

## **FACT FINDING SUMMARY**

### **Complaint from a resident that a Member of Charnwood Borough Council failed to observe the Members' Code of Conduct**

#### **Complaint Ref: MC3 22/23**

A complaint was submitted by a resident ('the complainant') that a Member of Charnwood Borough Council ('the subject Member') failed to observe the requirements of the Members' Code of Conduct.

The complaint alleged that in communications with the subject Member, which took place as part the subject Member's separate main employment, the subject Member failed to disclose that they were a Borough Councillor who had particular responsibilities that the complainant considered were relevant to the communications.

Having considered the complaint and the subject Member's response, the Monitoring Officer concluded that the Code of Conduct did not apply in this situation, and that therefore the complaint did not warrant further consideration or investigation.

This is because the Code of Conduct specifies that:

*This Code of Conduct applies to you when you:*

- *act in your capacity as a member or co-opted member of the Council; and*
- *conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).*

The subject Member was not acting in their capacity as a Member of the Council in the communications with the complainant.

#### **Views of the Independent Person**

An Independent Person, Mr Laurie Faulkner, was consulted and supported the Monitoring Officer's conclusion that the complaint did not warrant further consideration or investigation.

**Adrian Ward**  
**Monitoring Officer**

**Date: 16<sup>th</sup> January 2023**

## **FACT FINDING SUMMARY**

### **Complaint from a resident that a Member of Charnwood Borough Council failed to observe the Members' Code of Conduct**

#### **Complaint Ref: MC4 22/23**

A complaint was submitted by a resident ('the complainant') that a Member of Charnwood Borough Council ('the subject Member') failed to observe the requirements of the Members' Code of Conduct.

The complaint alleged that the subject Member posted an inappropriate comment on a social media site about the potential demolition of a local shopping centre, and that the subject Member then banned the complainant from the social media site (in their role as the site administrator) when they made a comment challenging the appropriateness of the posting.

The subject Member's response to the complaint was that the post did not mention demolition of the shopping centre but rather noted that the site had new owners and expressed a hope that they would upgrade the centre, and that as in their capacity as the site administrator they had banned the complainant for making, and then repeating, derogatory comments in response to the post.

Having considered the complaint and the subject Member's response, the Monitoring Officer concluded that the social media posting made by the subject Member was not inappropriate in any way under the Member's Code of Conduct, and that the Code of Conduct did not apply in relation to their actions as the site administrator of the social media site.

This is because the Code of Conduct specifies that:

*This Code of Conduct applies to you when you:*

- *act in your capacity as a member or co-opted member of the Council; and*
- *conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).*

The subject Member was not acting in their capacity as a Member of the Council when undertaking the role as the site administrator of the social media site.

Consequently, the Monitoring Officer concluded that the complaint does not warrant any further action or investigation.

## **Views of the Independent Person**

An Independent Person, Mr Michael Gibson, was consulted and supported the Monitoring Officer's conclusion that the complaint does not warrant any further action or investigation.

**Adrian Ward**  
**Monitoring Officer**

**Date: 18<sup>th</sup> January 2023**