

CODE OF CONDUCT COMPLAINT

COMPLAINT REJECTED

Reference Number	CCN113/25/26
Subject Members:	Councillor L Biddick-Bray – Marhamchurch Parish Council
Complainant:	Councillor T O’Sullivan – Marhamchurch Parish Council
Person making the decision:	Simon Mansell – Head of Governance, Elections and Democratic Services
Date of Consideration:	28 October 2025

Decision

Part 3 of Cornwall Council’s procedures for the assessment and determination of breaches of the Code of Conduct provide for the application of a Public Interest Test against which complaints will be filtered to determine whether the allegation should be rejected or proceed to formal assessment. These Public Interest Test criteria have been approved by the Standards Committee.

In applying these criteria, this complaint is rejected under paragraph 3.5(vi) of the procedures adopted by Cornwall Council as, for the reasons set out below, it is considered that the complaint is tit-for-tat.

The Complaint

The Complainant has set out the following concerns with regards to the conduct of the Subject Member:

In a Code of Conduct Complaint she made against me on 7 August 2025, Cllr. Biddick-Bray added the Clerk of Marhamchurch Parish Council as a witness.

There's been no confirmation from the Clerk of her agreement to be a witness, but in any case, I believe that by involving the Clerk in what is clearly her personal dislike of me Cllr. Biddick-Bray has compromised the impartiality of the Clerk who works for Marhamchurch Parish Council.

While I recognise the temptation to dismiss this complaint as 'tit-for-tat', I believe there is a duty to protect Council employees from being unacceptably drawn into personal conflict between councillors.

Consideration of the Facts

As with all complaints relating to ethical standards, this is considered on the balance of probabilities, and this is, would a reasonable person in possession of all the facts be of the opinion that the actions of the Subject Members are more likely than not a breach of the Code of Conduct.

When making an ethical standards complaint it is at the discretion of the person submitting the complaint who they would like to put down as witnesses. This however, does not mean that this person would be used as a witness as it is at the discretion of the officer who is undertaking the assessment to determine which witnesses, if any, are to be used.

Clerks, and officers more generally in larger Councils, are often named and used as witnesses in complaints as they are seen as impartial by all sides and are able to, if required, provide an unbiased and factual view of a matter.

However, acting as a witness with any ethical standards complaint is purely voluntary and, if an officer is suggested as a witness and their views on a matter are sought, this is explained to them, and no obligation is placed on the officer to assist if they do not want to.

In the case of the complaint referred to, CCN084/25/26, as no determination was made as to whether there had been a breach of the Code or not and the matter was referred for other action, it was not necessary to contact any witnesses.

As a result of this, I have no doubt that a reasonable person would view this complaint as one which has been made as a tit for tat response to CCN084/25/26 and therefore, the complaint is rejected under paragraph 3.5(vi) of the procedures adopted by Cornwall Council.

How to challenge this decision

As this is a rejection of a complaint, there is no right of review.

If you do not agree with the rejection of the complaint or the reasons for rejecting it, you should address these concerns to the Local Government and Social Care Ombudsman who can be contacted by way of the details below.

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

The LGSCO can also be contacted online – <https://www.lgo.org.uk/>

Additional help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Note: This rejected complaint will be included in the ethical standards complaints report that is made to the Standards Committee and as such the outcome will be placed into the public domain.