

## Appendix 1

### Summary of Complaint received

#### Reference: S589/13/01

The complaint was made about Councillor Marje Paling, a borough councillor, by a member of the public.

The complainant complains that the councillor:

- spoke to him on the telephone in a poor and unprofessional way for someone in her position; and
- disadvantaged him in that he was not given a fair hearing at the Environment & Licensing Committee meeting.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint.

The complaint does not reveal any evidence that the councillor used discourteous, unfair or demeaning language as a personal attack towards the complainant. In addition, the Monitoring Officer notes that the Councillor and complainant were the only parties to the telephone call and the Councillor disputes the allegations made. An investigation would not be able to come to a firm conclusion on the matter.

If a decision is unlawful because of bias or predetermination, this could amount to bringing the office or authority into disrepute. However for this to arise, the Councillor must have closed their mind to any arguments and conclusively decided how they will vote. Having a conversation with an applicant for a taxi licence about matters unrelated to the detail of the application does not automatically render a Member biased and unable to consider that application. Further the Monitoring Officer is of the view that a Councillor, when chairing a Committee meeting, is entitled to manage the meeting in a way which moves proceedings along and enables the Committee to concentrate on relevant information.

A significant period of time has elapsed since the events, which are the subject of the complaint. It would be reasonable to expect the complainant to have made the complaint promptly and not several months later. In addition because the passage of time it will be more difficult to obtain reliable witness evidence of the proceedings at the Committee.

The complaint is not serious enough to merit an investigation in circumstances where the resources needed to investigate are wholly disproportionate to the allegations and there is no overriding public interest in carrying out an investigation.