

A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 12 SEPTEMBER 2016

To: **Constitution and Ethics Committee**

Meeting Date: **22 September 2016**

From: **LGSS Director of Law, Property & Governance and Monitoring Officer**

Electoral division(s): **All**

Purpose: **To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 4 April 2016 to 14 September 2016.**

Recommendation: **It is recommended that the Constitution and Ethics Committee note the contents of this report.**

<i>Officer contact:</i>	
Name:	Maria Damigos
Post:	Corporate Lawyer
Email:	Maria.damigos@centralbedfordshire.gov.uk
Tel:	0300 300 4733

1. INTRODUCTION

- 1.1. The Localism Act (“the Act”) places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2. The requirements of the Act are supported by Article 9 of the Constitution which also requires the Constitution & Ethics Committee to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution & Ethics Committee with an overview of the complaints received under the Code of Conduct from 4 April 2016 to 14 September 2016.

2. OVERVIEW OF COMPLAINTS

- 2.1. For the period 4 April 2016 to 14 September 2016, ten new complaints against Members were received by the Monitoring Officer.
- 2.2. Three complaints have been concluded. Two of these complaints were concluded as no breach and the third on the basis of a local resolution.
- 2.3. As regards the remaining complaints: the Independent Person has recommended that two complaints should be investigated; three complaints are on hold pending other investigations and the last two complaints are awaiting an initial assessment.
- 2.4. Details of complaints which have been concluded are set out in Appendix 1.

Source Documents	Location
Decision Notice – Complaint against Councillor Clapp	Held by LGSS Law Limited Ref L-COR00266
Decision Notice – Complaint against Councillor Connor	Held by LGSS Law Limited Ref L-COR00270
Decision Notice – Complaint against Councillor Bailey	Held by LGSS Law Limited Ref L – COR00270

APPENDIX 1

Report to the Constitution and Ethics Committee

Overview of complaints made against Members

4 April 2016 to 14 September 2016

Complaint against:	Cllr Paul Clapp
Date of Complaint:	4 April 2016
Complainant:	Ms Annalise Calvert
Allegation:	Cllr Clapp breached the Code of Conduct by allegedly calling a relative of the complainant a drug user within a post on social media on 30 March 2016
Current Status:	Concluded
Outcome:	The Independent Person concluded that the comment made by Cllr Clapp was inappropriate and could have been better worded. Local resolution was an appropriate remedy and a letter would be sent to the Cllr
Date of final decision:	3 May 2016

Complaint against:	Cllr David Connor
Date of Complaint:	7 July 2016
Complainant:	Mr Martin Wright
Allegation:	Cllr Connor breached the Code of Conduct by allegedly using his position as a councillor to undermine the planning process and the enforcement of a S.106 Agreement and using his political position to prevent the sale of the site.
Current Status:	Concluded
Outcome:	The Independent Person concluded that there was no breach as the Councillor was acting correctly and under the guidance of officers at all times.
Date of final decision:	7 September 2016

Complaint against:	Cllr Anna Bailey
Date of Complaint:	7 July 2016
Complainant:	Mr Martin Wright
Allegation:	Cllr Bailey was alleged to have breached the Code of Conduct by using her political position to unfairly influence a Planning Committee, misleading the general public and preventing the sale of land.
Current Status:	Concluded
Outcome:	The Independent Person concluded that there was no breach as the Councillor was acting correctly and under the guidance of officers at all times.
Date of final decision:	7 September 2016