

STANDARDS SUB-COMMITTEE
DECISION NOTICE

Subject Member: Cllr Richard Stay – Central Bedfordshire Council

1. Background and Summary of Allegations

- 1.1. A complaint was made on or about 7 January 2018 and received by the Monitoring Officer on 12 January 2018 from Mr Smith (“the Complainant”) alleging that Cllr Richard Stay (“the Subject Member”) had breached the Central Bedfordshire Council Code of Conduct as the Subject Member had harassed him, was continuing to do so, had made regular degrading personal comments about him and had made false statements and that this brought the Council into disrepute.
- 1.2. The complaint was considered by the Monitoring Officer and Independent Person at the initial assessment stage when on 15 February 2018 it was decided no further action was required. The decision notice can be viewed on the Council’s website.
- 1.3. In June 2018, the Complainant provided further evidence in support of his complaint and in September 2018 the Monitoring Officer and Independent Person decided the complaint required formal investigation.
- 1.4. In October 2018, the Monitoring Officer appointed Rachel Ashley-Caunt of LGSS to be the Investigating Officer. The Investigating Officer provided her final investigation report to the Monitoring Officer in February 2019. The Investigating Officer recommended the Monitoring Officer refer the complaint to the Council’s Standards Sub-Committee for determination.
- 1.5. The Monitoring Officer referred the complaint to the Standards Sub-Committee and the Sub-Committee convened to hear the complaint on 4 April 2019. The Sub-Committee comprised Cllrs J Lawrence, D Lawrence, K Matthews and R Wenham. Cllr Wenham chaired the meeting.
- 1.6. In attendance were Stephen Rix (Monitoring Officer), John Jones (Independent Person), Rachel Ashley-Caunt (Investigating Officer) and Jonathon Partridge (Head of Governance). The Subject Member was aware of the Standards Sub-Committee, but was neither present nor represented.

2. Evidence Considered

- 2.1. The following documents and information were considered by the Sub-Committee for the purposes of this complaint:
 - 2.1.1. Investigating Officer’s report issue date 4 February 2019 (exempt).

- 2.1.2. Digital audio recordings of two separate conversations allegedly between Mr Walker and the Subject Member alleged to have occurred during 2015 and 2018 (exempt).

3. Standards Sub-Committee Findings & Decision

Preliminary finding

- 3.1. Having listened to the audio recordings in CEN059.079, the Sub-Committee had accepted the audio files were genuine and not likely to have been interfered with. The Sub-Committee concluded that on the balance of probabilities it was the Subject Member on both audio recordings and the Sub-Committee accepted the audio recordings for consideration as evidence.

Contested facts

- 3.2. The contested facts related to whether or not the Subject Member made a statement about rumours concerning a third party organisation; and whether or not the Subject Member was acting in his capacity as a Central Bedfordshire Council Councillor when he posted comments about the Complainant on social media.
- 3.3. The Sub-Committee had accepted on the balance of probabilities that it was the Subject Member who was recorded on the 2015 audio recording and also that he made the comments about rumours associated with the third party organisation. Further, the Sub-Committee determined beyond a reasonable doubt that the Subject Member was acting in his role as a Central Bedfordshire Council Councillor when he posted comments concerning the Complainant on social media; the Sub-Committee noted there were links in the Subject Member's social media email signature, photos and references to his role as a Councillor.

Breaches of the Code of Conduct

The Sub-Committee decided that the Subject Member breached the following elements of the Code of Conduct:

- 3.4. Honesty – a general breach under the Nolan principles that the letter the Subject Member sent to the Complainant, referred to in the Investigating Officer's report, showed it was sent with intent to deny the allegations the Subject Member made about a third party organisation, which was not true.
- 3.5. Leadership – a breach on basis that the content of the Subject Member's social media blogs which included cartoons and references to those helping with mental health and aging issues breached public trust and confidence.

Sanction(s)

- 3.6. The Sub-Committee considered sanctions and noted that in its decision of CEN059.079 the Sub-Committee had already applied the maximum penalty for that complaint and the Sub-Committee considered there were some overlaps. The Sub-Committee decided it would publish its findings in respect of the breach of the Code of Conduct.
- 3.7. The Sub-Committee went on to consider whether any recommendations to the Council were necessary and decided that training in email and social media should be a mandatory part of Councillor training in similar fashion to Development Management Committee and Licensing training.

Approved by: All Members of Standards Sub-Committee

Dated: 30 April 2019