

Minutes

Standards Committee

Wednesday, 11 September 2024, 2.00 pm

Council Chamber – South Kesteven
House, St. Peter's Hill, NG31 6PZ



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Pam Byrd (Chairman)
Councillor Sarah Trotter (Vice-Chairman)

Councillor Rhys Baker
Councillor Harrish Bisnauthsing
Councillor Richard Dixon-Warren
Councillor Ben Green
Councillor Max Sawyer
Councillor Graham Jeal

Other Members present

Councillor Peter Stephens
Councillor Tim Harrison
Councillor Lee Steptoe

Officers

Graham Watts (Monitoring Officer, Assistant Director for Governance and Public Protection)
Debbie Mewes (Governance Support Team Leader)
Amy Pryde (Democratic Services Officer)

Independent Persons

Fred Mann
Gordon Grimes

1. Apologies for absence

Apologies for absence were received from Councillor Ashley Baxter.

Councillor Graham Jeal substituted for Councillor Peter Stephens.

2. Disclosure of interests

There were none.

3. Minutes of the previous meeting

The minutes of the meeting held on 6 March 2024 were **AGREED** as a correct record.

4. Councillor Code of Conduct Complaints – Overview of Cases

The Monitoring Officer presented the report. The report provided the Standards Committee with an update on the complaints submitted against District Councillors and Parish/Town Councillors for the 2023/24 municipal year. It also reported on those complaints received since 23 May 2024 (the date of the Council's Annual Meeting), which commenced the 2024/25 municipal year.

Appendix A set out the number of complaints received against District Councillors for 2023/24 municipal year, whereby 63 individual complaints were submitted in that period.

Taking into account feedback from the previous meeting, more information had been provided around reasons for a complaint. These included parts of the Code of Conduct that were allegedly breached and a brief overview of what the complaint consisted of, who the complaint was submitted from and the outcome of the complaint.

The Council's complaint procedure was a three-stage process. Every complaint received was shared with the Independent Person who would then provide their views on the complaint made.

The first stage of the complaint assessment process was a jurisdictional test to assess whether or not the Councillor was acting within their capacity as an Elected Member or whether they were still an active Councillor. This test would determine whether the complaint would be passed onto the next stage of the complaints procedure.

The second stage of the process was an assessment stage, where the complaint would be assessed against criteria set out in the Council's procedure. This stage would analyse any sufficient evidence, alternative actions taken, whether consideration should be given to a Councillor's right to freedom of speech and whether the threshold for robust political debate came into consideration.

The extent of seriousness of the complaint would be assessed on whether it was malicious, vexatious, politically motivated, 'tit-for-tat' or whether it was within the public interest to take any further action and whether further action could warrant the available sanctions imposed.

At this point in the process, a decision notice would be issued in consultation with the Independent Persons as to whether any further action would be necessary, or the complaint could be closed via an informal resolution or no action required.

If a complaint warranted further investigation, a referral for a formal investigation would take place. At present, a number of complaints were currently being formally investigated by Wilkin Chapman on behalf of the Monitoring Officer.

Appendix B provided information around complaints for Parish and Town Councillors that were received for the 2023/24 municipal year. The total number of individual complaints was 21, there had not been any formal complaints submitted against Parish and Town Councillors.

One complaint related to a Disclosable Pecuniary Interest which had been referred to the Police for investigation due to it potentially constituting a criminal offence under the Localism Act 2011.

A verbal update was provided that one formal complaint against a District Councillor had been received on 11 September 2024, meaning this was the first complaint for the 2024/25 municipal year. This complaint had been submitted by a member of the public.

It was clarified by the Monitoring Officer that all complaints received in the last municipal year were followed by the current complaints process apart from those prior to September 2023 when the process had not yet been adopted by the Standards Committee. For those complaints dealt with prior to the new procedure being adopted, the LGA guidance was used. The current procedure for dealing with Councillor complaints was in keeping with the LGA guidance and more comprehensive than the Council's previous arrangements. To ensure transparency, the procedure was shared with anybody who submitted a complaint in order that they could understand how their complaint would be dealt with.

It was recognised that a high proportion of the current complaints were regarding social media posts on Councillors accounts. Whilst posts could be subsequently deleted, their publication in the first instance gave the opportunity for others to screenshot and share the post which the owner was then unable to delete.

Following this point, a Member suggested enhanced social media training for all Councillors to take place.

A Member asked the Independent Person whether 63 complaints was an extraordinary figure for a District Council, from their experience.

One of the Independent Persons stated that in their experience of working within 12 Local Government Authorities, the level of complaints received within such a short time at the Council, was the highest he had seen. The Independent Person recognised the role that social media played in this and highlighted complaints due to social media as a national issue.

Another Independent Person noted a factor of the high level of complaints may be due to the Council previously operating within its own Code of Conduct for a significant period of time rather than under the national model Code of Conduct.

Going forward, the Independent Person hoped that the level of complaints at the Council would decrease, as the model Code of Conduct had now been adopted and more training opportunities had been arranged.

A high proportion of the complaints were submitted by District Councillors against District Councillors. The Monitoring Officer highlighted the importance of changing the culture regarding the submission of complaints. It was noted that many of the complaints in question could have been resolved by an informal dialogue rather than a formal process.

A Member encouraged Councillors to take personal responsibility of behaviours. It was noted that the culture seemed to be improving as only one complaint had been submitted for the municipal year of 2024/25.

The Chairman confirmed that there had been 63 complaints received within the 2023/24 municipal period for District Councillors, of which 6 were confirmed as breaches, 15 were progressed to formal investigations, and 42 concluded with no further action.

It was confirmed that the 63 complaints had been dealt with under the new standard for complaints.

A query was raised on any indication of the timeframe for the outstanding complaints being resolved.

The Monitoring Officer clarified that current investigations were being handled by a third-party and they were currently in the process of drafting their reports. With this in mind, the matters would hopefully be resolved by the end of 2024.

One Member queried if Members would be able to view a redacted example of a submitted complaint without necessarily being worthy of a formal investigation.

The Monitoring Officer highlighted that this would be difficult given that the complainant may recognise their complaint being used as an example of a scenario which was regarded by officers as unworthy of a formal complaint.

Concern was raised on the underlying culture causing individuals to feel that they had been sufficiently wronged and that this was eroding public trust and confidence in the Council's decision-making process.

The Vice-Chairman of the Committee noted that progress was being made and assured improvements were being made.

A Member sought clarification as they were under the impression that the Leader of the Council had requested some of the matters to be resolved informally rather than the formal complaints process.

The Monitoring Officer confirmed that an offer had previously been made for reconciliation in order that matters could be resolved informally.

The Committee thanked the team for all of their hard work on this subject.

The Monitoring Officer outlined Appendix C which included 21 complaints in relation to Parish/Town Councillors. The majority of these complaints related to ongoing matters within individual Parish Council's.

That the Committee:

Noted the report.

5. Training

The Monitoring Officer provided an update on mandatory training that all Members of the Standards Committee were required to undertake. There was one Member who was due to receive training the following day, however, all other Members of the Committee had completed their training.

Furthermore, other non-Committee Members had received the training in order to be able to substitute on the Committee.

In accordance with a resolution at Full Council, it was mandatory for Members to undertake Code of Conduct training within a six month period in order to continue to sit on Committees. Code of Conduct training sessions had been scheduled since the Annual Meeting held on 23 May 2024 and there were currently five of the 56 Councillors that had not booked onto this training.

The Chairman suggested further training for Members in relation to responsible social media use.

The Vice-Chairman queried whether Police involvement in social media use training would be beneficial to educate Members about the potential consequences of how social media posts could escalate.

The Monitoring Officer acknowledged this, noting that he was considering a social media protocol alongside the Council's Code of Conduct, as adopted by other Local Authorities.

A query was raised on whether such social media training could be made mandatory or just advisory, given the conflicts that this could create with the Freedom of Speech principle.

The Monitoring Officer clarified that social media training would solely be regarding posts made under their official capacity as a Councillor. This would not restrict any Members personal social media use outside of their Councillor responsibilities. Any additional mandatory training would require approval by Full Council.

It was raised that social media use was included within the Code of Conduct itself and was covered as part of the Code of Conduct training, therefore the discussion

was around how to make social media use more comprehensive within the Code of Conduct.

One Member queried the scope of the Code of Conduct across accounts in instances where Members have separate social media accounts for their personal use, business use and their capacity as a Councillor.

The Monitoring Officer confirmed that the Code of Conduct would be engaged where the posts themselves included a direct link to the Council or their role as a Councillor, regardless of which account they were posted from.

A Member suggested engaging with the Local Government Association for assistance in appropriately framing social media use training.

6. Any other business, which the Chairman, by reasons of special circumstances, decides is urgent

There were none.

7. Close of meeting

The Chairman closed the meeting at 15:30.