

Ms Jones  
St. Cleer Parish Council  
19 Biscombe Gardens  
Saltash  
Cornwall  
PL12 6EG

**Your ref:**  
**My ref:** CCN015/18/19  
**Date:** 17 October, 2018

Dear Ms Jones

**Request to review Code of Conduct decision notices under CCN015/18/19**

I write to advise we have reviewed a request to review the Decision Notices under CCN015/18/419 in which we did not find a breach in respect of the complaint made against Cllr Webb, Cllr Watson and Cllr Harbord.

Paragraph 5 of Cornwall Council's procedures for the assessment and determination of breaches of the Code of Conduct sets out the procedure for requesting a review of a decision made under the Code.

The reasons for asking for a review are as follows;

The complainant does not feel that the assessment and subsequent decisions carried out was correctly made as he states that assessments were made on the Parish Council holding a vote and implemented the prevention of filming which he states was not the subject of the original complaint. The complainant states that the reasons for the original complaint was Cllr Watson provided misleading verbal input, Cllr Webb inappropriately proposed a motion on the basis of disruption where no disruption was apparent and Cllr Harbord facilitated and presiding over these actions. All of these reasons the complainant feels have been lost on assessment of the complaint. The complainant further states that the officer did not have due regard to the video evidence being offered for viewing and declined prior to making the final decision.

Under our assessment procedure we can only accept a request for review if substantial reasons and evidence is provided which we believe would change the decision or how it was made at the time. Simply expressing disagreement with the assessment decision will result in the request for review being rejected.

I can confirm that the purpose of the complaint was noted at assessment however, whilst it appreciated the complainant considers that he has a legal right to film the meeting of the Parish council this right can only be removed by the action of the Council as a whole, not an individual member.



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With regards to the actions of the members these were not 'lost' on the deciding officer;

Cllr Watson – the Code of Conduct does not extend to statements made by members at meetings unless they are disrespectful. Simply the fact it was misleading would not be a breach of the Code and would be covered under Article 10(2)

Cllr Webb – There cannot be an extension of the ethical standards regime to a member proposing a motion. Members should be free to put forward any motion they wish to a meeting of their authority and it is then for the authority to determine if they should vote on the matter.

For both Cllrs Watson and Webb it is also considered that were the code extended to these actions it would stifle democratic debate and this would affect all councillors. It is appreciated the complainant may be aggrieved by the actions of the Parish Council but this does not warrant such a punitive extension of the Code.

Cllr Harbord – As a chair of a meeting any Councillor is there to consider the wishes of the members that are present and voting and then to put a matter to the vote unless they receive advice from the council officer present not to do so, though this would not be a breach of the Code providing the Councillor had regard to this advice. Presiding over a decision one may not agree with or consider to be illegal is not a breach of the Code in itself.

With regards to reviewing the footage it was not considered that this was necessary, the facts is not the video evidence but whether members were correct in what they did which was to prevent you filming, because based on the opinion of those present and voting, your filming of the meeting was disruptive and the Council then voted on the matter.

For the reasons given above we have rejected the request for a review. You do not need to do anything further in respect of this letter we are just writing to advise you that a request to review the Decision has been received and rejected.

Yours sincerely,



**Eleanor Garraway**  
**Corporate Governance Officer (acting)**  
Assurance Service  
Cornwall Council  
Tel: 01209 614304



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