

Review of the Complaints Received Under the Members' Code of Conduct

To: Constitution and Ethics Committee

Meeting Date: 27 September 2022

From: Monitoring Officer, Fiona McMillan

Outcome: To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 25 February 2022 to date, along with details of other complaints which are in process or have been concluded.

Recommendation: The Constitution and Ethics Committee is recommended to:

Note the contents of the report.

Officer Contact:

Name: Fiona McMillan
Post: Director of Governance and Monitoring Officer
Email: fiona.mcmillan@peterbrough.gov.uk
Tel: 01733 452361 (office)

Member contacts:

Names: Councillors Sebastian Kindersley / Alex Bulat
Post: Chair/Vice-Chair
Email: skindersley@hotmail.com / alex.bulat@cambridgeshire.gov.uk
Tel: 01223 706398

1. Background

- 1.1 The Localism Act (“the Act”) places a statutory duty on the Council to promote and maintain high standards of conduct amongst its members and co-opted members. This includes having a code of conduct that sets out the standard of behaviour expected from members when acting in their capacity as county councillors.
- 1.2. The requirements of the Act are supported by Article 2 (Members of the Council) in the Council’s Constitution, and by Part 5.1 (Members’ Code of Conduct). The Constitution and Ethics Committee Terms of Reference give the Committee authority to monitor operation of the Code of Conduct and complaints received under it.
- 1.3. This report serves to provide the Constitution and Ethics Committee with an overview of complaints received under the Code of Conduct since the last update on 29 September 2021.

2. Overview of Complaints

2.1 Ongoing Complaints

- 2.1.1 The publication of details of a complaint takes place only when the investigation has been concluded and a breach of the code established. The purpose of this restriction is to reduce speculation on limited information, to ensure assessment or investigation is not compromised, and to uphold the requirements of the Data Protection Act 2018 and UK GDPR.
- 2.1.2 Since the last reporting, there has been one ongoing complaint and one new complaint:
 - (a) CONDCOMP/CCC/12. A complaint was received from a member of the public on 20 June 2022 which raised concerns regarding the requirement to declare interests and the circumstances in which that might arise. The Deputy Monitoring Officer has reviewed the circumstances described and does not consider that there has been a breach of the Code of Conduct. This is subject to input from the Monitoring Officer and Independent Person.
 - (b) CONDCOMP/CCC/13. A complaint was received from a member of the public on 9 July 2022 which raised concerns about the conduct of a member during a committee meeting. The subject member provided a full response; however, the complainant did not consider it to have satisfactorily resolved their concerns. Consequently, the Deputy Monitoring Officer discussed the complaint and response with the Independent Person and it was determined that no further action should be taken.

2.2 Concluded Complaints

- 2.2.1 Since the time of last reporting, the following complaints have been resolved:
 - (a) CONDCOMP/CCC11. A complaint was received from a member of the public on 22 September 2021 which concerned the conduct of a member during the election period.

The subject Member provided a full response to the complaint which was shared with the complainant. The complainant confirmed that the response did not satisfactorily resolve their concerns and the matter was therefore discussed with the Independent Person. The Independent Person determined that no further formal action was required. The process was therefore concluded.

- (b) CONDCOMP/CCC/14. A complaint was received from a member of the public on 19 February 2022 which concerned the conduct of the subject member during and following a meeting between them, in particular, the production and disclosure of records relating to that meeting. The subject member provided a full response to the complaint which was shared with the complainant. The complainant stated that the response did not satisfactorily resolve their concerns and the matter was therefore discussed with the Independent Person. The Independent Person determined that no further formal action was required. The process was therefore concluded.
- (c) CONDCOMP/CCC/15. A complaint was received from a councillor on 12 July 2022 which concerned the conduct of a member during a committee meeting. The Deputy Monitoring Officer wrote to the complainant to request further information, including identification of alleged breaches of the Code of Conduct. The Deputy Monitoring Officer has not received a response and therefore no further action has been taken.
- (d) CONDCOMP/CCC/16. A complaint was received from a councillor on 19 July 2022 which concerned the conduct of a member during a meeting of Full Council. The subject member provided a full response, including an apology. The complainant confirmed that the member's response had not satisfactorily resolved their concern and therefore requested that the Deputy Monitoring Officer discuss the matter with the Independent Person. Following discussion, it was determined that the apology was sincere and sufficient, and that no further action would therefore be taken.

3. Source Documents

- 3.1 The Council's Code of Conduct, information about how to make a conduct complaint, and the process that will be followed can be found via the following link:

[Cambridgeshire County Council – Complain about a Member](#)