



**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

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

<b>Reviewed by:</b>	Shahin Ismail, Director of Law and Governance	27/11/20
<b>Approved by:</b>	Karen Bradford, Chief Executive	27/11/20
<b>Signed off by:</b>	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

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