

Agenda Item No:	8	
Committee:	Conduct Committee	
Date:	14 June 2016	
Report Title:	Initial Consideration of a Member Conduct Complaint – Councillor John Clark	

Cover sheet:

1 Purpose / Summary

To consider a complaint under the Member Code of Conduct against Councillor John Clark of Fenland District Council.

2 Key issues

- A complaint has been raised about the Conduct of Councillor Clark.
- Councillor Clark has been offered the opportunity to provide an initial written response to the complaint; this is attached, together with a further submission received from the complainant whilst an informal resolution to the complaint was sought.
- This information together with an article referred to by the complainant from the Cambs Times was considered through the Conduct Committee's pre-screening process. The panel of the Chair of Conduct, Independent Person and Deputy Independent Person determined that it was appropriate for the complaint to go forward for consideration by Conduct Committee as they felt a breach of the Code of Conduct may have occurred.
- 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, Chief Solicitor and Acting Monitoring Officer
Contact Officer(s)	Tom Lewis, Chief Solicitor and Acting Monitoring Officer Anna Goodall, Deputy Monitoring Officer
Background Paper(s)	None

1. Background / introduction

The complainant submitted a complaint about the conduct of Councillor Clark on the 22nd April 2016. Councillor Clark has been provided with the above complaint, together with an Article from the Cambs Times (which appeared in the paper copy of the Cambs Times dated 22nd April) referenced in the complaint and offered the opportunity to respond; his response is attached together with the complaint and copy of the article from the Cambs Times. As part of the informal resolution process a further submission has been received from the complainant confirming he wished to pursue his complaint. This is also attached for consideration by the Committee.

The complaint has been passed through the pre-screening process conducted by the Chairman, Independent Person and Deputy Independent Person on the 23 May 2016. Following an extensive discussion, their decision was that a breach of the Code of Conduct may have occurred, and they have therefore referred the complaint to the Conduct 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 or that the investigation would not disclose new information then no further action is taken in respect of the complaint save for notifying the Member and the complainant, unless Members feel they are able to make an initial determination based on the information within the report.