

**INITIAL ASSESSMENT OF COMPLAINT**  
**ANONYMIZED DECISION NOTICE**

**Background**

1. A complaint was received on 4 January 2018 from xxxx (“the Complainant”) alleging that xxxx (“the Subject Member”) may have breached the Central Bedfordshire Council Code of Conduct as over a period of time the Subject Member had: made allegations against third parties which he either did not believe or if he did believe them should have reported to the Police; revealed details of a private meeting to a third party which was further disclosed; manipulated the situation as part of his own vendetta; advised that he was told to stop helping the Complainant and should therefore have taken further action; asked the Complainant to pursue a complaint with the Police relating to a fraudulent donation; had tried to interfere with witnesses in criminal matters; and sent a letter denying he had made comments which he had made.
2. The Complainant also alleged that the Subject Member advised him that the allegations were known to other parties who should have also reported them to the Police.
3. The Complainant further alleged that the Subject Member had made various comments about Bedfordshire Police which needed to be explained.
4. Due to a previous involvement the Monitoring Officer passed the complaint to the Deputy Monitoring Officer to consider.

**Evidence Considered**

5. The following documents and information were considered for the purposes of this complaint:-
  - a) Complaint to the Monitoring Officer;
  - b) Response of the Subject Member
  - c) Central Bedfordshire Council Code of Conduct.

**Jurisdiction**

6. 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.
7. The Independent Person has concluded all three limbs of this test are satisfied in this matter.
8. However in relation to the allegations at paragraphs 2 and 3 any actions of third parties are outside the jurisdiction of Central Bedfordshire Council and explanations of comments are not a complaint. Accordingly these allegations do not engage the Code of Conduct and no further action should be taken in relation to those parts of the complaint.

### **Initial Assessment Decision**

9. The Independent Person has considered whether the actions of the Subject Member described in paragraph 1 above constitute a breach or potential breach of the following provisions of the Members' Code of Conduct:
- 4.1 *Members must always act in the public interest.*
  - 4.2 *Members must never use their position as a member of the Council improperly to secure for themselves, or any other person, an advantage or disadvantage.*
  - 4.5 *Members must not disclose information given to them in confidence.*
  - 4.8 *Members must act in accordance with their legal obligations...*
  - 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*
10. The Independent Person noted that at this stage he was assessing whether there is a case to answer on the complaints, no evidence was provided by the Complainant although he did indicate that he had evidence to support the complaints and that the Subject Member had provided some responses which were also considered.
11. Based on the information available to him the Independent Person has concluded the following:
- a) No evidence has been provided to show that the Subject Member made the allegations or believed them. In the absence of solid evidence no determination on the views of the Subject Member can be made.
  - b) The Complainant does not provide any detail about the private meeting. The Subject Member's response indicates that this may involve a relevant disclosure which was required in the

circumstances rather than a breach of confidence. There is no evidence that the Subject Member's actions led to a further disclosure as alleged.

- c) There is a lack of evidence to support the allegation that the Subject Member has manipulated the situation and no evidence of a cover-up.
  - d) The Subject Member denied he was told to stop helping the Complainant and without corroborating evidence the Independent Person is unable to accept that this could amount to a breach of the Code.
  - e) There was no evidence presented to support the allegations of a fraudulent donation. The Subject Member has confirmed that he did not have concerns in this regard.
  - f) There are clear procedures in place in relation to interfering with witnesses and this is outside of the remit of the complaints procedure and should properly be raised with the Police or solicitors during ongoing criminal matters or following Court procedures.
  - g) Although the Code of Conduct may potentially be engaged in relation to the allegation of false statements no evidence has been provided in support.
12. The Independent Person accordingly concludes that in relation to the issues at paragraph 11 a) to f) above the complaints should not proceed and no further action is required. It follows that if paragraph 4.1, 4.2, 4.5 and 4.8 of the Code of Conduct have not been engaged then paragraph 4.14 has also not been engaged.
13. In relation to the complaint at paragraph 11 g) above the Independent Person noted that the letter is being considered by other organisations and in the absence of any evidence to support the complaint no further action should be taken.
14. The Deputy Monitoring Officer concurs.

**Approved by:** John Jones (Independent Person)  
Satinder Sahota (Deputy Monitoring Officer)

**Dated:** 16 February 2018