

A Review of the Complaints Received Under the Members' Code of Conduct - May 2023

To: Constitution and Ethics Committee

Meeting Date: 2 May 2023

From: Monitoring Officer, Emma Duncan

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 27 September 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.

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1. Background

- 1.1 The Localism 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 the obligation on the Council to have in place a Code of Conduct which sets out the standard of conduct expected of members when acting in their capacity as county councillors.
- 1.2. The requirements of The Localism 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's Terms of Reference give the committee authority to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Committee with an overview of the complaints received under the Code of Conduct since the last update on 27 September 2022.

2. Overview of Complaints

2.1 Ongoing Complaints

- 2.1.1 The publication of details of complaints only takes place after conclusion of the complaint and only if a breach of the code has been established. The purpose of this restriction is to reduce speculation on limited information, to ensure there is no compromise of any assessment or investigation, and to uphold the requirements of the Data Protection Act 2018 and UK GDPR.
- 2.1.2 Since the time of last reporting, there have been twelve new complaints:
 - CONDCOMP/CCC19. A complaint was received from a member of the public on 13 October 2022 which concerned comments the subject member had made on social media. 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. Following that discussion, the complaint was discontinued on the basis that the concerns raised were not sufficient to meet the threshold for further action and/or to interfere with the subject member's Convention rights. The outcome has since been communicated to the complainant.
 - CONDCOMP/CCC20. A complaint was received from a member of the public on 17 November 2022 which concerned an exchange between them and the subject member at a public meeting. The complainant did not consider the subject member as having made a proper introduction or given due consideration to the issues raised. The subject member provided a full response to the complaint to include an opportunity for further discussion which was shared with the complainant. The complainant has not responded to confirm whether or not the subject member's response satisfactorily resolved the concerns raised, despite being sent a reminder. The Deputy Monitoring Officer has therefore discontinued the complaint.

- CONDCOMP/CCC21. A complaint was received from a member of the public on 19 December 2022 which concerned the content of a comment the subject member had posted on social media. The Deputy Monitoring Officer wrote to acknowledge the complainant's complaint and to ascertain further information. The complainant did not respond and the Deputy Monitoring Office was therefore unable to progress the complaint.
- CONDCOMP/CCC22. A complaint was received from a member of the public on 20 December 2022 which concerned an exchange between them and the subject member at a public meeting in which they believed that the subject member had been dismissive of the importance of the issue raised. 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 Deputy Monitoring Officer is in the process of preparing the Decision Notice, however, it was agreed with the Independent Person that no further action was required.
- CONDCOMP/CCC23. A complaint was received from a member of the public on 4 February 2023 which related to an email the subject member had sent in response to concerns raised in relation to specific service issues. The Deputy Monitoring Officer reviewed the content of the concerns in the context of the service complaint and ongoing correspondence with the complainant. Consequently, and having regard to the specific facts of the particular matter, the Deputy Monitoring Officer determined that the Code of Conduct was not engaged and therefore no further action would be taken.
- CONDCOMP/CCC24. A complaint was received from a member of the public on 9 March 2023 which raised concerns about the subject member's failure to declare an interest at a Full Council meeting. The Deputy Monitoring Officer has acknowledged the complaint and is in liaison with the complainant to obtain further information.
- CONDCOMP/CCC25. A complaint was received from a member of the public on 10 March 2023 which raised concerns about the subject member's participation in a committee meeting. Upon assessing the content of the complaint in detail, the Deputy Monitoring Officer determined that it was more a concern for the subject member as opposed to a complaint about them. The Deputy Monitoring Officer is therefore in liaison with the subject member to ascertain whether any further support is required. No further action will be taken under the conduct procedure.
- CONDCOMP/CCC26. A complaint was received from a member of the public on 22 March 2023 which raised concerns about the subject member's use of language during a committee meeting. The Monitoring Officer has acknowledged the complaint and is in liaison with the complainant to obtain further information.
- CONDCOMP/CCC27. A complaint was received from a member of the public on 23 March 2023 which raised concerns about the subject member's use of language during a committee meeting. The Monitoring Officer has acknowledged the complaint and is in liaison with the complainant to obtain further information.
- CONDCOMP/CCC28. A complaint was received from a member of the public on 24 March 2023. It concerned comments made by the subject member with regard to the

complainant and this comment being allowed to stand unchecked. The Monitoring Officer has acknowledged the complaint and a meeting is to be arranged with the subject member.

- CONDCOMP/CCC29 A complaint was received from a member of the public on 4 April 2023 which concerned comments the subject member had made on social media. This complaint is linked with CONDCOMP/CCC30. The Deputy Monitoring Officer has written to acknowledge the complaint and to request further information from the complainant.
- CONDCOMP/CCC30. A complaint was received from a member of the public on 4 April 2023 and concerned comments the subject member had made on social media. This complaint is linked with CONDCOMP/CCC29. The Deputy Monitoring Officer has written to acknowledge the complaint and to request further information from the complainant.

2.2 Concluded Complaints

- 2.2.1 There were no outstanding complaints at the time of last reporting and therefore all relevant information on this occasion has been reported at paragraph 2.1.2 above.

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:

[Complain about a councillor or co-opted member - Cambridgeshire County Council](#)