

AGENDA ITEM NO. 6
CONDUCT COMMITTEE

Date **11 July 2014**

Title **Initial Consideration of a Member Conduct Complaint – Councillor Tierney**

1. PURPOSE/SUMMARY

To make an initial consideration of complaints under the Member code of conduct against Councillor Steve Tierney of Wisbech Town Council, and determine whether to take forward any action under the Conduct Process.

2. KEY ISSUES

- Complaints have been raised by Councillors Patrick, Lay and Clapp about the Conduct of Councillor Steve Tierney.
- Councillor Tierney has been offered the opportunity to provide an initial written response to the complaints , these are attached
- The Conduct Committee is asked to initially consider the complaint and determine if it discloses a likely breach of the Member code of conduct and therefore any further action under the Conduct Process.

3. RECOMMENDATION(S)

Members consider the complaints 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	Tom Lewis, Principal Solicitor and Deputy Monitoring Officer
Contact Officer(s)	Alan Pain, Corporate Director and Monitoring Officer Tom Lewis, Principal Solicitor and Deputy Monitoring Officer
Background Paper(s)	

1. BACKGROUND/INTRODUCTION

Councillors Patrick, Lay and Clapp submitted complaints about the conduct of Councillor Tierney at a meeting of Wisbech Town Council on Monday 19th May 2014.

Councillor Tierney has been provided with the above complaint and offered the opportunity to respond; his responses are attached.

2. CONSIDERATIONS

At this stage Members are requested to consider the complaints against the Member Code of Conduct and determine whether to take forward any action under the Conduct Process.

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.