

**AGENDA ITEM NO. 6**

**CONDUCT COMMITTEE**

**Date**            **26 JUNE 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 Councillor Archer 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)**

1. 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 8<sup>th</sup> April Councillor Archer submitted a complaint about the conduct of Councillor Melton at a Planning Committee meeting of the 3<sup>rd</sup> April.

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

An unsolicited comment was received from Councillor Miscanlon, a member of the planning committee, in attendance on the 3<sup>rd</sup> April; this is attached for member reference.

## **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 chose 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 compliant 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.

**Ian Hunt**

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**From:** Mark Archer [mailto:mark.archer@industrialgroup.com]  
**Sent:** 08 April 2013 08:56  
**To:** Fred (Cllr) Yeulett; Ian Hunt; Alan Pain  
**Subject:** Conduct Committee Complaint Re Cllr Melton

Dear Sirs

I would like to submit a formal complaint about the conduct of Cllr Melton during the meeting of the planning committee dated 3 April 2013.

In particular with regards to his intervention and subsequent continued involvement in the committees determination of planning application F/YR12/0894/F.

Not only did Cllr Melton choose to directly intervene in a planning matter which as Council Leader, I believe is improper for him to do so, he chose to stay in the room after he had spoken and continued to take part in the discussions, against all our protocols.

This is against the background of public statements on both TV and Radio in which he stated that he did not involve himself directly in planning matters and that as leader it would be improper for him to do so.

As Ward Cllr on this application I chose to speak against and was advised by our legal team that I should then leave the room, as my continued presence may appear to exert undue influence on the following debate and vote.

At the very least Cllr Melton should have left the room, like I did after he had spoken.

I believe that Cllr Melton's direct intervention as Conservative Group and Council Leader, his continued contributions and presence during the subsequent debate, exerted a huge amount of undue pressure on Committee Members and may well have influenced or was seen to have unduly influenced the outcome of the voting.

As such I believe Cllr Melton's behaviour has brought the Councils reputation into disrepute and this forms the basis of my formal complaint.

Mark Archer  
Cllr  
Manea Ward



Councillor Alan Melton • Leader of the Council

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

Alan Pain  
Monitoring Officer  
Fenland District Council

16 April 2013

Dear Mr Pain

**Re: Conduct Complaint – Councillor Mark Archer**

I am in receipt of the e-mail sent by Mr Ian Hunt, 8<sup>th</sup> April 2013.

Councillor Archer's complaint is in respect of the Planning Committee of 3<sup>rd</sup> April 2013.

My comments are as follows:

- I attended the committee as Leader of the Council
- I gave democratic services 5 days notice that I wished to speak at the committee regarding application F/YR12/0894/F
- I informed senior officers of my intended attendance, including: Allison Callaby, Graham Nourse and Paul Medd.
- I made a statement reminding members of the Fenland District Council policy regarding affordable homes.
- I reminded members that we had agreed to work closely with Roddons in helping to bring forward sites for affordable housing.
- I stated in my presentation "It is not my job to ask you to approve this application, that is a matter for the committee"
- I was not asked or advised to leave the room after my presentation, if I had, I would of course left the room immediately.
- At NO time did I try to intimidate members of the committee, I sat directly behind Councillors: Newell, Miscandlon and Connor.
- The proposition to approve the application came from two members of the opposition. Councillor Connor voted against the proposition. (Hardly as a result of my so called interference!).
- Councillor Archer was not in the room during the debate, he was not present to observe any of the proceedings.

Yours sincerely

 Fenland  
CAMBRIDGESHIRE  
Fenland District Council



**Ian Hunt**

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**From:** Alex [REDACTED]  
**Sent:** 09 April 2013 14:09  
**To:** Ian Hunt  
**Subject:** Planning Committee 3/4/2013

Good afternoon Ian

I attended a Planning Meeting on the above date. My seat was located in front of the seats occupied by Cllrs John Chambers, Pop Jolley, Alan Melton and a 4th gentleman who's name I do not know. After the presentations by Cllr Melton and Cllr Archer, Cllr Archer left the room and Cllr Melton returned to his seat behind me. These presentations were for F/YR12/0894/F. While Committee discussions were taking place Cllrs Melton, Jolley and Chambers+1 were talking to each other possibly a little too loud. I asked them to quieten down which is what they did. At no time did they address any member of the Committee or attempt to influence discussions taking place. I did not at any time feel influenced or pressured by the discussions that were going on behind me. As such I made my decision on the evidence presented at the time.

Alex Miscandlon Cllr.

10/04/2013