



# Standards Committee

6 March 2024

Report of Graham Watts, Monitoring Officer

## Councillor Code of Conduct Complaints – Overview of Cases

### Report Author

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### Purpose of Report

To provide the Standards Committee with an overview of Councillor Code of Conduct complaints received and processed for this municipal year, to date.

To formally report to the Standards Committee the outcome of a formal investigation relating to a complaint against a District Councillor.

### Recommendations

**That the report be noted.**

### Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Effective Council

Which wards are impacted? All

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no financial implications arising from this report.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy Section 151 Officer.

### ***Legal and Governance***

1.2 There are no significant legal or governance implications not already referred to in the body of this report.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

## **2. Background to the Report**

2.1 The Monitoring Officer at South Kesteven District Council is responsible for considering complaints against Councillors where allegations of a breach of the Code of Conduct are made. This means that any complaints against any of the 56 District Councillors will be assessed and processed by the Monitoring Officer in accordance with the agreed procedure for dealing with complaints against Councillors. The Council's procedure is included as part of the Council's Constitution and can be viewed via the following link:

<https://moderngov.southkesteven.gov.uk/documents/s40111/Part%2053%20Procedure%20for%20dealing%20with%20complaints%20against%20Councillors.pdf>

2.2 As the designated Principal Authority for the District, the Monitoring Officer at South Kesteven District Council is also responsible for considering complaints against any Parish or Town Councillors where allegations of a breach of the Code of Conduct are made. These complaints are treated in the same way in accordance with the agreed procedure for dealing with complaints against Councillors.

### 3. Key Considerations

3.1 This report provides the Standards Committee with an update on the complaints submitted against District Councillors and Parish/Town Councillors since the beginning of the 2023/24 municipal year.

#### Complaints against District Councillors

3.2 Since 4 May 2023, 16 complaints have been received against District Councillors of South Kesteven District Council. Details relating to these complaints are set out below:

**Table 1**

Date received	Reason for complaint	Outcome
19.05.2023	Respect	Stage Two Assessment – no breach of the Code
05.06.2023	Equality and diversity	Stage One Assessment – Code not engaged
16.06.2023*	Respect	Stage Two Assessment – no breach of the Code
16.06.2023*	Respect	Stage Two Assessment – no breach of the Code
16.06.2023*	Respect	Stage Two Assessment – no breach of the Code
16.06.2023*	Respect	Stage Two Assessment – no breach of the Code
20.06.2023**	Publication of confidential or exempt information	Stage Two Assessment – <b>breach of the Code</b> Apology issued by Subject Councillor and social media post withdrawn
20.06.2023**	Publication of confidential or exempt information	Stage Two Assessment – <b>breach of the Code</b> Apology issued by the Subject Councillor and statement made to recipients of information
02.09.2023	Integrity, openness and transparency	Stage Two Assessment – no breach of the Code
01.11.2023***	Disrepute	Stage One Assessment – Code not engaged
01.11.2023***	Disrepute	Stage One Assessment – Code not engaged
23.11.2023	Respect	Formal investigation – <b>breach of the Code</b> Censure notice on the Councillor's profile on the Council's website until May 2025

Date received	Reason for complaint	Outcome
01.12.2023	Impartiality and objectivity	Stage Two Assessment – no breach of the Code
30.01.2024	Respect	Assessment in process of being undertaken
02.02.2024	Respect	Stage Two Assessment – no breach of the Code
13.02.2024	Conflict of interest	Stage Two Assessment – malicious and vexatious

\* the four complaints on 16 June 2023 were from the same complainant about the same issue, but were submitted against four separate Councillors.

\*\* the two complaints on 20 June 2023 were not complaints submitted by members of the public or other members of the Council, but were instances whereby the Monitoring Officer undertook an assessment based on information he had received.

\*\*\* the two complaints on 1 November 2023 were submitted from the same complainant about the same issue, but were submitted against two separate Councillors.

3.3 Of the 16 complaints received, during the period, three were found to have breached the Councillor Code of Conduct. One complaint is still in the process of being assessed, the outcome of which remains outstanding.

### **Complaints against Parish/Town Councillors**

3.4 Since 4 May 2023, 10 complaints have been received against Parish or Town Councillors in the District of South Kesteven. Details relating to these complaints are set out below:

**Table 2**

Date received	Reason for complaint	Outcome
03.05.2023	Respect and bullying	Stage Two Assessment – no breach of the Code
06.06.2023	Misuse of position	Stage Two Assessment – no breach of the Code
11.07.2023	Misuse of position	Stage Two Assessment – no breach of the Code
07.08.2023	Misuse of position	Stage Two Assessment – no breach of the Code
10.11.2023*	Respect	Stage One Assessment – Code not engaged

Date received	Reason for complaint	Outcome
15.11.2023*	Respect	Stage One Assessment – Code not engaged
15.11.2023*	Respect	Stage Two Assessment – <b>breach of the Code</b> Apology issued by the Subject Councillor
19.11.2023*	Respect	Stage One Assessment – Code not engaged
13.12.2023	Disrepute, respect and misuse of position	Stage Two Assessment – no breach of the Code
03.01.2024	Respect	Stage Two Assessment – no breach of the Code

\* these four complaints all relate to the same Subject Councillor from four individual complainants regarding the same meeting of a Parish Council

### Outcome of formal investigation

3.5 As included within the table at paragraph 3.2 of this report, a complaint was received on 23 November 2023 which, having been assessed against the procedure for dealing with complaints against Councillors, required formal investigation.

3.6 The formal investigation was undertaken by the Monitoring Officer who provided the Subject Councillor, complainant and the Council's Independent Persons with copies of a draft and final report. The final report was also shared with the Chairman and Vice-Chairman of the Standards Committee, for information. All parties agreed with the outcome of the investigation, as set out in the report, which determined that the Subject Councillor had breached the Councillor Code of Conduct. The sanction of a censure notice being placed on the Subject Councillor's profile on the Council's website until May 2025 was also agreed by all parties, including the Subject Councillor.

3.7 Consequently, it was agreed that there would be no requirement to consider the investigation report at a formal hearing given that there would not be any further significant sanctions such a process could apply over and above those already accepted by the Subject Councillor. In consultation with the Chairman and Vice-Chairman of the Standards Committee, and the two Independent Persons, a Decision Notice was published and the censure notice placed on the Subject Councillor's profile on the Council's website with immediate effect. A copy of the Decision Notice is attached to this report at **Appendix A**.

3.8 The details relating to this complaint, and any other complaint referenced in the report, cannot be the subject of discussion at this meeting as they have already gone through a formal process and have been determined, or are currently in the process of being assessed, investigated or determined. The report is for information only.

#### **4. Other Options Considered**

4.1 No other options are highlighted for consideration as the report is for noting only.

#### **5. Reasons for the Recommendations**

5.1 To provide the Standards Committee with an overview of information associated with complaints against District and Parish/Town Councillors where allegations of a breach of the Councillor Code of Conduct are made.

#### **6. Appendices**

**Appendix A – Formal Investigation Decision Notice**