Meeting of the Standards Committee

Wednesday, 12 March 2025, 2.00 pm

SOUTH KESTEVEN DISTRICT COUNCIL

Committee Members present	Other Members present
Councillor Pam Byrd (Chairman) Councillor Sarah Trotter (Vice-Chairman) Councillor Ashley Baxter Councillor Richard Dixon-Warren Councillor Tim Harrison Councillor Max Sawyer Councillor Mark Whittington	Councillor Phil Dilks Councillor Lee Steptoe

Officers

Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer
James Welbourn, Democratic Services Manager (Deputy Monitoring Officer)

8. Apologies for absence

Apologies were received from Councillors Harrish Bisnauthsing, Ben Green and Chris Noon.

Gordon Grimes, the Independent Person was also unable to attend.

9. Disclosure of interests

The Monitoring Officer reassured those members that may have been part of the Code of Conduct complaints mentioned later on in the meeting that they did not need to leave the Council Chamber during the discussion as the Standards Committee would not be reconsidering cases.

10. Minutes of the previous meeting held on 11 September 2024

The minutes of the meeting held on 11 September 2024 were agreed as a correct record.

11. Councillor Code of Conduct Complaints - Overview of Cases

The Monitoring Officer introduced an overview of Councillor Code of Conduct complaints received against district and town and parish councillors for 2023/2024 and 2024/2025 (to date).

An error within complaint number 42 in the report was identified by the Monitoring Officer where one of the sanctions agreed at the Hearing Review Panel had been omitted. However full details of sanctions were set out within paragraph 3.11 of the report where details of all cases referred for a Code of Conduct Hearing Panel were outlined. It was a requirement of the Constitution that findings from these Hearing Review Panels were reported to the Standards Committee for information.

During discussions between members and officers, the following points were highlighted:

- The Monitoring Officer referred several complaints to Wilkin Chapman solicitors for reasons of volume (over a short space of time) and complexity. The Monitoring Officer did not have the capacity to investigate this volume of complaints in a timely manner. Normal practice with a singular complaint would be for the Monitoring Officer to investigate.
- Increasing the response time for a Code of Conduct complaint would not have made a difference in these instances.
- Procedurally, the Monitoring Officer could investigate incidents that had occurred within the previous six months. Anything older than this would not normally be investigated, dependent on the severity of the complaint.
- The reduction in District Councillor Code of Conduct complaints seen between 2023/2024 and 2024/2025 demonstrated progress, however it was key that individuals should still feel able to make complaints should they need to.
- If the Monitoring Officer felt he needed legal advice he had this resource available through Legal Services Lincolnshire (LSL) but could utilise other external specialists if necessary. The recent referral to external solicitors was due to the sheer volume of complaints in a short timeframe and confirmation received from LSL that they did not have the capacity to undertaken them on the Council's behalf. Wilkin Chapman Solicitors were a highly regarded firm well renowned for expertise in relation to the Councillor Code of Conduct and the investigation of complaints against Councillors.
- Some local councils had retained an in-house legal team, but South Kesteven District Council (SKDC) and others within Lincolnshire had employed the services of LSL. LSL were not just used to assist with Councillor Code of Conduct complaints and their work spanned other departments at SKDC.

- Whilst there were inevitably differences in how councillor and officer complaints were dealt with, there were still processes and procedures attached to both issues. With officer issues, HR would play their part, as potentially would line management. One main point of difference however was the fact that there was no process by which a complaint could result in a Councillor losing their position, whereas this was possible for members of staff.
- There had not been any complaints by members of staff of SKDC against councillors in this period. All complaints had been submitted by other councillors, or members of the public.
- All supporting documents related to the Code of Conduct Hearing Review Panels were available for councillors to review. The Hearings had also generated an amount of legal advice that could be drawn on for future investigations.
- Freedom of speech was not an absolute right.
- In the view of one member, the advice given by Wilkin Chapman could have been more concise. However, they had been engaged to conduct an investigation, which would ordinarily result in a relatively lengthy document.
- Face to face contact throughout an investigation may lead to improved outcomes, rather than sustained contact through emails.

The Overview of Cases was **NOTED**.

12. Feedback and lessons learnt from recent Councillor Code of Conduct complaints

The Chairman introduced the item and referred to a published briefing note containing several suggestions that the Committee may want to discuss. Members were also presented with a copy of the Councillor Code of Conduct and the Procedure for dealing with complaints against Councillors.

All members that had been involved with making decisions on the recent Code of Conduct Hearing Review Panels had met informally with the Monitoring Officer to see what lessons could be learned from the Hearings. There were differing opinions between members about actions to be taken.

The Chairman broke down the district councillor complaints received in 2023/2024 and highlighted some points that had been discussed informally:

- 15 of the 63 complaints were referred for a formal investigation. Of those 15, there were 7 full investigations which concluded with 5 Hearing Review Panels. The remaining 2 complaints did not proceed to a Hearing.
- The Monitoring Officer was obliged to follow the Complaints Procedure, which involved an initial two-stage assessment to ensure that the complaint was valid and whether there were sufficient grounds to refer

for formal investigation. Of the initial 63 complaints a number were not considered serious enough to move forward.

- The 15 complaints referred for formal investigation involved social media usage.
- A lack of trust between members was identified, with political point scoring possibly in evidence. Where possible, an apology should be sincerely made and accepted.
- As part of the hearing process the Procedure did not allow for points of clarification to be made to the complainant.
- When a complaint was received from a councillor against a councillor, it would be expected that an informal resolution be considered.
- There were a range of sanctions and outcomes available at Code of Conduct Hearings. The purpose of sanctions was up for debate, as they could be used as a deterrent, a punishment or for satisfaction for the complainant. The whole point of them should be to bring improvement in Councillor conduct and behaviour

The following points were highlighted during a wider discussion on the Chairman's briefing note:

- The government had finished consulting on potential changes to the Standards regime which could potentially seek to reintroduce councillor suspensions and disqualifications. The Chief Executive at SKDC had been part of a national round table discussion with the Minister in relation to these proposed changes. There was also the potential for use of a mediator between the subject councillor and the complainant. The Local Government Association (LGA), the Association of Democratic Services Officers (ADSO) and the Monitoring Officer had put forward suggestions to this consultation.
- Encouraging the complainant to make direct contact with the subject councillor regarding an alleged breach of the Councillor Code of Conduct put the emphasis on the complainant. Everything possible needed to be done to protect the complainant, as it had to be assumed that they had been affected by an action to have put in a complaint.
- A simple pre-emptive approach would be to ensure good behaviour, thus limiting the number of complaints that would be generated. Another approach may be to seek the informal advice of the Monitoring Officer before submitting a complaint; however, any advice given at this stage would be caveated with the Monitoring Officer not giving a decision at this stage, it would be theoretical.
- Mediation could be carried out by another Councillor from the same or a different authority, or even an officer from another department.
- Councillors should have good communication skills to do their job, and much of this would be person to person interaction. With the rise of social media and electronic forms of communication there was now less face to face contact, however it may be a valid approach to ask two parties to sit down in a room and discuss their concerns. This

would not work for issues that were more severe and may only be viable for less serious offences.

- Informal resolution was already part of the second stage of an assessment of a Code of Conduct complaint. This was always the advocated option if possible.
- The re-establishment of a Standards Committee in 2023 had been a step forward for the authority.
- Councillors must always be allowed to give their point of view even if it might be disputed.
- Councillors must receive protection against vexatious complaints and apologies that were not offered in good faith.
- Group leaders could form an important part of the process, although they may have an understandable temptation to defend Councillors within their group. There was already an established Group Leaders' meeting where this issue could be raised.
- If an informal resolution cannot be reached, then there was the risk that a formal investigation would take place. This would incur resources.
- Members of any Code of Conduct Hearing Panels should ask questions of the investigating officer's report prior to the Hearing.
- Prior training on how to be an effective member of a Hearing Panel was essential.
- Lack of engagement with, or interference in the process was not acceptable and could be deemed a potential breach of the Councillor Code of Conduct.
- It was inappropriate to publish confidential information related to complaints. The Monitoring Officer had contacted members recently as part of investigations to advise they should not comment on live investigations. Hearing panel members cannot make any assertions until the Hearing had taken place.
- Any amendments to the Complaints procedure could be made by the Standards Committee.
- Throughout the process at recent Hearings the Monitoring Officer had reminded those Councillors involved of the support and advice available to them. There were also certain Councillors who had received Mental Health First Aider training.
- Sanctions would be a big part of the consultation results put forward by government.

Having been moved and seconded, and following a vote it was **AGREED:**

1. **That all suggested revisions within the briefing document be tabled as formal recommendations at a future meeting of Standards Committee. Any additions for Group Leaders be put together in one paragraph.**

2. **To seek dates for a workshop open to all members of Standards Committee.**

3. **To ask the Monitoring Officer to put together guidance on what information related to Code of Conduct proceedings can be divulged in the public domain.**

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

There was none.

The meeting closed at 4:20pm.