

INITIAL ASSESSMENT OF COMPLAINT
ANONYMIZED DECISION NOTICE

Subject Member: Cllr xx – Central Bedfordshire Council

Background and Summary of Allegations

- 1.1 On 24 January 2019 the Acting Monitoring Officer ('AMO') received a formal complaint from xx ("the Complainant") alleging that xx ("the Subject Member") had breached the Central Bedfordshire Council Code of Conduct.
- 1.2 The Complainant alleges that at a Scrutiny Committee meeting in November 2018, the Subject Member suppressed proper criticism, was disrespectful and discourteous to the member who began the criticism, did not enhance public trust and confidence in the integrity of the Council and its members, and lacked impartiality.

Evidence Considered

- 2.1 The following documents and information were considered for the purposes of this complaint:
 - 2.1.1 Letter dated 3 December 2018 from the Complainant to the Chief Executive
 - 2.1.2 Letter dated 13 December 2018 from the AMO to the Complainant
 - 2.1.3 Letter dated 20 December 2018 from the Complainant to the AMO
 - 2.1.4 Response from the Subject Member by email of 10 January 2019
 - 2.1.5 Letter dated 17 January 2019 from the AMO to the Complainant
 - 2.1.6 Letter dated 21 January 2019 from the Complainant to the AMO
 - 2.1.7 Central Bedfordshire Council Members Code of Conduct;
 - 2.1.8 Webcam footage of the meeting

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 stated he is aware that the role of the Scrutiny Committee is to undertake scrutiny of matters of concern to the residents within Central Bedfordshire and that the Planning Decision had already been made elsewhere. In particular that it is not within the remit of this committee to attempt to reverse the planning decision.

4.2 With that in mind the Independent Person viewed the webcast to examine whether, in his opinion, the behaviour of the Subject Member on that occasion breached any of the elements of the Code of Conduct. The Independent Person is of the view that the most likely parts of the Code engaged were:

4.1 Members must always act in the public interest.

4.4 Members must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

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.

4.3 The Independent Person stated it was clear, throughout the meeting when the presentation was being made by xx through xx, the Subject Member conducted himself with courtesy and respect to the guests. The Independent Person said he cannot find any evidence to support the allegation that paragraphs 4.4, 4.14, or 4.15 of the Code may have been breached.

4.4 Turning to the issue of whether paragraph 4.1 may have been breached, the Independent Person said the Complainant appears to have taken the view that the Subject Member was insufficiently robust in his cross-examination following the presentation, or that he actively suppressed criticism of the presenter's evidence. The Independent Person said the Code of Conduct is not designed to ensure that the capability of a member is sufficient for that member to discharge his role as an elected

councillor. Instead it is meant to ensure that the behaviour of elected members is of the highest standard.

- 4.5 In the Independent Person's view this evidence does not support the allegation by the Complainant that the Subject Member may have breached those high standards of Conduct expected, and in particular paragraph 4.1 of the Code. Consequently, the Independent Person advised that the matter should not proceed any further.
- 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: 29 January 2019