

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Civic Affairs Committee

12<sup>th</sup> November 2015

**AUTHOR/S:** Monitoring Officer

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### UPDATE ON CODE OF CONDUCT COMPLAINTS

#### Purpose

1. To update members on complaints cases regarding alleged breaches of the code of conduct.

2. **RECOMMENDATIONS:**

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

3. **New complaint cases/cases concluded since July 2015 committee meeting:**

- (a) **CORCOM 1607**

This complaint was from three members of the public about two parish councillors at a parish council meeting and subsequently. The Monitoring Officer considered the multiple strands of evidence that had been submitted and concluded that none of the complaints made contained a valid complaint that any of the parish councillors had breached the code of conduct. The issues were concerned with parish council procedures and governance of meetings and needed to be taken up directly with the parish council. Detailed advice was then given to the parish clerk on the issues and no further action by SCDC was necessary.

- (b) **CORCOM 1615**

This complaint was made by a member of the public (who was a former parish councillor) against a parish council chairman in relation to comments made by the chairman at a parish council meeting when dealing with the issue of the resignation of the complainant. After requesting further information from the complainant to support their complaint the file has now been closed as the information has not been provided.

- (c) **CORCOM 1641**

This complaint was made by a member of the public (a former parish councillor) about the bullying behaviour of a parish councillor at parish council meetings and in email correspondence with other parish councillors. The Monitoring Officer and the Independent person considered the evidence provided, including video recordings of parish council meetings, and concluded that the behaviour complained about did not constitute bullying at the meetings. References made to the complainant in email exchanges may have been considered offensive by the complainant but needed to be balanced against the councillor's right to freedom of speech. It was

considered that no breach of the code of conduct had occurred and therefore no further action was necessary.

(d) **CORCOM 1642**

This complaint is from three district councillors about the behaviour of another district councillor at a meeting of the district council, subsequent meetings of parish councils and via email correspondence. This complaint has been referred for a formal investigation and external investigators appointed. Interviews with all relevant people are currently underway.

(e) **CORCOM 1659**

This complaint is from two members of the public about a parish councillor involving comments made in email exchanges to other parish and district councillors about them. After considering all the evidence provided the Monitoring Officer and Independent person considered that the case law supporting a councillor's right to freedom of speech offered a protection to the councillor and outweighed any offence caused to the complainants. Parish councillors are entitled to query or challenge comments made by members of the public if they wish and to hold their own opinions and comments about an issue. Therefore in this instance it was felt the code of conduct had not been breached and no further action is necessary.

(f) **SCD-COMP-009092**

This complaint is from a member of the public about a district councillor's participation in a planning committee decision. The complaint related to an application by a member of the councillor's family concerning a site which the councillor also had an interest in, which was not disclosed at the meeting. The Monitoring Officer is currently waiting for a response to the complaint from the councillor.

4. **Other complaints** is from two members of the public about a parish councillor involving comments made in email exchanges to other parish and district councillors about them. After considering all the evidence provided the Monitoring Officer and Independent person considered that the case law supporting a councillor's right to freedom of speech offered a protection to the councillor and outweighed any offence caused to the complainants. Parish councillors are entitled to query or challenge comments made by members of the public if they wish and to hold their own opinions and comments about an issue. Therefore in this instance it was felt the code of conduct had not been breached and no further action is necessary. The Monitoring Officer continues to advise a number of parish councils in relation to conduct-related issues, such as when and how to declare interests, which do not yet form the basis of a formal complaint.

**BACKGROUND PAPERS:** Localism Act 2011  
SCDC Code of Conduct Complaints procedures

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