

A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 12 JUNE 2017

To: **Constitution and Ethics Committee**

Meeting Date: **20 June 2017**

From: **LGSS Director of Law & 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 18 January 2017 to 12 June 2017**

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

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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 18 January 2017 to 12 June 2017.

2. OVERVIEW OF COMPLAINTS

- 2.1. Since 18 January 2017 three new complaints against a Member have been received by the Monitoring Officer. These have all been concluded. In relation to the three complaints open as at 17 January 2017 one has been concluded. The two remaining were investigated and a draft report prepared. The complaints have however been suspended with no further action to be taken as neither of the Members were re-elected.
- 2.2. Details of complaints which have been concluded since 18 January 2017 are set out in Appendix 1.
- 2.3. The publication of details of complaints only takes place after conclusion of the complaint to reduce speculation on limited information, ensure there is no compromise of any assessment or investigation and that the Data Protection Act 1998 is complied with.

| Source Documents | Location |
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| Decision Notice – Complaint against Councillor Lay | Held by LGSS Law Limited Ref L-23036 |
| Decision Notice – Complaint against Councillor Nethsingha | Held by LGSS Law Limited Ref COR002/0078 |
| Decision Notice – Complaint against Councillor Gillick | Held by LGSS Law Limited Ref COR002/0074 |
| Decision Notice – Complaint against Councillor Hoy | Held by LGSS Law Limited Ref COR002/080 |
| Decision notices are also published on the Councils website at https://www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member/ | |

APPENDIX 1**Report to the Constitution and Ethics Committee****Overview of complaints made against Members****18 January 2017 to 12 June 2017**

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| Complaint against: | Cllr Lay |
| Date of Complaint: | 3 November 2016 |
| Complainant: | Cllr Harford supported by Cllrs Ashwood and Scutt |
| Allegation: | Making an inappropriate comment during a public meeting. |
| Current Status: | Concluded |
| Outcome: | <p>The Independent Person concluded the comment was inappropriate and disrespectful and constituted a breach of paragraph 2.1 of the Code of Conduct (treating others with respect), a potential breach of paragraph 2.2(a) of the Code of Conduct (may cause the Authority to breach UK equalities legislation) and could engage paragraph 2.2(e) of the Code of Conduct (bringing office or Authority into disrepute).</p> <p>It was recommended that a local resolution was appropriate and training and guidance be provided to Cllr Lay.</p> |
| Date of final decision: | 21 February 2017 |

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| Complaint against: | Cllr Nethsingha |
| Date of Complaint: | 24 January 2017 |
| Complainant: | Cllr Count |
| Allegation: | That Cllr Nethsingha was deliberately misrepresenting the political makeup of the Council. |
| Current Status: | Concluded |
| Outcome: | <p>The Independent Person concluded that the Nolan Principles of Honesty, Leadership and Integrity could be engaged. As the Nolan Principles could have been engaged by the Cllr's actions there was a potential breach of paragraph 2.2(e) of the Code of Conduct (bringing office or Authority into disrepute).</p> <p>It was recommended that a local resolution was appropriate by way of an acknowledgement of the political makeup of the Council by the Cllr and guidance on the level of acceptable debate and statements to be provided.</p> |
| Date of final decision: | 23 March 2017 |

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| Complaint against: | Cllr Gillick |
| Date of Complaint: | 31 March 2017 |
| Complainant: | Cllr Moghadas |
| Allegation: | Making comments in a public meeting, the tone and content of which may have breached equalities legislation. |
| Current Status: | Concluded |
| Outcome: | <p>The Independent Person concluded that if the content and tone of the comments were as alleged there was a potential breach of paragraph 2.1 (treating others with respect), paragraph 2.2(a) (breaching equalities legislation) and paragraph 2.2(e) (bringing office or Authority into disrepute).</p> <p>As Cllr Gillick was not standing for re-election, the Independent Person recommended a local resolution, by way of guidance on equalities legislation and its seriousness, as appropriate.</p> |
| Date of final decision: | 28 April 2017 |

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| Complaint against: | Cllr Hoy |
| Date of Complaint: | 10 May 2017 |
| Complainant: | Ms S Horne |
| Allegation: | That a 'like' made by Cllr Hoy on a 3 rd party's Facebook post was an endorsement of what was alleged to be a hate crime and put the complainant's safety at risk, was disrespectful and brought Cllr Hoy's office and Authority into disrepute. |
| Current Status: | Concluded |
| Outcome: | The Independent Person concluded that Cllr Hoy was not representing the Council and the Code of Conduct was not therefore engaged. |
| Date of final decision: | 8 June 2017 |