the other person;
 - d) A lineal descendent of a grandparent of the other person;

- e) A parent, sibling or child of a person within points a) or b);
- f) A spouse or a civil partner of a person within points c), d) or e); or
- g) Living with a person within points c), d) or e) as husband or wife or as if they were civil partners.

4 Reasons for the Recommendation

- 4.1 The recommendation is to note the contents of the report in order the Committee is provided the overview it requested.

5 Financial Implications

- 5.1 None.

Financial Implications reviewed by: Richard Wyles (Interim Director of Finance(Section 151 Officer))

6 Legal and Governance Implications

- 6.1 None.

Legal Implications reviewed by: Shahin Ismail – Monitoring Officer

7 Equality and Safeguarding Implications

- 7.1 None

8 Risk and Mitigation

- 8.1 None

9 Community Safety Implications

- 9.1 None

10 How will the recommendations support South Kesteven District Council’s declaration of a climate emergency?

The following are guidance prompts and should be deleted in the final report:

- *Are you clear whether the recommendations will be carbon positive (reduce carbon footprint), neutral (no carbon impact) or negative (increase carbon footprint)?*
- *If you are unclear or don’t already have ways to monitor carbon emissions, can you implement ways to measure carbon emissions?*
- *Are there ways to introduce steps or initiatives to increase carbon efficiency?*
- *If you are unable to increase carbon efficiency further, are there ways to off-set/sequester the carbon emissions?*
- *How can you incorporate the Council’s political ambition to reduce the Council’s carbon footprint by at least 30% by 2030 and to endeavour to be net-zero carbon by as soon as viable before 2050 within your planning, implementation and future improvements?*

- 10.1 Not applicable

11 Other Implications (where significant)

- 11.1 None

12 Background Papers

- 12.1 South Kesteven District Council Constitution
(<http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CIId=600&Mid=3713&Ver=4&Info=1>)

13 Appendices

- 13.1 None

Report Timeline:	Date of Publication on Forward Plan (if required)	N/A
	Previously Considered by:	N/A
	Final Decision date	07/12/2020