

A Review of the Complaints Received Under the Members' Code of Conduct - End January 2022

To: Constitution and Ethics Committee

Meeting Date: 25 February 2022

From: Fiona McMillan, Monitoring Officer

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 September 2021 to the end of January 2022, 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 (“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 the obligation on the 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 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 it authority to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution and Ethics Committee with an overview of the complaints received under the Code of Conduct since the last update on 29th September 2021.

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, one new complaint has been received with the following still ongoing:

CONDCOMP/CCC11. A complaint was received from a member of the public on 22nd September 2021 which concerned the conduct of the subject Member during the election period. The Subject Member provided a full response to the complaint which was shared with the Complainant. The Complainant has confirmed that the response does not satisfactorily resolve their concerns and the matter is therefore awaiting discussion with the Independent Person.

CONDCOMP/CCC/06. A complaint was received from the Audit and Accounts Committee on 5th March 2021 and was reported separately to the Committee in July 2021. After receiving legal advice on the available options, the committee decided to commission an external investigation and the outcome of that investigation is being reported separately to the Committee.

2.2 Concluded Complaints

2.2.1 Since the time of last reporting, the following complaints have been resolved:

CONDCOMP/CCC/09. A complaint was received from a Councillor of Cambridgeshire County Council on 29th July 2021 which concerned the conduct of the subject member at the meeting of Full Council which had taken place on 22nd July 2021. The Complaint has since been withdrawn.

CONDCOMP/CCC/10. A complaint was received from a Councillor of Cambridgeshire County Council on 29th July 2021 which concerned the conduct of the subject member at the meeting of Full Council which had taken place on 22nd July 2021, specifically that the subject member had misled the meeting. The Subject Member provided a full response, however the Complainant did not accept the Subject Member's explanation and the matter was therefore discussed with the Independent Person on 17th December 2021. Following that assessment, the Independent Person did not consider that the Code of Conduct had been breached. The Deputy Monitoring Officer agreed, and the outcome was therefore confirmed to the complainant and subject member on 24th December 2021.

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:

<https://www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member>

4. Appendices

4.1 None.