

CODE OF CONDUCT COMPLAINT

COMPLAINT REJECTED

Reference Number	CCN114/25/26
Subject Members:	Councillor G Perry – 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:	11 November 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 paragraphs 3.3(iii), 3.5(iii) and 3.5(vi) of the procedures adopted by Cornwall Council as:

- the complaint does not demonstrate a breach of the Code of Conduct; and
- it is over 3 months since the alleged behaviour occurred and it would be unfair, unreasonable, or otherwise not in the public interest to pursue unless there are, in the Monitoring Officer’s opinion, exceptional circumstances, such as there having been a failure to declare a disclosable pecuniary interest, which is sufficiently serious to warrant the complaint being progressed.
- the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose

sufficiently serious potential breaches of the Code of Conduct, such as a failure to declare a disclosable pecuniary interest, to merit further consideration

The Complaint

The Complainant has set out the following concerns about the Subject Member.

Beginning with para 3.2 of the Code, under the Contract section, Cllr. Perry has failed to register the fact he has a Local Maintenance Partnership contract with MPC for which he receives payment.

https://www.marhamchurch-pc.co.uk/uploads/1/2/6/1/126112123/cllr_perry_2021.pdf

Cllr. Perry acted as a witness in a Code of Conduct complaint made against me on 7 August 2025 in which the Clerk of MPC was also a witness. Cllr. Perry as Chair of MPC was clearly aware & approved of the Clerk being a witness in the complaint & in doing so I believe he participated in compromising the impartiality of the Clerk who works for the Council. Bearing in mind his position as Chair, I believe that by his actions he has brought his office into disrepute.

I believe that Cllr. Perry's highly personalised & false accusations made against me in his Chair's report at the MPC meeting held on 15 July 2025 were disgraceful & an abuse of his office. In my opinion his comments could be interpreted as hate speech & it was clear that members of the public attending that & subsequent meetings clearly felt encouraged to also express false & highly personalised accusations against me. Cllr. Perry did nothing to discourage their contributions.

By his actions I believe Cllr. Perry has brought his office further into disrepute.

By his behaviour as Chair of MPC, I believe Cllr. Perry has breached paras 2.1, 2.3, 2.4 & 2.5 of the Code of Conduct.

<https://www.marhamchurch-pc.co.uk/uploads/1/2/6/1/126112123/7. july 2025 mins.pdf>

I believe the seriousness of the concerns raised warrant investigation & should not be dismissed as merely 'tit-for-tat'.

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 Member are more likely than not a breach of the Code of Conduct.

Whilst the allegations with regards to a failure to correctly register his interests the requirements of the Localism Act 2011 set out that it is the Monitoring Officer who is responsible for publishing register of interests forms on the web site.

To that end Cornwall Council received all Register of Interests forms and uploads them as received. In reviewing the Cornwall Councils web site the form as at this link is available for public viewing;

<https://www.cornwall.gov.uk/media/czihp4co/tony-perry-marhamchurch-parish-council.pdf>

and this does show that the interest is correctly registered, and in checking with the clerk, she has advised that this is the form which she sent to Cornwall Council for uploading.

As a result, there is no breach of the Code of conduct for this part of the complaint though it is advised that the subject member ensures there is only one version of the form in the public domain.

With regards to the allegation that the Subject Member was 'compromising the impartiality of the Clerk' this allegation is rejected under 3.5(vi) of the procedures adopted for dealing with complaints as a reasonable person would clearly see this as tit for tat. Councillors are free to discuss with whom they wish any concerns they may have about the conduct of another member. If this does involve the clerk it is ultimately the choice of the clerk if they act as a witness or not, there is nothing which requires them to and nothing which prevents them from being nominated as a witness.

Finally, with regards to the allegations regarding the conduct of the Subject Member at the meeting held on 15 July 2025: Whilst the concerns expressed by the Subject Member are noted this is rejected under paragraph 3.5(iii) as it is over three months since the date of the alleged conduct occurred and there are no exceptional circumstances, such as a failure to declare an interest, which would warrant the further processing of this part of the complaint.

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.