

**Reference: S589/15/01**

The complaint was made about a Borough Councillor by a member of the public. The complainant complains that:

*In approximately August/September 2013, Councillor Y:*

- *verbally attacked the complainant's wife and was very aggressive although the exact words used are not clear as nearly 19 months ago.*
- *shouted and waved his arms around when questioning the complainant's wife about a garden fire.*
- *when asked to vacate the complainant's land replied with a "Do you know who I am" type statement.*

*In April 2015, Councillor Y persistently questioned the complainant's wife about an empty 45 gallon drum implying from its position, near to trees, that the complainant was in some way trying to do something untoward, with regards to the wellbeing of the trees.*

*Councillor Y has driven past the complainant's house on several occasions from Mid 2014 to April 2015 and has knowingly breaking the law by accessing a private right of way.*

Councillor Y's account of the incidents differs to that of the complainant. Councillor Y states that he has only ever met the complainant twice and only spoken to him on one of those occasions. He has never met or spoken to the complainant's wife. Councillor Y denies that the incidents in the complaint have occurred and instead has provided a detailed account of the two occasions he met the complainant. Councillor Y confirms that he has driven passed the complainant's property on several occasions at different times of the day, often in response to concerns raised by residents. Councillor Y confirms that he understands that the roads mentioned in the complaint are unadopted, but that there are no signs saying they are private roads.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint on the basis that:

- 3 alleged incidents occurred 18 months before the complaint was made. A significant period of time has elapsed since these events and if they were that serious, it is reasonable to expect the complainant to have made a complaint promptly.
- Where there are no witnesses, it is unlikely that an investigation will be able to come to a firm conclusion on the matters.
- The complaint has not met the threshold to demonstrate a potential breach of the Code.