

AGENDA ITEM NO. 12	
CONDUCT COMMITTEE	
Date	7 MARCH 2013
Title	MEMBER CONDUCT – COUNCILLOR OWEN

1. PURPOSE/SUMMARY

To consider issues under the Member Code of Conduct and the Internet and Email Usage Policy against Councillor Owen of Fenland District Council.

- 2. KEY ISSUES**
- An issue has arisen regarding the use of Council IT equipment by Cllr Owen. The attached report provides details of the situation.
 - Councillor Owen has been offered the opportunity to provide an initial written response; this is attached.
 - The Conduct Committee is asked to consider the report and determine if it discloses a likely breach of the member code of conduct and/or the Internet and Email Usage Policy.

3. RECOMMENDATION(S)

Members consider the issues and determine the initial consideration of the points raised.

Wards Affected	All
Forward Plan Reference No. (if applicable)	NA
Portfolio Holder(s)	
Report Originator	Alan Pain, Corporate Director and Monitoring Officer
Contact Officer(s)	Alan Pain, Corporate Director and Monitoring Officer Ian Hunt, Chief Solicitor and Deputy Monitoring Officer
Background Paper(s)	Member Laptop Report (available in hard copy only) Internet and Email Usage Policy

1. BACKGROUND/INTRODUCTION

An issue has arisen regarding the use of Council IT equipment by Cllr Owen. The attached report provides full details of the situation.

Due to the nature of the attached report, it has been redacted from the Council's website. However the report is a public document, and will be circulated in full to the Members of the Committee. If requested, hard copies are available.

The report identifies issues relating to the Council's Internet and Email Usage Policy. This Policy provides for disciplinary action. Matters of Member Conduct are reserved for the consideration of the Conduct Committee (Article 9 of the Constitution).

Councillor Owen was given the opportunity to respond to the issues and the response is attached.

2. CONSIDERATIONS

Members are requested to consider the situation with due regard to the Member Code of Conduct and the Internet and Email Usage Policy.

Members must consider whether or not there is a reasonable prospect of the issues 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, however, in this case a technical investigation report is already attached.

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 further investigation of the complaint. Members should consider the following points in determining whether further 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 complainant appear to be malicious or simply tit for tat?

If members consider that further 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.