

INITIAL ASSESSMENT OF COMPLAINT
ANONYMIZED DECISION NOTICE

Background

1.1 On 2 March 2018 the Monitoring Officer received a formal complaint from xxxx (“the Complainant”) alleging that xxxx (“the Subject Member”) had breached the Central Bedfordshire Council Code of Conduct.

1.2 The Complainant alleges that at a meeting of the Council on 22nd February 2018, which the Complainant attended to ask a question, the Subject Member’s response was unnecessarily hostile, the Subject Member did not treat the Complainant with the respect she deserved as a member of the public and the Subject Member did not act in a way that enhances public trust and confidence in the integrity of the Council.

Evidence Considered

2.1 The following documents and information were considered for the purposes of this complaint:

- 2.1.1 Complaint (undated) received on 2 March 2018;
- 2.1.2 Response from the Subject Member received on 3rd April 2018;
- 2.1.3 Central Bedfordshire Council Members Code of Conduct;
- 2.1.4 Video footage of the Council meeting

Jurisdiction

4.1 For a complaint to be considered in connection with the Member’s Code of Conduct, the following test must be satisfied:

- a) the complaint was made against a person who, at the time the alleged action took place, was a member of Central Bedfordshire Council; and
- b) the Subject Member had signed up to the Members’ Code of Conduct in force at the time the alleged action took place; and
- c) the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.

4.2 The Deputy Monitoring Officer and the Independent Person has concluded all three limbs of this test are satisfied in this matter.

Initial Assessment Decision

5.1 The Independent Person has considered whether the actions of the Subject Member described in paragraph 1.2 above constitute a breach of the following provision of the Members' Code of Conduct:

4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its members.

4.15 Members must show respect and courtesy to others.

5.2 The Independent Person in deciding whether or not there had been a potential breach of the Code viewed the video footage of the Council meeting of 22nd February 2018. He noted that it is clear from this viewing that the Complainant is an ex-Councillor and was promoting/advising the existence of a consultation document, the contents of which promote a LibDem policy. The Subject Member recognised the potential usefulness of this document, which he/she had read and urged his colleagues to do so.

5.3 The Independent Person also advised that the rest of the Subject Member's response concerning the Complainant's voting record when an elected Councillor does not detract from the public having trust and confidence in the integrity of the Council and its members. He also advised that in his opinion the response from the Subject Member did not show disrespect or discourtesy to the Complainant.

5.4 The Independent Person advised that this matter therefore should not proceed.

5.5. The Deputy Monitoring Officer concurs and has decided that no further action should be taken.

Approved by: John Jones (Independent Person)
Stephen Rix (Deputy Monitoring Officer)

Dated: 14 May 2018