

REPORT TO: Civic Affairs Committee

15 June 2022

LEAD OFFICER: Monitoring Officer

Update on Code of Conduct Complaints

Executive Summary

1. To update the Civic Affairs Committee on complaints cases regarding alleged breaches of the Code of Conduct.

Recommendations

2. That the Civic Affairs Committee **note** the progress of any outstanding complaints and the conclusion of cases resolved since the last meeting.

Details

3. Progress since the last meeting in relation to Code of Conduct complaints is set out in the below table:

Matter Number	District/Parish Council	Allegation/complaint	Outcome
020821	SCDC	Allegations from the complainant against 2 members (one now a former member – Dr Claire Daunton) of the District Council that they committed offences under section 34(1)(b) of the Localism Act 2011 in that they had a disclosable pecuniary interest which they failed to declare at a planning meeting on the 29 September 2021.	<p>The matter was initially referred to the police who determined that there were insufficient grounds for further police action against both parties.</p> <p>The complaint then followed the code of conduct complaints process, and an independent investigator (barrister) was appointed by the Monitoring Officer to investigate the complaint and his report is attached.</p> <p>The Investigator concluded <i>“that both councillors failed</i></p>

		<p><i>to both register and declare their disclosable pecuniary interests in this item of business which constituted a breach of paragraph 4.2 of the Code”</i></p> <p>but went on to say;</p> <p><i>“However, in fairness to both councillors, and to assist the Monitoring Officer in making a decision as to next steps, I consider that it is important to make findings which are relevant to the seriousness of the breach. Having considered the evidence, I am satisfied that:</i></p> <p><i>(a) the breaches committed by both councillors were the result of a genuine oversight rather than a deliberate disregard of the Code;</i></p> <p><i>(b) it is a matter of public record that both councillors were also members of the County Council;</i></p> <p><i>(c) neither councillor benefitted personally in any way from the breaches and neither committed the breach with an intention to secure a gain for themselves or anyone else;</i></p> <p><i>(d) the resolution which both councillors voted to support was phrased in neutral terms and did not instruct officers to take a particular position in the Council’s response to the costs application against the County Council;</i></p> <p><i>(e) both councillors quickly remedied the breaches by</i></p>
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		<p>updating their registers of interests;</p> <p><i>(f) subsequent to the meeting, both councillors have been open and transparent about their conduct and have co-operated fully with this (and the police's) investigation."</i></p> <p>In terms of next steps, the code of conduct complaints procedure provides as follows;</p> <p><i>"6. What happens if the investigator concludes that there is evidence of a failure to comply with the Code of Conduct?"</i></p> <p><i>6.1 The Monitoring Officer shall review the investigator's report and shall then either send the matter for a Determination Hearing by the Civic Affairs Committee or, after consulting the Independent Person, seek Summary Resolution (see 7 below).</i></p> <p><i>7. Summary Resolution</i></p> <p><i>7.1 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a Determination Hearing. In such a case, they shall consult with the Chair of the Civic Affairs Committee, the Independent Person and with the complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the member accepting that their conduct was</i></p>
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			<p><i>unacceptable/inappropriate and offering an apology, and/or other alternative action by the Council or the relevant Parish Council (if appropriate). 7.2 If the member complies with the suggested resolution, the Monitoring Officer shall report the matter to the next Civic Affairs Committee and the relevant parish council (if appropriate) for information, but shall take no further action.“</i></p> <p>I wrote to the complainant on the 30th May 2022 seeking their views on the next steps and a further update will be provided to members at committee.</p>
021049	Waterbeach Parish Council	<p>Allegations from the complainant against a member of the Parish Council that their actions breached the following parts of their code;</p> <p>3 General Conduct</p> <p>You must –</p> <p>3.2 respect others and not bully or threaten or attempt to bully or threaten any person</p> <p>3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute</p> <p>3.7 exercise your own independent judgement”</p>	<p>After consultation with the Independent Person, it was determined that the complaint does not merit a formal investigation as the Parish Councillor has not breached the Code.</p>

021499	Great Shelford Parish Council	Allegations from the complainant against three members of the Parish Council that their actions breached the Code of Conduct.	After consultation with the Independent Person, it was determined that the complaint does not merit a formal investigation as the Parish Councillors have not breached the Code.
21518	Cambourne Town Council	Allegations from the complainant against a Parish Councillor that their actions were promoting hate through social media and therefore breached the Code of Conduct.	New complaint - Matter ongoing.
21525	Waterbeach Parish Council	Allegations from the complainant against three members of the Parish Council (one former) that their actions breached the Code of Conduct.	New complaint - Matter ongoing.

Implications

4. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, there are no significant implications.

Background Papers

Constitution – Code of Conduct

Ethical Handbook - Code of Conduct Complaints Procedure

Report Author:

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