

INITIAL ASSESSMENT OF COMPLAINT
ANONYMISED DECISION NOTICE

Subject Member: Cllr XX – Central Bedfordshire Council

Background and Summary of Allegations

- 1.1 On 5 February 2019 the Acting Monitoring Officer ('AMO') received a formal complaint from the Complainant alleging that the Subject Member had breached the Central Bedfordshire Council Code of Conduct.
- 1.2 The Complainant alleges that an email from the Subject Member to the Complainant sent on 7 October 2018 seemingly involved the use of Council facilities to make overt party political comments and is a breach of the code of conduct. The email contained the following paragraph: *"Finally I am surprised you have not mentioned another solution, which in the unlikely event that the Marxist leaders of the party you publicly support ever get into power, the economy will be so quickly and comprehensively trashed, that most of us will be reduced to walking and cycling (cf Venezuela, Cuba etc), even assuming that there will be any money left to pay for schools."*

Evidence Considered

- 2.1 The following documents and information were considered for the purposes of this complaint:
 - 2.1.1 Email chain 5th February 2019 which contained the email of 7 October 2018 from the Subject Member to the Complainant and the Complaint to the AMO.
 - 2.1.2 Response from the Subject Member by email of 8 February 2019.
 - 2.1.3 The Council's Members Code of Conduct.

Jurisdiction

- 3.1 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.

3.2 The AMO and Independent Person both concluded all three limbs of this test are satisfied in this matter.

Initial Assessment Decision

4.1 The Independent Person is of the view that the following part of the Code of Conduct may potentially have been engaged, based on the evidence:

4.2 **4.3 Members must not use the Council's resources improperly for personal or party political purposes.**

4.3 The Independent Person was of the opinion that it was clear, in the response by the Subject Member, the last paragraph was making a party political point, whilst using the Council's email system, to respond to the Complainant. The Independent Person further advised that the rest of the response was not political and did not breach any elements of the Code. The Independent Person concluded there had been a breach of paragraph 4.3 of the Code of Conduct.

4.4 The Independent Person was of the view that this breach was of a trivial nature.

4.5 With regards to what action, if any, should be taken, the Independent Person was of the view that it was not justified to take the matter further, given the costs of so doing. The Independent Person's advice was that no further action needs to be taken.

4.6 The Acting Monitoring Officer concurs and has decided that no further action should be taken.

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

Dated: 21 February 2019