



## **CODE OF CONDUCT COMPLAINT**

### **COMPLAINT REJECTED**

<b>Reference:</b>	061931
<b>Complainant:</b>	Councillor B Seage
<b>Subject Member:</b>	Councillor J Prinn; St Cleer Parish Council
<b>Person conducting the decision:</b>	Simon Mansell, Corporate & Information Governance Manager
<b>Date of Consideration:</b>	23 November 2020

#### **Summary of the allegations considered**

The Complainant considers that due to the way the Subject Member conducted himself at a virtual meeting of St Cleer Parish Council held on 23 September 2020 he has breached the Code of Conduct for St Cleer Parish Council by; failing to treat others with respect, being discriminatory, bullying and intimidating others.

#### **Decision**

Part 3 of Cornwall Council's procedures for the assessment and determination of breaches of the Code of Conduct provide for the application of a Public Interest Test against which complaints will be filtered to determine whether the allegation should be rejected or proceed to formal assessment. This determination is undertaken against the Public Interest Test criteria that have been set in place by the Standards Committee.

After considering the complaint as made; the complaint is rejected under paragraph 3.2(iii) of the adopted procedures.

The reason for rejection is that it is not considered that the complaint as made demonstrates a breach of the Code of Conduct. The rationale for this is set out below.

### Rationale

In considering the complaint as a whole I have noted the background to the complaint and that the alleged breach of the Code of Conduct occurred during the discussion about whether to co-opt a member of the public onto the Parish Council.

I have reviewed the comments which the Complainant has stated were made by the Subject Member and which form the basis of the complaint. I have also, in determining this complaint, taken into account the context in which these statements were made.

I do not consider that by giving his opinion with regards to who should be allowed onto the Council and why the Subject Member has breached the Code of Conduct. He is entitled to make his views known and the point made is not one which is uncommon.

With regards to proposing the motion to reject the application for co-option; any member may propose a motion if they wish. The fact that this motion has now been voted upon by the Parish Council means that this can now only be challenged by the courts, and not this process, with regards to its legitimacy.

As a result, I am rejecting this complaint on the basis that a breach of the Code of Conduct has not been demonstrated.

### **How to complain**

If you do not agree with the reasons for rejecting this complaint you should address these concerns to the Local Government and Social Care Ombudsman. They will not investigate if the Code has been breached but will consider if you have suffered maladministration or injustice by the rejection of this complaint.

The LGSCO can be contacted at the following address:

The Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

### **Additional help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make

reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

A handwritten signature in black ink, appearing to read 'Simon JR Mansell', written over a horizontal line.

Simon JR Mansell MBE FCILEX  
Corporate and Information Governance Manager  
Cornwall Council