

**AGENDA ITEM NO.9**

**CONDUCT COMMITTEE**

**Date**            **7 MARCH 2013**

**Title**            **MEMBER CONDUCT COMPLAINT – COUNCILLOR MELTON**

**1. PURPOSE/SUMMARY**

To consider a complaint under the member code of Conduct against Councillor Melton of Fenland District Council.

**2. KEY ISSUES**

- A complaint has been raised by a young person about the Conduct of Councillor Melton.
- Councillor Melton has been offered the opportunity to provide an initial written response to the complaint; this is attached.
- The Conduct Committee is asked to consider the complaint and determine if it discloses a likely breach of the member code of conduct.

**3. RECOMMENDATION(S)**

Members consider the complaint and response and determine the initial consideration of the complaint.

<b>Wards Affected</b>	All
<b>Forward Plan Reference No.</b> (if applicable)	NA
<b>Portfolio Holder(s)</b>	
<b>Report Originator</b>	Ian Hunt, Chief Solicitor
<b>Contact Officer(s)</b>	Alan Pain, Corporate Director and Monitoring Officer Ian Hunt, Chief Solicitor and Deputy Monitoring Officer
<b>Background Paper(s)</b>	

## 1. BACKGROUND/INTRODUCTION

On the 19 October the Council held a Democracy Day event; this is an opportunity for a range of young people from schools within the District to understand the democratic process and engage with a range of senior members and officers including those from partner organisations.

Feedback about the event was very positive; a complaint was, however, received on the afternoon of the event from a young person about the conduct of Councillor Melton; this complaint is detailed below:

### *Part 1:*

*I had a few people come to me about Councillor Melton's "choice of words" for example, referring to the guy on the political speed dating video as a "tosser" in front of some of the younger children. And also the fact that he was asking the students about the Whittlesey supermarket issue, which one they prefer, I felt this was out of place and not necessary because most of the kids asked were not in fact from Whittlesey.*

### *Part 2:*

*A few people approached me as we were waiting in the foyer after the day had finished.*

Councillor Melton has been provided with the above complaint and offered the opportunity to respond; his response is attached.

Members will note that the details of the complaint are not set out in this report; these have also not been provided to Councillor Melton. The Council has a safeguarding responsibility to ensure that the details of young people are handled in a sensitive and appropriate way. The details of the young person concerned are held; and if members determine that an investigation is appropriate then they would be provided to the investigating officer and as appropriate to Councillor Melton.

The Council acknowledges that the Conduct complaint process is principally an open public process. To this end consideration was given to the need for openness and transparency. It is clear from the first line of the complaint that the complaint is made in a representative capacity; this would tend to suggest that the details of the representative would be disclosed, however, the Council acknowledges that it has a safeguarding responsibility. The fact that the complaint is representative means that the details of the complainant are less critical to the understanding of the complaint and accordingly a higher level of confidentiality can be given. It is felt that the balance of providing the complaint without the name of the young person ensures openness and transparency whilst protecting the young person concerned.

## 2. CONSIDERATIONS

Members must consider the complaint against the member code of conduct.

Members must consider whether or not there is a reasonable prospect of the complaint being proven based on the information held. In considering this members are to be aware of the fact that should an investigation occur further evidence or detail can be sought.

Members are advised that where a complaint contains a number of elements they may choose to consider each element separately or take the whole complaint together.

Where members consider that there is a reasonable prospect that a breach of the code of conduct has occurred they should give consideration as to whether or not there should be an investigation of the complaint. Members should consider the following points in determining whether an investigation should occur:

- Has the Complaint already been investigated, or is it already the subject of investigation?
- Is the Complaint more appropriately dealt with through another regulatory channel?
- Is the complaint about something which happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be malicious or simply tit for tat?

Where members consider that an investigation is appropriate the Monitoring Officer will be asked to make suitable arrangements for such an investigation. Members are asked to give any particular comments on the scope or direction of the investigation.

If members do not consider that there is a potential breach of the code of conduct or that there is no reasonable prospect of any breach being disclosed or that the complaint does not merit further investigation then no further action is taken in respect of the complaint save for notifying the member and the complainant.



Councillor Alan Melton • Leader of the Council

Fenland District Council • County Road • March • Cambridgeshire • PE15 8NQ  
Tel 01354 622448/622303 • Fax 01354 606917 • email meltonalan@aol.com • DX 30955 March • Textphone 01354 622213

Twinned with Stadt Nettetal, Germany and Sunshine Coast Regional Council, Australia

Alan Pain  
Monitoring Officer  
Fenland District Council  
County Road  
March  
PE15 8NQ

08 November 2012

Dear Mr Pain

**Democracy Day 19<sup>th</sup> October 2012 – Complaint.**

I have received a copy of a complaint made against me by one of the students who took part in the Democracy Day.

I have to state that I am both shocked and disappointed that this complaint has been made; as the initial and further feedback from the day indicated that there was no cause whatsoever to complain or indeed that any complaint was forthcoming. Indeed the feedback was most encouraging and my personal feedback was superb, both on the day and through social media.

- With reference to the word “tossler”, I did indeed use the word, in response to a male student who used the word to describe a section of the video, he used the word and I incredulously repeated it. I did find the comment rather amusing!  
Incidentally, this is the same student who referred to Peterborough United as playing like s\*\*t! Which as a supporter I rather agreed with.  
I have been involved with children and children’s organisations all of my adult life: Cubs, Classroom Reader, Swimming Club, Organised Parties and School Governors etc. I have NEVER been the subject of complaint of any kind. As a responsible parent, I know how offensive it is for others to use offensive language in front of children and students. Perhaps I shouldn’t have repeated the word, but no offence was intended and if it did I sincerely regret it.
- With reference to the supermarket debate: I was asked a question by a student from Sir Harry Smith School, Whittlesey about the proposed developments.  
Of course I did not offer a point of view, but it was fascinating to listen to the student, who was clearly engaged in what is a significant local issue, which in my opinion is what Democracy Day is all about. The subject was raised by a number of the students. They raised issues surrounding the applications, such as: view, competition, country park, town centre impact and general concerns around infrastructure including A605.

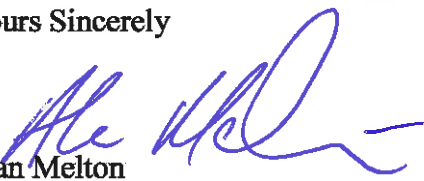
At points when the conversation died, I raised the issue, I was surprised at the depth of knowledge these students had about a significant local issue, and I was heartened to know that so many young people were so knowledgeable. I understand that the same issue was raised with Councillors Seaton and Garratt.

This was not the only issue raised; there was reference to Estover Road and the Chatteris Leisure Centre, all topical local issues.

At no time did I act improperly, or sought to influence, my conversations were open and transparent, I related the conversations to fellow councillors and officers present including: Paul Medd, Chief Executive.

This is my response to the complaint; I hope it fully clarifies the matter.

Yours Sincerely



Alan Melton