

Agenda Item No:	5	
Committee:	Conduct Committee	
Date:	12 February 2015	
Report Title:	Initial Consideration of a Member Conduct Complaint – Councillor Tickner	

Cover sheet:

1 Purpose / Summary

To consider a complaint under the Member Code of Conduct against Councillor Patricia Tickner of Benwick Parish Council.

2 Key issues

- A complaint has been raised by Councillor Chapman, Chairman of Benwick Parish Council, about the Conduct of Councillor Tickner.
- Councillor Tickner has been offered the opportunity to provide an initial written response to the complaint; this is attached, together with further submissions received from both Councillors' Chapman and Tickner whilst an informal resolution to the complaint was sought.
- The Conduct Committee is asked to consider the complaint and determine if it discloses a likely breach of the Member Code of Conduct.

3 Recommendations

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

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	
Report Originator(s)	Tom Lewis, Senior Solicitor and Deputy Monitoring Officer
Contact Officer(s)	Carol Pilson, Corporate Director and Monitoring Officer Tom Lewis, Senior Solicitor and Deputy Monitoring Officer
Background Paper(s)	None

1. Background / introduction

Councillor Chapman submitted a complaint about the conduct of Councillor Tickner on the 12th August 2014.

Councillor Tickner has been provided with the above complaint and offered the opportunity to respond; her response is attached. As part of the informal resolution process other submissions have been received from both Councillors' Chapman and Tickner. These are also attached for consideration by the Committee.

In addition Committee are asked to note, by way of background, that a related complaint involving the painting of tubs and Benwick in Bloom came before Committee (in June 2013). At that time committee, whilst acknowledging the importance to individuals concerned of the matter in question, felt that allegations raised did not warrant action by Committee and were best suited to informal local resolution. In this instance although the particulars of the complaint are different the background and historical tensions at Parish Council level are considered of sufficient relevance for Committee to note.

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.