

**South Kesteven District Council**

**Monitoring Officer Investigation Report into alleged breach of the Member Code of Conduct**

**1. Summary**

- 1.1. On 21 October 2021 an initial complaint was received by a member of the public in response to comments made by Councillor Ian Stokes during his chairmanship of the meeting of the Governance and Audit Committee held on 20 October 2021 in which he said the phrase “*n\*\*\*\*r in the woodpile*”.
- 1.2. I, as Monitoring Officer, was also present at the meeting but I was not certain that I had heard what had been said correctly. I raised this with Councillor Stokes at the close of the meeting.
- 1.3. I subsequently reviewed the meeting on a recording of the live broadcast. The phrase used was clearly audible through the microphone system and could be heard on the live broadcast of the meeting and recording subsequently uploaded onto the Council’s YouTube channel.
- 1.4. On 20 October 2021 I, as Monitoring Officer, spoke to Councillor Ian Stokes informally regarding the incident and he informed me that it was a mistake and that he apologised unreservedly.
- 1.5. On 21 October 2021 I informed the Council’s Independent Person of this incident and reported that I would be investigating the matter.
- 1.6. 20 subsequent complaints were received in relation to Councillor Ian Stokes, with 21 received in total at the time of writing this report.

**2. The relevant legislation and protocols**

**Localism Act 2011 (the “Act”)**

- 2.1. Section 27(1) of the Act provides that a “relevant authority” is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.
- 2.2. Section 27(2) of the Act provides that a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity”.
- 2.3. Pursuant to section 28(1) of the Act, a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – known as ‘Nolan’ principles.
- 2.4. Pursuant to section 28(6) of the Act, a relevant authority must have in place arrangements under which –

- a) allegations can be investigated, and
- b) decisions on allegations can be made.

- 2.5.** Section 28(7) of the Act provides that arrangements put in place under section 28(6)(a) must include provision for the appointment of at least one independent person whose view may be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
- 2.6.** Pursuant to section 28(11) of the Act, if a relevant authority finds that a member or a co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to that member or co-opted member, and (b) what action to take.

### **South Kesteven District Council's Code of Conduct**

- 2.7.** The Council has adopted a Code of Conduct for members (the "Code").
- 2.8.** The Code adopted by the Council includes the following paragraphs:

Pursuant to section 27 of the Localism Act 2011, South Kesteven District Council (the "Council") has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

### **3. The Investigation**

- 3.1** I was present at the meeting but did not clearly hear the phrase said by Councillor Ian Stokes.
- 3.2** In reviewing the recording of the meeting via the Council's public YouTube channel the phrase used by Councillor Ian Stokes was clearly audible.
- 3.3** 21 formal complaints have been received in relation to the phrase said by Councillor Ian Stokes from members of the public, elected members of the Council and Officers of the Council.
- 3.4** I have taken into consideration the content of each of these complaints as part of my investigation.
- 3.5** I spoke informally to Councillor Ian Stokes on 20 October 2021.
- 3.6** I provided Councillor Stokes with copies of all 21 complaints made against him in relation to this matter.

3.7 I spoke to Councillor Ian Stokes as part of my formal investigation on 15 November 2021.

#### 4. Evidence

4.1 I was present at the meeting but did not clearly hear the phrase said by Councillor Ian Stokes.

4.2 I listened to the recorded broadcast of the meeting on the Council's YouTube channel which clearly captured the phrase being said by Councillor Ian Stokes at 27:48 mins, which has now been censored.

4.3 In speaking to Councillor Ian Stokes informally on 20 October 2021 he confirmed that he said the phrase by mistake and unreservedly apologised.

4.4 Councillor Ian Stokes, in response to an article published online by the Grantham Journal, made the following statement on 20 October 2021:

*"I unreservedly apologise for the wording I used in today's Governance and Audit meeting, the phrase was completely unacceptable and I withdraw this remark. It was said accidentally and for that I am truly and deeply sorry for any offence that I have caused to anyone."*

4.5 In meeting formally with Councillor Ian Stokes on 15 November 2021 he made the following comments in response to the complaints submitted against him:

- Councillor Ian Stokes confirmed receipt of the complaints but had not read them as he has been unwell.
- Councillor Ian Stokes was feeling unwell on the day of the meeting of the Governance and Audit Committee, he was exhausted, had no energy and did not have the opportunity to have lunch prior to the pre-meeting. As a diabetic missing out on food was not ideal. His mind was not with it following a busy day moving furniture at home and other things occurring in his personal life that day.
- The Vice-Chairman of the Governance and Audit Committee had missed the pre-meeting due to a dental appointment. Councillor Ian Stokes was unsure whether the Vice-Chairman would be present at the Committee meeting, otherwise he would have asked him at the pre-meeting to chair the meeting instead of himself.
- Councillor Ian Stokes felt that a mix up with the agenda papers did not help the situation and he even considered adjourning the meeting.
- Councillor Ian Stokes recognised that the comment he said was wrong and that what he meant to say was 'needle in a haystack' – he issued a public apology immediately after the meeting.
- Councillor Ian Stokes does not think there is any further action he can take on this matter as what had happened has happened.

- 4.6** The Leader of the Council and Chief Executive sent an email to all Members of the Council and all staff to provide reassurance that the comments made by Councillor Ian Stokes did not represent the views of the organisation and that racism of any kind cannot be tolerated.
- 4.7** Councillor Ian Stokes was immediately suspended on a temporary basis by the Conservative Group pending an investigation into this matter.
- 4.8** I met with a member of staff who felt personally affected by the comments Councillor Ian Stokes had made.

## **5. Findings**

- 5.1** Based on the evidence obtained, I am satisfied that Councillor Ian Stokes was acting in his official capacity at the meeting of the Governance and Audit Committee held on 20 October 2021 and, therefore, his conduct falls to be considered under the Council's Member Code of Conduct as set out in the Constitution.
- 5.2** The relevant part of the Code of Conduct is *Leadership* for the following reason:
- Leadership – Holders of public office should exhibit these principles (the Nolan principles) in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge breaches of the Code by others where seeing this occurring.
- 5.3** Councillor Ian Stokes, in saying the phrase and the racist connotations the phrase represents, is a significant breach of this part of the Code in which his behaviour falls below the standards expected of anyone working in public office. In addition, use of such a phrase is in conflict of the Council's Equality and Diversity Policy and the Equality and Diversity objectives set out in the Council's Corporate Plan 2020-2023.
- 5.4** Councillor Ian Stokes was acting in his capacity as a Councillor when he said the phrase, therefore, the Code of Conduct was engaged.
- 5.5** Taking into account the content of the recording of the meeting, I am of the view that Councillor Ian Stokes did breach the Council's Member Code of Conduct.
- 5.6** In presenting my evidence to the Council's Independent Person, he is also in agreement that Councillor Ian Stokes' behaviour constitutes a breach of the Council's Member Code of Conduct and supports the recommended sanctions.

**5.7** It is my view that there is sufficient evidence to make a recommendation to Full Council without the need to establish a Review Panel. This view was shared by the Council's Independent Person.

**5.8** The meeting of Full Council on 25 November 2021 is the first available opportunity to submit the recommendations of my investigation to Full Council since the incident occurred.

## **6. Recommendations**

**6.1** Due to the nature and severity of the breach, the following sanctions are recommended against the Councillor:

- That Councillor Ian Stokes makes a further public apology.
- That Councillor Ian Stokes attends equality and diversity training.
- That the Council considers Councillor Ian Stokes' position as Vice-Chairman of the Council and Chairman of the Governance and Audit Committee.
- That the Council considers Councillor Ian Stokes' membership on committees for the remainder of the municipal year.
- That a public censure notice outlining the sanctions applied be put in place on Councillor Ian Stokes' website profile until the end of his current term of office.

Alan Robinson

Monitoring Officer