

**COMPLAINT CONCERNING COUNCIL CONDUCT: COUNCILLOR DESMOND
ELEY OF OLNEY TOWN COUNCIL**

DECISION: COMPLAINT REJECTED

THE COMPLAINT

The complaint makes allegations that Councillor Eley (the 'Subject Member') breached the Olney Town Council Code of Conduct by failing to remove himself from a public meeting where he had disclosed a personal interest. The Subject Member went on to contribute in the discussion. The complaint was made by Mr Kevin Viney (the 'Complainant').

The Monitoring Officer and the Independent Person consider that obligation 7 of Olney Town Council Code of Conduct may have been engaged. It states that: *"...not use or attempt to use their position as a Councillor improperly to confer on or secure for themselves or for any other person, an advantage or disadvantage"*.

SUBJECT MEMBER RESPONSE

The Subject Member considers that this complaint is vexatious.

The Subject Member advises that whilst he declared a personal interest, he did not have a pecuniary interest in the matter and only joined the discussion to assist Councillors when it became apparent that the quotes were difficult to compare. *"...In this situation, as chairman of the Recs and Services committee with a professional background in construction I felt duty bound to provide that information verbally otherwise an uninformed resolution would have likely been made..."*

He stated further that *"...I did provide in my opinion that tenderer B clearly appeared the best value for money. NOT Tenderer A which caused my disclosure of interest..."*

DECISION

Following consideration by the Monitoring Officer in consultation with the Independent Person it has been decided to reject this complaint.

In summary, the Complainant alleges that the Subject Member breached the Code of Conduct during a public meeting of the Town Council where they were considering tenders for specific works. At the beginning of the meeting, the Subject Member declared a personal interest in that he knew one of the tenderers. The Subject Member did assist the Council in their deliberations and expressed an opinion that he felt one was more cost effective. The Subject Member did not vote in the matter.

The Independent Person has commented that:

“It is clear from this response that the 3 bidders for this contract were bidding on three different bases and the Subject Member stepped in to provide his professional advice so that the matter could be resolved at that meeting rather be postponed for further clarification. That decision seems to me to be in the best interests of the Council and the residents of Olney. The Subject Member did not vote in the matter and in any event the successful bidder was not the person known to the Subject Member.”

The Monitoring Officer has determined that, considering the circumstances, the Subject Member acted appropriately and in the best interests of the Council and its residents.

Neither I, nor the Independent Person consulted, consider that the Subject Member has breached the Code of Conduct and therefore no further action will be taken.

Sharon Bridglalsingh

Monitoring Officer

Date: 8th February 2021