

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **STANDARDS SUB COMMITTEE** held in the Leader's Meeting Room Meeting Room 12, Priory House, Monks Walk, Shefford on Thursday, 4 April 2019

### PRESENT

Cllr R D Wenham (Chairman)

Cllrs Mrs J G Lawrence  
D J Lawrence

Cllrs K C Matthews

Apologies for Absence: Cllrs I Shingler

Officers in Attendance: Mr S Rix – Monitoring Officer  
Ms R Ashley-Caunt – External Investigating Officer  
Mr J Jones – Independent Person  
Mr J Partridge – Head of Governance

#### SSC/18/1. **Election of Chairman**

**RESOLVED that Councillor R Wenham be elected Chairman for the Hearing.**

#### SSC/18/2. **Members' Interests**

It was noted that Cllr Shingler was precluded from the hearing due to a personal/prejudicial interest.

#### SSC/18/3. **Procedure for the Hearing of Referrals from the Monitoring Officer**

Noted

#### SSC/18/4. **Exclusion of Press and Public**

**RESOLVED to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item was likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 12A of the Act.**

#### SSC/18/5. **Consideration of two Complaints made against a Ward Councillor**

**DECISION NOTICES (ATTACHED)**

This page is intentionally left blank

**STANDARDS SUB-COMMITTEE**  
**DECISION NOTICE**

**Subject Member: Cllr Richard Stay – Central Bedfordshire Council**

**1. Background and Summary of Allegations**

- 1.1. A complaint was received on 4 January 2018 from Mr Walker (“the Complainant”) alleging that Cllr Richard Stay (“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 them 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.
- 1.2. 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.
- 1.3. The Complainant further alleged that the Subject Member had made various comments about Bedfordshire Police which needed to be explained.
- 1.4. The complaint was considered by the Monitoring Officer and Independent Person at the initial assessment stage when on 16 February 2018 it was decided no further action was required. The decision notice can be viewed on the Council’s website.
- 1.5. 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.
- 1.6. 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.
- 1.7. 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.

- 1.8. 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 5 February 2019 (exempt).

- 2.1.2. Digital audio recordings of two separate conversations allegedly between the Complainant and 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, the Sub-Committee 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 2015 and 2018 recorded conversations allegedly between the Complainant and Subject Member were genuine.
- 3.3. The Sub-Committee accepted on the balance of probabilities that it was the Subject Member who was recorded on the 2015 and 2018 audio recordings and also that he made the comments about rumours associated with the third party organisation.

### 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. Integrity - that in spreading of a rumour about a third party organisation it was clearly disadvantaging those people; the Subject Member failed to report a rumour about a safeguarding issue through the appropriate channels, if at all, which was not in the public interest; the spreading of

the rumour by the Subject Member did not meet the expected level of behaviour of a member; the comments clearly showed a lack of respect and courtesy to the organisation and the individuals running it; the information divulged by the Subject Member in the 2018 conversation was confidential and should not have been disclosed to the Complainant.

- 3.5. Accountability - there was a failure by the Subject Member to act on a rumour about an alleged safeguarding issue and report it to the relevant authority.
- 3.6. Honesty – the spreading of the rumour by the Subject Member did not meet the expected level of behaviour of a member; the comments clearly showed a lack of respect and courtesy to the organisation and the individuals running it; the Subject Member made denials concerning some of the comments he had made yet the comments were made clearly in the audio recordings yet denied in writing by the Subject Member.

Sanction(s)

- 3.7. The Sub-Committee decided to censure the Subject Member and that its findings be published.

**Approved by:** All Members of the Standards Sub-Committee

**Dated:** 29 April 2019

This page is intentionally left blank

**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

This page is intentionally left blank