

Decision Notice



SOUTH
KESTEVEN
DISTRICT
COUNCIL

OUTCOME OF FORMAL INVESTIGATION INTO AN ALLEGED BREACH OF THE COUNCILLOR CODE OF CONDUCT

1 FEBRUARY 2024

Summary of complaint:

The complaint relates to an outburst at the meeting of Full Council on 23 November 2023. During this outburst, it is alleged that Councillor Mark Whittington misrepresented the comments of other Councillors during debate of a motion and failed to show respect towards the Chairman of the Council.

At a later point of the same meeting, during a motion by another Councillor and subsequent to the complaint having been received which was emailed to the Monitoring Officer during the meeting, Councillor Whittington is alleged to have instigated a further angry outburst towards another Councillor as well as referring to the motion under debate as a derogatory term. This additional aspect of behaviour was included as part of the complaint under investigation which alleges breaches of the Code of Conduct during the same meeting.

An accusation was also made during the meeting that Councillor Whittington referred to another Member of the Council as a derogatory term. This claim was also investigated as part of this complaint.

Alleged breach of the Councillor Code of Conduct:

Councillor Whittington is alleged to have breached the following general principles of South Kesteven District Council's Councillor Code of Conduct:

- Treating all persons fairly and with respect
- Leading by example and acting in a way that secures public confidence in the role of Councillor

Councillor Whittington is alleged to have breached the following specific paragraphs of South Kesteven District Council's Councillor Code of Conduct:

Respect:

1.1 *I treat other Councillors and members of the public with respect.*

Bullying, harassment and discrimination:

1.2 *I do not bully any person.*

Disrepute:

5.1 *I do not bring my role or local authority into disrepute.*

Summary of response from the Subject Councillor:

Councillor Whittington immediately submitted an apology in writing to all Members of the Council.

In correspondence with the Council's Monitoring Officer, Councillor Whittington accepted that his behaviour was completely unacceptable, represented a breach of the Councillor Code of Conduct and that he intended to accept any sanctions imposed upon him.

Councillor Whittington agreed with the contents of the final report into this investigation, including the findings, conclusion and decision to issue him with a Censure Notice.

Information considered:

The Council's Monitoring Officer was present at the meeting of Full Council on 23 November 2023 and witnessed the behaviour exhibited by Councillor Whittington.

Additionally, the following information was relied upon as part of the formal investigation:

- A visual and audio recording of the meeting of Full Council held on 23 November 2023
- Hand written notes made by the Monitoring Officer during the meeting of Full Council held on 23 November 2023
- The content of the original complaint submitted by the complainant
- The content of email correspondence submitted by Councillor Whittington as the Subject Councillor
- A position statement by the complainant
- Records of interviews held with seven other Members of the Council
- Details of previous Councillor Code of Conduct complaints made against Councillor Whittington whereby he has exhibited similar behaviour
- Feedback from an externally facilitated training session attended by Councillor Whittington which he agreed to attend as part of an informal resolution associated with a previous Code of Conduct complaint made against him

Findings:

Taking into account the evidence available, particularly the recording of the meeting, the statement from the complainant and interviews held with other Members of the Council, Councillor Whittington is found to have breached the following general principles of South Kesteven District Council's Councillor Code of Conduct:

- Treating all persons fairly and with respect
- Leading by example and acting in a way that secures public confidence in the role of Councillor

Councillor Whittington is also found to have breached the following specific paragraphs of South Kesteven District Council's Councillor Code of Conduct:

Respect:

1.3 *I treat other Councillors and members of the public with respect.*

Bullying, harassment and discrimination:

1.4 *I do not bully any person.*

Disrepute:

5.1 *I do not bring my role or local authority into disrepute.*

With regard to the allegation that Councillor Whittington used a derogatory term against another Member of the Council, there are inconsistent accounts associated with such a claim. Interviews with Councillors who were sat in close proximity to Councillor Whittington did not hear him say the words that he is alleged to have used and neither did the Chairman of the Council, or the Monitoring Officer, in attendance at the meeting. However, two Councillors interviewed confirmed that they did hear him use a derogatory term against another Member of the Council. There are clearly conflicting accounts in this respect, meaning that there is reasonable doubt as to whether Councillor Whittington used the phrase he is accused of making. It is therefore not possible to make a determination in relation to this aspect of the complaint one way or another and this aspect of the investigation is not upheld.

Independent Person considerations:

Both Independent Persons have been consulted as part of this investigation and agree with the findings and decision set out in this notice.

Monitoring Officer Decision:

- (1) **That Councillor Mark Whittington is found to have breached South Kesteven District Council's Councillor Code of Conduct, as outlined in this Decision Notice.**

- (2) That a Censure Notice be placed on Councillor Mark Whittington's Councillor profile on South Kesteven District Council's website until 1 May 2025.**

Right of Appeal:

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against this decision.

Graham Watts
Monitoring Officer
South Kesteven District Council