

INITIAL ASSESSMENT OF COMPLAINT
DECISION NOTICE

Subject Member: Cllr Tim Welch – Houghton Regis Town Council ('HRTC')

1. Background and Summary of Allegations

- 1.1. On 23 August 2019, the Monitoring Officer ('MO') of Central Bedfordshire Council received a formal complaint [REDACTED] ('the Complainant') of [REDACTED] which was received via the Clerk to HRTC.
- 1.2. In summary, the allegations against the Subject Member are that in his dealings with the Complainant, relating to a proposed project to support people with mental health concerns, his conduct was rude and aggressive. The Complainant asserts that as a holder of public office the Subject Member has a duty to uphold the Nolan Principles and by implication he had failed to do so.

2. Evidence Considered

- 2.1. The following documents and information were considered for the purposes of this complaint:
- 2.1.1. The original complaint email from the Complainant to the Clerk of HRTC;
- 2.1.2. Additional email from the Complainant to the MO received on 12 September 2019 with further details of her complaint;
- 2.1.3. Written responses from the Subject Member received on 20 September, which included an undated letter from [REDACTED] and 24 October;
- 2.1.4. HRTC Members Code of Conduct <https://www.houghtonregis.org.uk/useruploads/policies/170327%20Code%20of%20Conduct.pdf>

3. 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 HRTC; 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. Both the MO and Independent Person are of the view that all three parts of the test are satisfied.

4. **Monitoring Officer's Summary of the Facts**

- 4.1 In assessing whether there is a breach or potential breach, and whether further action is warranted, the complaints must be considered from an objective view point bearing in mind the provisions of HRTC's Members' Code of Conduct.
- 4.2 The circumstances of the complaint relate to a meeting arranged by the Complainant, in her professional capacity as Secretary of [REDACTED] in association with [REDACTED] and the [REDACTED] to hear more about a new initiative to support anyone with mental health concerns in Houghton Regis which took place on 20 August 2019. On 20 July, the Complainant emailed all HRTC councillors, including the Subject Member, and Central Bedfordshire Council ward councillors together with representatives from other local organisations, professionals and individuals in the community who may have been interested in attending the meeting.
- 4.3 The Complainant says after she received an email from the Subject Member asking for the meeting to be cancelled, she was contacted by him by phone and she alleges the Subject Member was verbally abusive, swore and said he was disgusted by the proposal to be discussed at the meeting and continued to say that [REDACTED] provided a service that would be undermined by the proposal. The Complainant says she tried to explain again that no decisions had been made and she would not be cancelling the meeting unless the Subject Member could give a good reason to do so. She claims the Subject Member repeated that there were safeguarding issues but would not clarify what these were as it was confidential. She alleges she asked the Subject Member not to swear and he then said 'he would attend the meeting and bring lots of people with him who agreed with his point of view' and that this was said aggressively.
- 4.4 The Complainant, Subject Member and others attended the meeting on 20 August. The Complainant alleges at the meeting it was further highlighted that the Subject Member was ill-informed and unwilling to listen to others. She claims he was aggressive in tone at the meeting and made accusations against an individual present at the meeting which were both unjust and untrue. She claims the Subject Member also made reference to the work of [REDACTED] which she says is a business, not a commissioned organisation and does not have registered health care professionals on the staff. She claims the Subject Member stated, incorrectly, that this organisation is available 24/7, is at the end of a phone and accessible in the evening. She asserts that all

this information was incorrect and that the Subject Member was non-receptive to the facts. She claims at the request of the individual the Subject Member insulted to apologise the Subject Member shrugged his shoulders. She says this behaviour was witnessed by all attendees and after the meeting she was approached by two of the visiting professionals who were appalled by his behaviour, particularly his rudeness and stating that he is 'disgusted' by the project proposal.

4.5 The Subject Member provided the MO with an undated letter from [REDACTED] purportedly from its [REDACTED]. This letter supports the Subject Member and claims the Subject Member was acting on his own initiative when he was seeking to highlight the work of [REDACTED].

4.6 The Subject Member provided comments on the complaint in his email to the MO received on 24 October in which he denies the allegations of rudeness and claims the Complainant was rude to him.

5. Independent Person's Advice

5.1.1 In relation to the telephone conversation and the allegation of being rude and bullying there is insufficient evidence to prove this.

5.1.2 I have examined the Code of Conduct in force at the time and in particular the following:

- (i) Members must always act in the public interest;
- (ii) 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;
- (iii) 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; and
- (iv) Members must show respect and courtesy to others.

5.1.3 In making this examination I have considered the evidence provided by the Complainant and applied the civil standard, namely the balance of probabilities.

5.1.4 On (i) above, the evidence states that the Subject Member was giving incorrect facts to the meeting in relation to the potential service which could be provided by [REDACTED]. While this could just be an honest mistake it is clearly not in the public interest for such fundamental facts as whether or not this service would operate 24/7. This was apparently witnessed by a number of professionals as well as members of the public. It is unclear from the evidence whether or not these facts were challenged at that meeting but clearly the Subject Member had a responsibility to give accurate facts as this could significantly influence the direction of discussion at the meeting.

- 5.1.5 On (ii) above, there is insufficient evidence to support the allegation that the Subject Member favoured this service, namely [REDACTED] because a Director was also a Labour councillor. My advice is that the allegation of attempting to secure an advantage for another is not proved to the standard required.
- 5.1.6 On (iii) and (iv) above, there is evidence that the Subject Member did not behave in a courteous manner at a meeting attended by professionals and the public. At this stage this is the opinion of the Complainant and, with a reasonable number of attendees, it should be possible to find witnesses who could support or reject this allegation.
- 5.1.7 My advice is that there are a number of potential breaches of the Code of Conduct and consequently the matter should proceed to the next stage. I would hope that an informal resolution could be found, rather than requiring the Monitoring Officer to undertake a full scale investigation, with all its expense, delay and inconvenience.

6. Initial Assessment Decision

- 6.1 The MO and Independent Person agree there are a number of potential breaches of the Code of Conduct and consequently the matter should proceed to the next stage.
- 6.2 The next stage is informal resolution or formal investigation. The Subject Member is invited to accept his conduct was unacceptable and to offer an apology to the Complainant. The Complainant is invited to accept the apology. If that occurs the complaint will be closed.
- 6.3 If the Subject Member refuses to accept his conduct was unacceptable and to offer an apology or an apology is not accepted by the Complainant, the MO will take account of this in deciding whether the complaint merits formal investigation.

Approved by:

[REDACTED]

Dated:

14 November 2019