

INITIAL ASSESSMENT OF COMPLAINT

DECISION NOTICE

Subject Member: Cllr Ian Manning – Cambridgeshire County Council

1. Background

- 1.1 On 9 October 2018 the Monitoring Officer received a formal complaint from a complainant who wished their identity to be kept confidential (“the Complainant”), alleging that Cllr Manning (“the Subject Member”) had breached the Cambridgeshire County Council Code of Conduct. The Complainant states he noted a conversation the Subject Member started on Facebook, asking for protesters for an event in Cambridge City and that further into the conversation a debate started regarding the event, in which, the Subject Member requested a person to "...just fuck off on this one pretty please” (‘the Posting’). The Complainant submits it was disrespectful and not appropriate and that it came across as shutting down debate in an unreasonable way.

2. Evidence Considered

- 2.1 The following documents and information were considered for the purposes of this complaint:-
- 2.1.1 Complaint sent by email on 9 October 2018 together with two attachments showing the Facebook postings;
 - 2.1.2 Response from the Subject Member sent by email on 12 October 2018 together with four attachments showing further Facebook postings and screenshots of the Subject Member’s Facebook profiles for his Councillor account and personal account;
 - 2.1.3 The Council’s Members Code of Conduct.

3. Jurisdiction

- 3.1 For a complaint to be considered in connection with the Member’s Code of Conduct, the following test must be satisfied:
- a) the complaint was made against a person who, at the time the alleged action took place, was a member of Cambridgeshire County Council; and
 - b) the Subject Member had signed up to the Members’ Code of Conduct in force at the time the alleged action took place; and
 - c) the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.
- 3.2 The Monitoring Officer and Independent Person have concluded that this test is not satisfied in this matter (see below).

4. Initial Assessment Decision

4.1 The Monitoring Officer and Independent Person considered whether the Subject Member was conducting the business of his authority or acting, claiming to act or giving the impression of acting as a representative of the authority.

4.2 The Subject Member provided evidence of two Facebook accounts/profiles: a councillor profile and a personal profile and the Posting in question was made from his personal profile. Further, the Subject Member stated it was made from his personal Facebook account.

4.3 The Independent Person considered that the Posting was 'ill advised', however it did not seem that the Subject Member could be said to be conducting the business of the authority (or claiming to act or giving the impression of acting as a representative of the authority) at the time of the alleged complaint.

4.4 It is therefore the view of the Independent Person that there is no jurisdiction to deal with the complaint under the Members' Code of Conduct and the Monitoring Officer agrees with this view. There can therefore be no further action on the complaint.

Approved by: Gill Holmes (Independent Person)
Fiona McMillan (Monitoring Officer)

Dated: 19 November 2018