



CODE OF CONDUCT COMPLAINT

COMPLAINT REJECTED

Reference:	061931
Complainant:	Councillor B Seage
Subject Member:	Councillor B Smith; St Cleer Parish Council
Person conducting the decision:	Simon Mansell, Corporate & Information Governance Manager
Date of Consideration:	20 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, intimidating others and by not promoting high standards of conduct.

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 questions which the Complainant has stated were asked by the Subject Member and which form the basis of the complaint, and have considered the way in which the Complainant has said they were asked.

With regards to the question concerning the shop; whilst the Complainant may be of the view that this was asked in a 'bullying and threatening manner' there is nothing in the complaint or in the wording of the question asked by the Subject Member that would indicate that, when viewed objectively, this was the case. The wording of the question is not such that it could be considered to be bullying or threatening and there is nothing to indicate that, when the facts are considered objectively, the intention of the Subject Member was to bully or intimidate.

In considering the comments with regards to the application form submitted by the candidate; whilst it is accepted that, during the interview with the candidate for co-option, the Subject Member may have made an incorrect statement with regards to the application form they were considering; again this does not amount to a breach of the Code of Conduct. The reason is that there is nothing within the complaint that would indicate that this was anything other than a genuine error on the part of the Subject Member.

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.



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