

## Colin Duke

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**From:** Colin Duke [colin.duke@dsl.pipex.com]  
**Sent:** 13 October 2016 15:35  
**To:** 'Michael Bowness'  
**Cc:** 'kersten.england@bradford.gov.uk'; 'Parveen.Akhtar@bradford.gov.uk'  
**Subject:** RE: Conduct Complaint

**Further to the conversation this morning were you Mr Bowness, refused to provide information relating to an alleged investigation into Mr Winters conduct outside the recommended process on Cities Constitution in dealing with Officer conduct.**

**There also appear to be unresponded communications to your officer in respect of viewing a petition allegedly submitted as part of the councils view to appropriating Wlbsey Fair**

**I note also the Council continued view to prejudice on enquiries duly made**

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**From:** Michael Bowness [mailto:Michael.Bowness@bradford.gov.uk]  
**Sent:** 13 September 2016 13:58  
**To:** 'colin.duke@dsl.pipex.com'  
**Subject:** Complaint

Dear Mr Duke,

Your complaint of 29 July against Mr Winters **Conduct** has been passed to me for reply. I apologise for the delay in replying.

I understand you **understanding is incorrect you cannot have investigated such complaint increasingly the matter looks like an internal cover up which will delay significantly the authorities LDP if brought to justice** is that Mr Winter has ensured that all your contacts with the Council are channelled through him. You also complain that he has not dealt with certain of your enquiries. **As Mr Winters is head of the legal Property Conveyancing where act and omission occurred you are not best placed to have done so**

Having reviewed the relevant correspondence, all your queries have been answered fully with one exception where enquiries are on-going. **The first documented contact with legal is Sept 2015 when a Legal Team stated it would be passed to Estate Management and it was not. Further enquiries were deliberately stone walled resulting in a Formal FOI Request in the Public Interest on Material Facts relating to Apropiation made on the 29<sup>th</sup> June 2016 to the paid Officer of the Council, that request properly being within her capacity to discharge her function matters of appropriation**

The Council's Complaints Procedure is designed to deal with those situations where there is dissatisfaction about the standard of or delivery of a service, or the actions or lack of action by the Council or its staff which affects a service user. **I think thats exactly the case in addition to Mr Winters conduct in providing misleading information**

As Mr Winter pointed out in his letter of 22 July, the frequency of your enquiries combined with the limited resources of the Council meant that it was not cost effective for numerous Council officers to be involved in corresponding with you on the same complaints. This would otherwise have placed a disproportionate burden on the Council's resources. **One fundamental enquiry was made through an FOI request lodged on 29<sup>th</sup> June 2015 . The Council began to answer in part , including information that was incorrect or misleading , had numerous attempts of responding in part , then claimed exemption under EIA ,having extended statutory limits by some forty days the council the finally having begun the request , claimed its substance was vexatious on three critical questions (i) Whether Woodside Play area was appropriated (ii) The relevant committee documenets identifyng Mr Harley as the Named and therefore Proper Officer Under the Authorities Scheme of Delegated Power**

He also pointed out that the Council are not obliged to deal with repeated requests for the same information if the Council has already responded. **That is not the case and you the council in a matter of material fact and public interest have documented that to be so under 14:1 and 14:2 of the FOI Act**

It is a matter for the Council to decide how it deals with your enquiries, **within the requirement of the law and any duty and the bounds of process not to act ultra vires or with misfeasance** and having had all bar one answered fully, **That is not correct what has and has not been answered is clearly annotated in the Public Domain** do not accept that you have suffered any injustice or inconvenience through these arrangements.

You have not complained about a service, merely the means of its delivery, accordingly your complaint does not fall within the Complaints Procedure and cannot be pursued further. **This is an entirely contradictory and fallacious statement If a service or delivery is prejudiced as a matter of conduct or failure to commit to a duty then it is properly a matter of concern**

Yours sincerely,

**Michael Bowness**  
Locum Assistant City Solicitor

Tel: 01274 435928  
Room 313, 3rd Floor, City Hall, Bradford, BD1 1HY

**City of Bradford Metropolitan District Council**  
**Department of Legal and Democratic Services**

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