

Agenda Item No:	7	
Committee:	Conduct Committee	
Date:	16 July 2015	
Report Title:	Initial Consideration of a Member Conduct Complaint – Councillor Patrick	

Cover sheet:

1 Purpose / Summary

To consider a complaint under the Member Code of Conduct against Councillor David Patrick of Elm Parish Council.

2 Key issues

- A complaint has been raised by Mr David Gutteridge about the Conduct of Councillor Patrick.
- Councillor Patrick has been offered the opportunity to provide an initial written response to the complaint; this is attached, together with a further submission received from Mr Gutteridge 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)	Carol Pilson, Corporate Director and Monitoring Officer 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

Mr Gutteridge submitted a complaint about the conduct of Councillor Patrick on the 8th June 2015.

Councillor Patrick has been provided with the above complaint, which included an extract from social media and offered the opportunity to respond; his response is attached. As part of the informal resolution process a further submission has been received from Mr Gutteridge 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 by the Chairman and Deputy Independent Person on the 19th June 2015. Following an extensive discussion, their decision was that a breach of the Code of Conduct may have occurred, and 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.