

AGENDA ITEM NO.10

CONDUCT COMMITTEE

Date **7 MARCH 2013**

Title **MEMBER CONDUCT COMPLAINT – COUNCILLOR PATRICK**

1. PURPOSE/SUMMARY

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

2. KEY ISSUES

- A complaint has been raised by Mrs Magnus, about the Conduct of Councillor Patrick.
- Councillor Patrick 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.

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

1. BACKGROUND/INTRODUCTION

On the 31 October a complaint was received from Mrs Magnus in respect of the conduct of Councillor Patrick. A copy of the complaint is attached.

Councillor Patrick was offered the opportunity of responding to the complaint and his response is also attached.

Please note that Councillor Tierney is a member of the County Council and accordingly not subject to the Fenland District Council Code of Conduct, Mrs Magnus was advised of the appropriate route should she wish to pursue this element of the complaint.

Members are advised that the relevant planning application was recommended for refusal by officers at committee. Councillor Patrick proposed that the officer recommendation was adopted, this was seconded and adopted by the committee.

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.

Complaint:

By Email:

Planning application F/YR12/0512/F

From: netty.magnus

Sent: 31 October 2012 11:57

To: Ian Hunt

I am writing in reference to our planning application which was discussed at committee on 19th September 2012.

There are some aspects of the process which we have concerns about but our main concern is a conversation which took place between Councillor Patrick and County Councillor Steve Tierney. This took place during my presentation and also after the vote when Councillor Tierney shook Councillor Patrick's hand.

The conversation where Councillor Tierney accused me of being a liar to Councillor Patrick during my presentation which Councillor Tierney has since recanted was heard by other witnesses, including other Council Members.

We are very concerned that this shows that undue pressure was put on members and at least influenced Councillor Patrick.

I was under the impression that members should not hold discussions with third parties during the judicial voting process and would be grateful if you could investigate the matter before we consider our next course of action.

Thank you in anticipation
Annette Magnus

Councillor Patrick's Response:

From Councillor Patrick

To Alan Pain

Re: Conduct Complaint

Hi Alan.

Many thanks for the email received.

I would like to point out that at no point did I personally discuss the planning application in question with Cllr Tierney. Although a few words may have been exchanged between myself and Councillor Steve Tierney (we are both Wisbech Councillors and do sometimes exchange pleasantries) this was not in relation to the application.

I was not influenced by any person at all. Having listened to all the evidence presented with regards the application and having given full consideration to it I felt on this occasion it was correct to take note of the officers recommendation and voted accordingly.

I therefore strongly refute the allegation.