

Cllr John Brady
2 East Park
Carkeel
Saltash
PL12 6NR

Your ref:
My ref: EG/55430
Date: 31 October, 2018

Dear Cllr Brady,

Code of Conduct Complaint against Councillor John Brady

I write to inform you that we have received two complaints against you.

The first complaint received sets out that you stated "I don't care what Cllr Parker thinks" while debating CCTV. Further it is alleged that you were emailed by the complainant to advise that the complainant was unhappy with the comments made to which you did not reply. It is further stated that you made disrespectful and intimidating comments in response to an email chain. The second complaint states that you were disrespectful in an email chain between yourself and a fellow member.

Paragraph 3.2 of Cornwall Council's procedures for the assessment and determination of breaches of the Code of Conduct sets out that at the initial assessment stage it has to be considered whether the alleged behaviour falls under the Code of Conduct or not.

For a potential breach of the Code to have occurred it would have to be considering if this, or any other provision of the Code of Conduct has been breached, the matter has to be considered objectively and on the balance of probabilities, that is a reasonable person, in possession of all the facts would consider it more likely than not that there was a breach of the Code of Conduct.

I can confirm that the complaint has been rejected on the following basis:

In assessing a complaint that relates to disrespect it has to be shown that a reasonable person in possession of all the facts would consider that the conduct of the Subject Member went beyond the ability of the member to be critical or to deal with a matter that was linked to Council business.

In considering this the Code does allow what is termed 'robust political debate' it should be noted that case law sets out that politicians are subject to wider levels of acceptable criticism than members of the public and are required to have 'thicker



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skins' and be more tolerant than ordinary citizens – *Patrick Heesom v The Public Service Ombudsman for Wales (2014)*.

In reviewing the facts as they relate to the complaints and the case law, and taking an objective view of the matter I do not consider on the balance of probabilities that you would be shown to have breached the Code of Conduct.

You do not need to take any action in respect of this letter, it is simply to notify you that a complaint has been made and has been rejected.

Yours sincerely,



Eleanor Garraway
Corporate Governance Officer (acting)

Assurance Service

Cornwall Council

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