



**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

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| <b>1. MINUTES</b>   |                  |
| <b>2. DECLARATIONS OF INTERESTS</b>   |                  |
| Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item. |                  |
| <b>3. ACTION LIST</b>   | <b>1 - 2</b>     |
| The Committee's Action List is attached for consideration and amendment as necessary.   |                  |
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| <b>5. STANDARDS COMMITTEE TRAINING</b>  | <b>40 - 286</b>  |
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***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

## HALTON BOROUGH COUNCIL

### STANDARDS COMMITTEE: 27 February 2008

#### DRAFT ACTION LIST

The following list is for consideration by the Committee:-

| No. | Priority | ACTION  | BY | DATE          |
|-----|----------|---|----|---------------|
| 1   | HIGH     | Further role play session repeating the 'hearing' on 28 February 2007 with more time allowed - Role of Chair – To maintain impartiality throughout hearing. Facilitate and ensure compliance with procedure. Secure fairness of hearing. (previously 1, 5, 8, 10)<br>Council Solicitor to prepare and circulate flowcharts illustrating the sequence of events and deadlines in relation to hearings.<br>Consider further training involvement by Charles Kerry (Chester)<br>Consider further training involvement by Graeme Creer (Weightmans) | OD | December 2007 |
| 3   | HIGH     | Council Solicitor to arrange for Standards Committee members to attend other Council's Standards Committee hearings as a training opportunity.  | OD | March 2008    |
| 6   | HIGH     | Consider cost of training initiatives and make provision in budget for 2008/9. Consider funding sources for training during 2007/8.   | OD | November 2007 |
| 7   | MEDIUM   | Develop Standards Committee internet website presence.  | OD | June 2008     |
| 9   | LOW      | Video of interview with Leader of Council and Chief Executive. Further use in conjunction with later training sessions. Explore ways of using training video as part of civic responsibility training in Halton's schools (previously 9, 16) [the new monitoring officer to review the video when in post, taking into account recent changes, to determine what amendments are required]   | OD | Feb 2008      |

| No. | Priority | ACTION  | BY       | DATE                        |
|-----|----------|---|----------|-----------------------------|
| 12  | MEDIUM   | Council Solicitor and Chair invite Halton's parish council clerks and chairpersons to meeting to explore training needs of parish councillors.<br>Halton's parish council clerks and chairpersons training session of parish clerks and chairpersons (prev 12, 13)  | Chair/OD | February 2008;<br>June 2008 |
| 15  | MEDIUM   | Explore the idea of small loose-leaf folder for members of the Committee to keep copies of key documents: e.g. Principles, Code of Conduct and Guidance.  | Chair/OD | March 2008                  |
| 16  | HIGH     | Halton's preparations, arrangements and training for dealing with local filter duties.  | OD       | November 2007               |
| 17  |          | A letter be sent to the Standards Board for England requesting that their method of allocating places on conferences be amended so that, in future, an invitation be sent to the Chairs of all Standards Committees initially and they be provided with the opportunity of taking up this offer by a specified date | OD       | February 2008               |

**REPORT TO:** Standards Committee

**DATE:** 27<sup>th</sup> February 2008

**REPORTING OFFICER:** Strategic Director – Corporate and Policy

**SUBJECT:** Local Assessment - Consultation

**WARDS:**

### **1.0 PURPOSE OF THE REPORT**

1.1 To provide the Committee with the opportunity to review the Communities and Local Government consultation document regarding local assessment, and the comments made in response.

**2.0 RECOMMENDATION:** That the Committee note the report and consider its response to the possible implications of the consultation document.

### **3.0 SUPPORTING INFORMATION**

3.1 The Local Government Minister, John Healey, launched a consultation paper on 3 January 2008 on the standards of conduct of local authority councillors. The consultation focused on local authority standards committees becoming responsible for assessing allegations of misconduct against councillors. This is a role currently carried out by the Standards Board for England, whose remit will also change. The Standards Board will be taking on a new strategic role, with responsibility for monitoring and promoting standards, and supporting and overseeing local authorities in their application of the Code of Conduct.

3.2 As the deadline for responses was 15<sup>th</sup> February 2008, prior to this meeting, a copy of the document was forwarded to all Members of the Committee for consideration. Provisional comments were received from one Member and were forwarded to the Department for Communities and Local Government (see Appendix A).

3.3 A copy of the consultation document is attached at Appendix B in order to allow the Committee the opportunity to consider its implications. In addition, the Standards Board has produced a “checklist for Local Authorities in the run up to April 2008” and a copy of this is also attached at Appendix C.

### **4.0 POLICY IMPLICATIONS**

N/A

### **5.0 OTHER IMPLICATIONS**

N/A

**6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and Young People in Halton** – none.

6.2 **Employment, Learning and Skills in Halton** – none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

**7.0 RISK ANALYSIS**

It is imperative that the Committee is aware of any new requirements arising out of these Orders/Regulations in order to ensure that they are met.

**8.0 EQUALITY AND DIVERSITY ISSUES**

None.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

**APPENDIX A**

**LOCAL ASSESSMENT – CONSULTATION RESPONSE**

My main concerns focus on the resource implications. I am aware that these are matters for political consideration and that so far we have been fortunate in not having to deal with any complaints but the implications of the proposals should at least be considered.

In order to deal effectively with future complaints, we would need at least three independent members available at any time. This could suggest a requirement for four or more such members in place.

In view of the problems we have had in recruiting independents, perhaps we need to go about it in a radically different manner. Some initial ideas:

- co-operation with other authorities
- inviting members of our parish councils to volunteer
- targetting specific groups within our community, using different methods of approach.

I did not notice in the paper any mention of the need to involve more officers in the work. It continually refers to the 'Monitoring Officer' but, if the principle of avoiding compromising any particular individual who has already taken part in some stage of the process is to be applied, then perhaps 3 or 4 officers will need to be responsible for advising the Standards Committee and its sub-committees.

I also think that more members of the Council would have to be involved in the decision-making. Clearly, overall there would be a substantial extra burden of training and a substantial amount of planning and preparatory work would have to be done in advance of implementation.



Orders and Regulations Relating to the Conduct of  
Local Authority Members in England  
Consultation



# Orders and Regulations Relating to the Conduct of Local Authority Members in England Consultation

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2, Whitehall Place London SW1E 5DU  
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# Chapter 1

## Introduction

1. We are consulting on the detailed arrangements for putting into effect orders and regulations to provide a revised ethical regime for the conduct of local councillors in England.
2. Part 10 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) provides for a revised ethical conduct regime for local government based on the principle of proportionate decision-making on conduct issues by local authorities. We wish to make arrangements for these provisions to come into effect in Spring 2008, and to seek views on how the detailed rules should work in practice.
3. The paper also consults on other undertakings relating to the operation of the regime in respect of the political restrictions imposed on certain local government posts and the maximum pay of political assistants. We are also taking the opportunity to consult on proposals to amend the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002, with a view to resolving concerns which have been raised by some local authorities on the operation of some aspects of the current provisions.
4. This consultation follows extensive earlier consultation on the basic principles on which the revised conduct regime for local government should be based. The Discussion Paper '*Standards of Conduct in English Local Government: The Future*', of December 2005, set out the Government's responses, regarding the reform of the regime relating to standards of conduct of local government, to the recommendations of the Committee on Standards in Public Life, the report of the then Office of the Deputy Prime Minister Select Committee and the Standards Board. The Local Government White Paper, '*Strong and Prosperous Communities*', issued in October 2006, outlined the Government's proposals to introduce a more proportionate and locally based decision-making regime for the investigation and determination of all but the most serious of misconduct allegations against members of local authorities.
5. Our most recent consultation with regard to the conduct regime was a six week consultation between January and March this year on amendments to the model code of conduct for local authority members, which resulted in a revised model code being introduced with effect from 3 May 2007.
6. For the new, reformed ethical regime based on a devolutionary approach to become operational, we need to make regulations and orders under the Local Government Act 2000 (the 2000 Act) as amended by Part 10 of the 2007 Act to implement the proposals set out in the Local Government White Paper to deliver a more locally based conduct regime for local government members, with local standards committees making initial assessments of misconduct allegations and most investigations and determinations of cases taking place at local level.
7. We now need to put in place detailed arrangements to allow standards committees and the Standards Board to undertake their new roles under the new regime. These arrangements need to cover:

- The operation of standards committees powers to make initial assessments of misconduct allegations.
- The operation of other functions by standards committees and the Adjudication Panel in issuing penalties and sanctions.
- The operation of the Standards Board's revised strategic role to provide supervision, support and guidance for the regime.
- Other matters, ie the rules on the issue of dispensations, the issue of exemptions of posts from political restrictions and the pay of local authority political assistants.

8. The paper sets out for each of these issues in turn the specific purpose of the provisions, the proposals for how the rules should operate via appropriate regulations and orders under the 2000 Act, and seeks views on the proposals, including highlighting particular questions on which consultees' comments would be welcome (summarised at Annex A).

9. We aim to undertake a separate consultation shortly on amendments to the instruments setting out the general principles which govern the conduct of local councillors and the model code of conduct, which members are required to follow.

### **Position of Welsh police authorities**

10. The new ethical conduct regime providing for the initial assessment of misconduct allegations by standards committees will not apply to Welsh police authorities. The initial assessment of allegations in respect of members of Welsh police authorities will therefore continue to be a matter for the Public Services Ombudsman for Wales and not local standards committees. The proposals referred to in this paper in respect of joint standards committees will also not apply to Welsh police authorities. However, the rules on the size, composition and procedures of standards committees and the proposed amendment to the dispensation regulations will apply to these authorities.

11. We are asking for comments on this paper by 15 February 2008. This effectively gives consultees six weeks to respond. This reflects the period normally allowed for consultation with local government in the Framework for Partnership between the Government and the Local Government Association. As mentioned above, significant consultation has already been undertaken about the principles underpinning the new reformed regime and the approach to be adopted in the regulations and orders under the new regime.

12. Comments should be sent to: William Tandoh  
Address: Department for Communities and Local Government  
Local Democracy and Empowerment Directorate  
5/G10 Eland House, Bressenden Place, London SW1E 5DU  
e-mail: [william.tandoh@communities.gsi.gov.uk](mailto:william.tandoh@communities.gsi.gov.uk) by **15 February 2008**.

# Chapter 2

## New standards committee powers to make initial assessments of misconduct allegations, composition of committees and access to information

### *Purpose*

1. Regulations will need to be made to amend and re-enact existing provisions in the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 and to amend and re-enact the provisions of the Relevant Authorities (Standards Committee) Regulations 2001, to make provision:

- with respect to the exercise of the new initial assessment functions by standards committees of relevant authorities in England;
- as to the powers and validity of proceedings of standards committees, including notification requirements;
- with regards to the publicity to be given to matters referred to monitoring officers of local authorities;
- in relation to the way in which any matters referred to the monitoring officer of a local authority by a standards committee should be dealt with;
- to enable a standards committee to refer a case to the Adjudication Panel (ie the independent body which decides whether in the more serious cases the code of conduct has been breached and what sanction, if any, should be applied to the member) where the standards committee considers that the sanctions available to it would be insufficient;
- with respect to the size and composition of standards committees and access to meetings and information.

### *Proposals*

#### **a) Standards committee members and initial assessment**

2. In order to undertake their new functions for making initial assessments of misconduct allegations and considering requests to review decisions to take no action, under powers conferred by Part 10 of the 2007 Act, as well as existing powers for standards committees to make determinations of allegations, each standards committee will need to have a clear operational structure. It is likely that there will be a need for sub-committees of standards committees to be created, so that the separate functions involved in the ethical regime for local authority members can be appropriately discharged, namely:

- The initial assessment of a misconduct allegation received by a standards committee under section 57A of the 2000 Act.
- Any request a standards committee receives from a complainant to review its decision to take no action in relation to the misconduct allegation under section 57B of the 2000 Act.
- Any subsequent hearing of a standards committee to determine whether a member has breached the code, and where appropriate impose a sanction on a member.

3. Standards committees will need to minimise the potential risk of failing to conduct the above processes appropriately. In order to do this and ensure fairness for all parties in the operation of the ethical regime, we propose that the regulations should prohibit a member of a standards committee who has taken part in decision-making on the initial assessment of an allegation under section 57A of the 2000 Act, or considered an allegation which has been referred back to the standards committee by a monitoring officer or ethical standards officer, from being involved in the review of any subsequent request from the complainant under section 57B of the 2000 Act for a review of the committee's decision to take no action. The most obvious way of achieving this would be to require sub-committees of the standards committee to exercise the different functions.

4. However, we are aware of the resource implications of prohibiting members of standards committees from undertaking certain functions of the ethical regime and the problems this may cause for local authorities. Accordingly, we propose that members of a standards committee who have been involved in the initial assessment of a misconduct allegation, or a review of a standards committee's previous decision to take no action, should not be prohibited from taking part in any subsequent hearing by the standards committee to determine whether that matter constituted a breach of the code of conduct and, if so, whether any sanction is appropriate.

#### *Question*

**Q1. Does our proposal to prohibit a member who has been involved in a decision on the initial assessment of an allegation from reviewing any subsequent request to review that decision to take no action (but for such a member not to be prohibited necessarily from taking part in any subsequent determination hearing), provide an appropriate balance between the need to avoid conflicts of interest and ensure a proportionate approach? Would a requirement to perform the functions of initial assessment, review of a decision to take no action, and subsequent hearing, by sub-committees be workable?**

#### **b) Members of more than one authority - parallel complaint procedures**

5. We are aware that the introduction of the regime for the initial assessment of misconduct allegations may raise an issue with regard to what should happen if a misconduct allegation is made against an individual who is a member of more than one authority (known as a dual-hatted member) and, as such, may have failed to comply with more than one relevant authority's code. For example, an individual who is a member of a district council and a police authority, may be the subject of allegations that he or she has breached the code of both authorities. As such, it would be possible for both the standards committee of the district council and the police authority to receive allegations against the member.

6. Such a situation could lead to inconsistencies in how allegations are dealt with, as one standards committee could decide that no action should be taken with regard to an allegation, whilst another standards committee could refer the allegation for investigation. In addition, to the inconsistencies that this situation may create, there is the issue of a member being subject to an investigation in relation to the same allegation more than once. One potential option for avoiding such a situation would be for the regulations to require that where an allegation of misconduct is

made to two separate standards committees, for those committees to decide which one of them should consider the matter, and in default of agreement for the allegation to be referred to the Standards Board who could then decide how it should be dealt with.

7. However, in the spirit of the new devolved conduct regime, we consider that decisions on whether to deal with a particular allegation should be taken by standards committees themselves, following discussion with each other and taking advice as necessary from the Standards Board. This would enable a cooperative approach to be adopted, including the sharing of knowledge and information about the local circumstances and cooperation in the carrying out of investigations to ensure effective use of resources.

8. Two standards committees might, for example, consider it would be appropriate for both of them to consider similar allegations or the same allegation against the same individual, and even to reach a different decision on the matter. Under the new locally based regime standards committees will be encouraged to take into account local factors which affect their authorities and communities. Allegations of misconduct constituting a particular criminal offence might, for example, be taken more seriously by a standards committee of a police authority, than of another type of authority. And this could lead to the two standards committees reaching a different decision on the matter.

### *Question*

**Q2. Where an allegation is made to more than one standards committee, is it appropriate for decisions on which standards committee should deal with it to be a matter for agreement between standards committees? Do you agree that it is neither necessary nor desirable to provide for any adjudication role for the Standards Board?**

#### **c) Publicising the new initial assessment procedure**

9. In order to ensure that people are aware of the existence of the new ethical regime and the local arrangements for how to make a misconduct allegation, we propose to include in the regulations a requirement that each standards committee should publish a notice detailing where misconduct allegations should be sent after the new regime has commenced. We also propose that the regulations should require a standards committee to use its best endeavours to continue to bring to the public's attention the address to which misconduct allegations should be sent, as well as any changes in those arrangements.

10. We propose that the Standards Board for England will then issue guidance on the content of the notice, and on how the requirement for the standards committee to provide appropriate information on the regime may be met, including, for example, advertising in one or more local newspapers, a local authority's own newspaper or circular and the authority's website.

#### **d) Guidance on timescale for making initial assessment decisions**

11. In order to achieve sensible consistency in the way allegations are dealt with across local authorities, we think it is appropriate for good practice guidance by the Standards Board to indicate the time scale in which a standards committee would be expected to reach a decision on how a misconduct allegation should be dealt with, for example 20 working days, as well as to provide other guidance to assist standards committees in complying with the timescale.

12. Since it is our intention that the new ethical regime should be implemented by light-touch regulation, we do not propose that such a deadline is prescribed by regulations accompanied by any statutory penalty for failure to meet the time scale. Our proposal is that the Standards Board, in considering the operation of the ethical regime by authorities would take into account the overall compliance each authority has demonstrated with the guidance, including guidance on the



timetable for action, so that lack of compliance with the timescale on its own would not of itself trigger intervention action by the Board. This kind of regime would suggest that it would be preferable if the timescale was retained as part of the guidance rather than imposed as a statutory requirement.

*Question*

**Q3. Are you content with our proposal that the timescale for making initial decisions should be a matter for guidance by the Standards Board, rather than for the imposition of a statutory time limit?**

**e) Requirement for a standards committee to provide a written summary of an allegation to the subject of the allegation**

13. To ensure that the ethical regime is fair and transparent for all parties, new section 57C(2) of the 2000 Act requires a standards committee to take reasonable steps to give a written summary of an allegation it receives to the person who is the subject of it. This will make sure that he or she knows what the allegation is. However, we consider that there may be certain circumstances where it may not be appropriate for a standards committee to provide information to the subject of an allegation at the time it receives the allegation. We wish to provide by regulation that where the standards committee forms the reasonable view that it would be in the public interest not to provide the written summary, it would have the discretion to defer doing so. We propose to provide that standards committees would be required to take into account advice on the withholding of information provided by the monitoring officer and guidance from the Standards Board. The regulations can stipulate when the duty to provide the summary must be complied with. We propose that the obligation to provide the summary should normally arise after a decision is made on the initial assessment, but in cases where the concerns referred to above apply, it should instead arise after the monitoring officer or ethical standards officer has carried out sufficient investigation, but before any substantive hearing of a case against the subject of the allegation.

14. Guidance from the Standards Board would give advice on the circumstances in which a standards committee would be entitled to operate its discretion to defer giving the written summary of the allegation. This guidance might include taking such action in the following circumstances.

- Where the disclosure of the complainant's personal details or details of the allegation to the person who is the subject of the allegation, before the investigating officer has had the opportunity to interview the complainant, may result in evidence being compromised or destroyed by the subject of the allegation.
- Where there is the real possibility of intimidation of the complainant or witnesses by the subject of the allegation.

15. Where a standards committee is relieved of the duty to give a written summary of an allegation to a member, it might exercise its discretion to give some more limited information to the member for example by redacting certain information, if this would not prejudice any investigation.

*Question*

**Q4. Do you agree that the sort of circumstances we have identified would justify a standards committee being relieved of the obligation to provide a summary of the allegation at the time the initial assessment is made? Are there any other circumstances which you think would also justify the withholding of information? Do you agree that in a case where the summary has been withheld the obligation to provide it should arise at the point where the monitoring officer or ethical standards officer is of the view that a sufficient investigation has been undertaken?**

**f) Requirement for a standards committee to give notice of decisions under section 57A and 58 of the 2000 Act**

16. In addition to the requirement outlined in the above section, the 2000 Act, as amended, requires a standards committee and the Standards Board to 'take reasonable steps' to give written notice of a decision to take no further action, including the reasons for its decision, to the complainant and the subject member. In addition, a standards committee is required to notify the subject of an allegation, if it receives a request from the complainant to review its decision to take no action regarding a misconduct allegation.

17. We propose that guidance issued by the Standards Board will set out best practice for committees including practice with respect to the notification of a complainant, a subject member or any other appropriate person of the progress of the handling of the allegation. We propose that such guidance would include advice that the Standards Board or the standards committee should take reasonable steps to notify the complainant and the subject member where:

- the Standards Board decides under section 58 of the 2000 Act, to refer a matter back to the relevant standards committee or refer the allegation to an ethical standards officer for investigation;
- a standards committee decides to refer a matter to another relevant authority under section 57A(3) of the 2000 Act, to the Standards Board under section 57A(2)(b) of the 2000 Act or the monitoring officer under section 57A(2)(c) of the 2000 Act; or
- a monitoring officer decides to refer a matter back to a standards committee under section 57A of the 2000 Act. Such a notice may include the reasons why a monitoring officer has decided to refer the case back.

**g) References to monitoring officers under section 57A(2)(a) of the 2000 Act**

18. Section 57A(2)(a) of the 2000 Act, provides that a standards committee may refer an allegation it receives to the monitoring officer of the authority. We propose to provide for the monitoring officer to be able to investigate and make a report or recommendations to the standards committee. However, in addition, we propose to provide in the regulations that when a standards committee refers a case to a monitoring officer it may also direct the monitoring officer that the matter should be dealt with otherwise than by investigation. Dealing with an allegation other than by investigation would allow the monitoring officer the discretion, assisted by guidance from the Standards Board, to tackle the problem identified in ways such as the provision of training or mediation to the particular member or making amendments to the authority's internal procedures, for example, arrangements for the provision of training to all members.

19. Enabling a standards committee to refer a case to the monitoring officer for action other than investigation is intended to address situations where the standards committee considers that a case has relevance for the ethical governance of the authority, eg where there are disagreements between members or cases of repeated poor behaviour, which do not require a full investigation, but where a committee feels that some action should be taken.

**h) References to monitoring officers – procedure for referring allegations back to a standards committee**

20. We propose to set out in the regulations the circumstances where a monitoring officer may refer an allegation back to the standards committee under section 66(2)(f) of the 2000 Act, and the procedure for doing so. We propose that such a referral would apply in the following circumstances:

- where, during an investigation or following a referral for action other than investigation, evidence emerges that, in the monitoring officer's reasonable view, a case is materially either more serious or less serious than originally seemed apparent, which might mean that, had the standards committee been aware of that evidence, it would have made a different decision on how the matter should be treated;
- where a monitoring officer becomes aware of a further potential misconduct allegation which relates to the matter he or she is already investigating. In such circumstances, the monitoring officer may refer the matter back to the standards committee to decide on how the new matter should be treated;
- where the member subject to the allegation has resigned, is terminally ill or has died.

21. With regard to the procedure which a monitoring officer must observe when referring an allegation back to a standards committee, we propose to set out in the regulations that where a monitoring officer refers back an allegation to a standards committee he or she must send written notification of his or her decision to refer a case back and the reasons for the decision to the relevant standards committee. In such circumstances, the standards committee will then be required to undertake a further assessment of the allegation and reach a decision under section 57A(2) to (4) of the 2000 Act.

#### *Question*

**Q5. Do you agree that circumstances should be prescribed, as we have proposed, in which the monitoring officer will refer a case back to the standards committee?**

#### **i) Referral of matters from a standards committee to the Adjudication Panel for England for determination**

22. With the introduction of the more locally based conduct regime, we consider that it is likely that standards committees will be required to make determinations in respect of more serious cases, which are currently dealt with by the Standards Board, its ethical standards officers and subsequently referred to the Adjudication Panel. We consider that providing a standards committee with the right to refer to the Adjudication Panel, where it considers that a breach of the code may merit a sanction higher than that available to the committee, will allow any sanction imposed to match the level of seriousness of the breach of the code.

23. We propose that it would be a matter for the standards committee to make a decision following the receipt of the monitoring officer's report that, if the member was found to have committed the breach, the appropriate sanction would be higher than that which the standards committee would be able to impose. Such a provision would ensure that the subject of the allegation would not be required to face both a standards committee hearing and then a separate hearing of the Adjudication Panel in respect of the same allegation.

24. In order to ensure that standards committees only refer the most serious cases to the Adjudication Panel, we propose to provide in the Regulations that the Adjudication Panel may refuse to accept a referral from a standards committee under certain circumstances, for example, where the Adjudication Panel does not consider, on the face of the evidence, that the matter would attract a sanction of greater than that currently available to standards committees.

#### **j) Increase the maximum sanction available to standards committees**

25. As stated above, with the introduction of the more locally based conduct regime, we consider that standards committees will be required to consider more serious cases. Accordingly, we propose to increase the maximum sanction which a standards committee can impose on a member who it has found to have breached the code from a three months partial suspension or

suspension to six months.

*Question*

**Q6. Are you in favour of an increase in the maximum sanction the standards committee can impose? If so, are you content that the maximum sanction should increase from three months to six months suspension or partial suspension from office?**

**k) Composition of a standards committee and sub-committees of standards committees**

26. Section 53(4) of the 2000 Act requires that a standards committee should be chaired by a person who is neither a member nor an officer of a relevant authority (“an independent member”). The existing rules relating to independent members will continue to apply so that the independent member must not have been a member or officer of the authority within the previous 5 years. As indicated earlier, committees are likely to appoint sub-committees in order to undertake the three separate functions involved in the ethical regime for local authority members:

- The initial assessment of a misconduct allegation (section 57A of the 2000 Act).
- Any review of a decision to take no action (section 57B of the 2000 Act).
- A hearing to determine whether a member has breached the code and whether to impose a sanction.

27. In order to maintain the robustness and independence of decision-making, we consider that it is important for an independent member to chair each of the sub-committees discharging each of the functions listed above.

28. We propose that the rules should remain as currently provided under the Relevant Authorities (Standards Committee) Regulations 2001 with regard to the size and composition of standards committees (including providing that where a committee has more than three members, at least 25% of them should be independent), and on the proceedings and the validity of the proceedings of committees and sub-committees (including that a meeting should not be quorate unless there are at least three members present).

*Question*

**Q7. Do you have any views on the practicability of requiring that the chairs of all sub-committees discharging the assessment, review and hearing functions should be independent, which is likely to mean that there would need to be at least three independent chairs for each standards committee? Would it be consistent with robust decision-making if one or more of the sub-committee chairs were not independent?**

**l) Public access to information on decisions on initial assessments of allegations under section 57A and reviews under section 57B**

29. We consider that it would not be appropriate for a meeting of a standards committee to undertake its role on making an initial assessment under section 57A to be subject to rules regarding notices of meetings, circulation of agendas and documents and public access to meetings, as set out in the Relevant Authorities (Standards Committees) Regulations 2001. We take the view that it would not be appropriate for the above rules to apply to meetings which make the initial assessment decisions, as they may be considering unfounded and potentially damaging allegations about members which it would not be appropriate to make available to the general public. Currently, the Standards Board does not publish any information about cases that it does not decide to refer for investigation, which may include, for example, cases which are malicious or

politically motivated. Consistent with this approach, we do not take the view that it would be appropriate to give such allegations of misconduct any publicity during the initial assessment phase.

30. For similar reasons, we also do not consider that a standards committee's function of reviewing a decision to take no action regarding a misconduct allegation should be subject to the access to information rules in respect of local government committees.

31. Accordingly, we propose that initial assessment decisions under section 57A of the 2000 Act, and any subsequent review of a decision to take no action under section 57B of the 2000 Act, should be conducted in closed meetings and should not be subject to notice and publicity requirements under Part 5A of the Local Government Act 1972. This approach was supported strongly by those authorities who participated in the Standards Board's recent initial assessment pilot schemes.

*Question*

**Q8. Do you agree with our proposal that the initial assessment of misconduct allegations and any review of a standards committee's decision to take no action should be exempt from the rules on access to information?**

# Chapter 3

The Standards Board's new monitoring function and the circumstances where it may suspend a standards committee's function of undertaking the initial assessment of misconduct allegations and for other committees or the Standards Board or joint committees to undertake this role

## *Purpose*

32. Under the new locally based ethical regime, the Standards Board will provide guidance and support to standards committees and monitoring officers on undertaking their new roles and will monitor their performance to ensure consistency of standards across the country.

33. In order to support this role, the Standards Board will be putting in place monitoring arrangements to ensure that the local regime is operating efficiently and effectively. This will involve authorities completing periodic online returns in relation to the cases they handle and producing an annual report, which the Standards Board will monitor. The Board's monitoring will be undertaken against a series of criteria which they will set out in guidance.

34. The Board's approach has been developed in consultation with a range of local authorities and the aim is to provide support for authorities in ensuring the efficient operation of the local regime and to be easy for authorities to use. The information gathering system will enable the Standards Board to analyse the information received in order to identify and share good practice, which will assist authorities in assessing and improving their own performance. It will also allow the Standards Board to identify those standards committees and monitoring officers who are encountering difficulties in undertaking any aspect of their roles, as well as to identify how to assist them to improve their performance.

## *Proposals*

35. Section 57D of the 2000 Act provides that the Standards Board may, in circumstances prescribed by regulations by the Secretary of State, direct that a standards committee's function of undertaking the initial assessment of misconduct allegations be suspended until the Board revokes such a suspension. The Standards Board's decision on whether to suspend a standards committee's initial assessment function will be made on a case-by-case basis and will be informed by information gathered by the Board about the performance of standards committees and monitoring officers. The Board's consideration of the suspension of a committee's powers may be triggered by one or a number of circumstances such as:

- a breakdown of the process for holding hearings;
- a disproportionate number of successful requests to review a standards committee's decision to take no action;
- repeated failure to complete investigations within reasonable timescales;
- repeated failure to carry out other duties expeditiously, including repeated failures to comply with the proposed 20 working days deadline for making an initial assessment of an allegation;
- failure to implement standards committee's decisions; or
- repeated failure to submit periodic returns to the Standards Board under section 66B and information requests under section 66C.

36. In circumstances where a standards committee's initial assessment functions have been suspended, the standards committee must refer any misconduct allegation it receives to the Standards Board or a standards committee of another relevant authority in England, with its consent, to undertake the initial assessment function.

37. Our aim is that the Standards Board should use its power to suspend a standards committee's initial assessment functions only as a last resort, and after strenuous attempts to improve the authority's performance have failed, resulting in the committee's failure to operate an effective initial assessment process. The Standards Board will endeavour to provide support, guidance and advice to local authorities throughout.

38. As there are numerous circumstances in relation to the performance of the ethical regime which may lead the Standards Board to direct that a standards committee's initial assessment function be suspended, we propose that the regulations should allow for any circumstances where the Standards Board is satisfied that a suspension of the standards committee's functions would be in the public interest. In operating this discretion, the Board would be required to have regard to the range of factors set out in paragraph 35, above.

### *Question*

**Q9. Have we identified appropriate criteria for the Standards Board to consider when making decisions to suspend a standards committee's powers to make initial assessments? Are there any other relevant criteria which the Board ought to take into account?**

### *Arrangements for undertaking initial assessments*

#### **a) Circumstances where the initial assessment functions may be undertaken by another standards committee**

39. Section 57D(2) of the 2000 Act provides that where the initial assessment function of one authority has been suspended, that function may be undertaken by the standards committee of another authority. We propose to allow for such arrangements to be made where the Standards Board and the receiving standards committee agree that it would be appropriate. Provision would also be made to allow a committee to withdraw from such an agreement if it chose to. We will make regulations as necessary, to facilitate such arrangements.

**b) Possibility of providing for the Standards Board or standards committees to charge those standards committees which have had their initial assessment functions suspended for undertaking those functions on their behalf**

40. Because of the impact which a transfer of responsibility for initial assessment to another standards committee could have, one option might be to allow an authority or the Standards Board to levy a charge against the authority whose standards committee has had its initial assessment functions suspended, to meet the cost of carrying out its functions.

41. There is no express provision in the 2000 Act dealing with the imposition of charges and we do not intend at this stage to make any provision to provide for any.

42. However, we would be grateful for views from consultees about whether the ability to charge a fee to recover the costs of undertaking another committee's role would contribute to the effective operation of the new ethical regime. For example, allowing a charge for the recovery of costs for undertaking the initial assessment role may help to encourage high performing standards committees to agree to undertake another standards committee's functions during the period that its functions are suspended. Such an approach may also encourage standards committees to undertake their responsibilities under the 2000 Act efficiently and effectively, in order to avoid having to pay the costs of another authority taking over their role if their functions are suspended.

*Question*

**Q10. Would the imposition of a charging regime, to allow the Standards Board and local authorities to recover the costs incurred by them, be effective in principle in supporting the operation of the new locally-based ethical regime? If so, should the level of fees be left for the Board or authorities to set; or should it be prescribed by the Secretary of State or set at a level that does no more than recover costs?**

**c) Proposed procedures for the suspension of a standards committee's initial assessment functions and the re-instatement of those functions**

43. In relation to the procedure which the Standards Board should follow when using its power to direct that a standards committee's initial assessment function is suspended, we propose that the Regulations should set out the following requirements and procedures.



- Before a direction to suspend, the Standards Board should send the authority's chief executive a written notice of intention to suspend the functions of the standards committee. Copies of this would be sent to the person who chairs the standards committee and the monitoring officer. The notice may include any recommendations and directions aimed at improving the performance of a standards committee.
- The Standards Board will exercise the suspension power under section 57D of the 2000 Act by written direction, sent to the relevant authority's chief executive and copied to the person who chairs the standards committee and the monitoring officer. The standards committee's functions will be suspended from the date specified in the written notice of direction from the Standards Board. Under that section, the Standards Board may direct that the standards committee must refer any misconduct allegations for action either to the Board itself or to the standards committee of another authority if that committee has consented.
- A direction to suspend the local assessment function may be revoked where the Standards Board is satisfied that the suspension should cease based on evidence and undertakings given by the relevant standards committee. The revocation takes effect from the date specified in the notice of revocation.
- The standards committee should be required to publicise the fact that their power to make initial assessments has been suspended and what alternative arrangements will apply for the handling of misconduct allegations, including the fact that new allegations will be dealt with elsewhere, in one or more local newspapers. Where a committee's power to make initial assessments is reinstated, the committee should similarly be required to publicise the arrangements which will apply for handling allegations following the reinstatement.

44. During a suspension, we envisage that the Standards Board should maintain communication with the monitoring officer and the standards committee chair, as well as other relevant people within the authority, in order to develop an action plan for improving the authority's performance. The aim of the action plan will be to set out the action which the standards committee and the monitoring officer need to take which would then justify the reinstatement of the standards committee's functions in the shortest possible time. We consider that the authority should be required to demonstrate improvement, through evidence, in its ability to discharge its functions under the Act. We propose that the Standards Board will provide various types of support throughout the process including, but not limited to, giving advice and guidance, sharing best-practice or participating in peer reviews, advising that training be undertaken or that a relevant authority enter into joint working arrangements with other local authorities.

45. In order for a standards committee's functions to be re-instated as soon as practically possible, the Standards Board will require cooperation from the suspended authority to ensure the Section 57A, 57B and 57C functions can be carried out. We propose to include within regulations governing the functions of standards committees an obligation to co-operate with the Standards Board during any period of suspension of its initial assessment functions, and to have regard to guidance issued by the Standards Board regarding the re-instatement of those functions, as a means to promote and maintain high standards of conduct, including the publication by the standards committee of a notice of any decision by the Standards Board to suspend the committee's functions or to revoke such a decision.

#### **d) Joint working**

46. In order to promote more effective ways of working, we propose to enable a standards committee to work jointly with one or more other standards committees in exercising their new functions under the local decision-making regime for allegations of misconduct, which might allow,

for example, for more efficient use of common resources and aid the sharing of information, expertise, advice and experience.

**i) Functions applicable for joint working**

47. In common with the wishes expressed by many standards committees in recent pilot exercises on joint working run by the Standards Board, we wish all standards committees' functions to be available for joint working, but for each standards committee to decide which of the ethical regime functions it would like to operate jointly with other standards committees. For instance, the majority of those authorities involved in the pilots intended only to operate jointly the initial assessment functions under section 57A of the 2000 Act, whilst other authorities expressed an interest in extending joint arrangements to cover the holding of hearings and determinations of whether a member has breached the code.

**ii) Structure and procedural rules of joint standards committees**

48. Following the results from the joint working pilot, we believe relevant authorities may best establish joint standards committees within schemes which reflect the regulatory requirements, and which are agreed by each participating local authority. The regulations will specify the functions in relation to which joint working arrangements may be made. Guidance from the Standards Board will give advice on the content of these arrangements, including:

- size of joint committee, number of independent members and independent chair (ie to follow the rules on the size and composition of individual standards committees)
- residual functions retained by standards committees (if any)
- process for dissolution
- process for appointment of members of a joint standards committee, including independent members and parish representatives
- process for individual relevant authorities to withdraw from the joint standards committee
- the appointment of a lead monitoring officer for the joint standards committee or outline division of monitoring officers duties between the relevant authority monitoring officers
- payment of allowances
- arrangements for where the Standards Board suspends the functions of the joint standards committee

49. Guidance issued by the Standards Board will help local authorities decide what joint arrangements might be suitable for them. The options available would include the creation of a joint committee which would undertake all the functions of the individual committees, which could be particularly appropriate and represent a sensible use of resources for single purpose authorities, who are the source of fewer complaints than other authorities. Alternatively, agreements would be possible to allow one or more of committees' functions, ie the initial assessment of allegations, the review of a decision to take no action or the determination hearing, to be undertaken by the joint committee. In either model, it would be possible for the joint committee to establish sub-committees to deal with particular functions.

50. Regulations will make clear that joint standards committees are bound by the same rules and

procedures that apply to standards committees. However, we believe an exception should be made in relation to the requirement that a parish representative be present when a matter relating to a parish council in the relevant authority's area is discussed. For joint standards committees, this requirement should be satisfied if a parish representative from any parish in the area covered by the joint standards committee is in attendance. That is, it is not necessary for the parish representative to come from the area of the particular parish a member of which is the subject of the matter being considered.

*Question*

**Q11. Would you be interested in pursuing joint working arrangements with other authorities? Do you have experience of joint working with other authorities and suggestions as to how it can be made to work effectively in practice? Do you think there is a need to limit the geographical area to be covered by a particular joint agreement and, if so, how should such a limitation be expressed? Do you agree that if a matter relating to a parish council is discussed by a joint committee, the requirement for a parish representative to be present should be satisfied if a representative from any parish in the joint committee's area attends?**

# Chapter 4

## Adjudications by case tribunals of the Adjudication Panel

### *Purpose*

51. To extend the range of sanctions available to case tribunals of the Adjudication Panel, to prescribe the circumstances in which a reference to the Adjudication Panel following an investigation or an interim report by an ethical standards officer may be withdrawn, and to make provision for a case tribunal to give notice of its decision that a member has breached the code to a standards committee and to prescribe the purpose and effect of such a notice.

### *Proposals*

#### **a) To extend the range of the sanctions available to a case tribunal of the Adjudication Panel**

52. To ensure that a tribunal has a full range of sanctions available to it in cases where it has found that a member has breached the code, we intend to make available to a tribunal a wider range of less onerous sanctions equivalent to those already available to standards committees (which are contained in regulation 7 of the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003, as amended by regulation 8 of the Local Authorities (Code of Conduct)(Local Determination)(Amendment) Regulations 2004)). We consider that they should be available to a tribunal of the Adjudication Panel when reaching a decision on which sanction it should impose, so that the seriousness of the breach of the code can be matched by the level of the sanction imposed. We intend to make regulations which will enable a case tribunal to impose sanctions including the censure of the member, the restriction of the member's access to the premises of the authority and the use of the authority's resources, and a requirement for the member to undertake training or conciliation.

53. The full range of sanctions which we propose to make available to the Adjudication Panel is as follows:

- No sanction should be imposed.
- Censure of the member.
- Restriction for a period of up to 12 months of the member's access to the premises of the authority and the member's use of the resources of the authority, provided that any such restrictions imposed on the member –
  - (a) are reasonable and proportionate to the breach; and
  - (b) do not unduly restrict the member's ability to perform his functions as a member.
- Requirement that the member submits a written apology in a form specified by the case tribunal.
- Requirement that the member undertake training as specified by the case tribunal.
- Requirement that the member undertake conciliation as specified by the case tribunal.
- Suspend or partially suspend the member for a period of up to 12 months or until such time as he or she submits a written apology in a form specified by the case tribunal.

- Suspend or partially suspend the member for a period of up to 12 months or until such time as he or she undertakes such training or conciliation as the case tribunal may specify.
- Suspend or partially suspend the member from being a member or co-opted member of the relevant authority concerned or any other relevant authority for up to 12 months or, if shorter, the remainder of the member's term in office.
- Disqualify the member from being or becoming a member of that or any other authority for a maximum of 5 years.

*Question*

**Q12. Are you content that the range of sanctions available to case tribunals of the Adjudication Panel should be expanded, so the sanctions they can impose reflect those already available to standards committees?**

**b) Withdrawing references to the Adjudication Panel**

54. We propose to prescribe in the regulations that an ethical standards officer may withdraw a reference to the Adjudication Panel in certain circumstances. These would include circumstances where:

- after the ethical standards officer has determined that the case should be referred to the Adjudication Panel for adjudication, further evidence emerges that indicates that the case is not as serious as thought originally so that, in the ethical standards officer's view, there is no longer any justification for presenting the case to the Panel;
- a penalty imposed by another body meant the Adjudication Panel could do no more (for example, a sentence of imprisonment of three months or above for a related or non-related offence which would disqualify the member from office for 5 years); or
- the pursuit of the case would not be in the public interest, such as where the member accused has been diagnosed with a terminal illness or has died.

55. Before an ethical standards officer withdraws a reference to the Adjudication Panel, we propose that the regulations should require the ethical standards officer to notify the complainant, the subject of the allegation and the monitoring officer of the relevant authority of the proposed withdrawal. These people would therefore have the opportunity to make representations to the ethical standards officer in advance of the final decision of the withdrawal of the case being taken. We would also provide that the consent of the President of the Adjudication Panel would need to be obtained before a case could be withdrawn. We propose equivalent provision as regards the referral of interim reports from ethical standards officers to the Adjudication Panel.

*Question*

**Q13. Do you agree with our proposals for an ethical standards officer to be able to withdraw references to the Adjudication Panel in the circumstances described? Are there any other situations in which it might be appropriate for an ethical standards officer to withdraw a reference or an interim reference?**

**c) Decision notices of case tribunals of the Adjudication Panel**

56. We propose to ensure, through regulations, that the rules relating to the suspension of a member who has been found to have breached the code by the Adjudication Panel are consistent with those which already apply in respect of disqualification.

57. Where a case tribunal of the Adjudication Panel decides that a member has breached his or

her authority's code and that the breach warrants the suspension of that member, there is a requirement for the case tribunal to issue a notice to the relevant local authority. Currently, the effect of the suspension notice, unlike an Adjudication Panel's notice to disqualify a member, is not to put into effect the suspension of the member but instead merely to give notice to the standards committee that the person has failed to comply with the code of conduct. Accordingly, the local authority which receives a suspension notice from the Adjudication Panel must currently take action actually to suspend the relevant member. Section 198 of the 2007 Act amends the 2000 Act in respect of the decisions of case tribunals in England. This allows the Secretary of State to make regulations which provide for the effect that any notice issued by the case tribunal is to have. We propose to prescribe that in the case of the issue by the case tribunal of any notice, the effect of the notice will in future have the effect set out in the notice so that no further action is needed by the relevant authority before the notice can come into effect.

58. We also propose that a notice from the Adjudication Panel should have immediate effect, unless otherwise stated, and that the notice should give information on what breach of the code has been found and the sanction imposed. We propose that the notice should be sent to the chairman of the standards committee and copied to the monitoring officer and the member who is the subject of the notice. We propose that, consistent with current practice, the fully reasoned decision of the tribunal is provided to the above people within two weeks of the decision being taken.

# Chapter 5

## Issuing dispensations to allow councillors to participate in meetings so as to preserve political balance

### *Purpose*

59. It is proposed to amend the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (“the Dispensations Regulations”), to clarify the rules relating to standards committees granting dispensations to members of local authorities.

### *Proposal*

60. Some local authorities have from time to time expressed concern about the current drafting of the Dispensations Regulations, the effect of which is to allow standards committees to grant dispensations from the prohibition of a member to participate in any business where: more than 50% of the members participating would otherwise be prevented from doing so, and where the political balance of the committee would otherwise be upset.

61. Some authorities have identified the following concerns in the operation of these regulations:

- Regulation 3(1)(a)(i) provides that a dispensation may be issued where the number of members of the authority prohibited from ‘participating in the business of the authority’ exceeds 50% of those entitled or required to participate. It is claimed that this reference to an entitlement to participate is ambiguous, since in some authorities all members are entitled to attend all committee meetings. The reference to the entitlement to participate in meetings could be replaced with reference to the number of members able to vote on a particular matter.
- Regulation 3(1)(a)(ii) refers to the inability of the authority to comply with section 15(4) of the Local Government and Housing Act 1989. Since that section relates to the appointment of members to committees, and not to the attendance of members at committees it is suggested that what is meant by the term “not able to comply with any duty” under that section of the 1989 Act is ambiguous and might be clarified. Additionally, it could be clarified that the regulations are intended to deal with situations where a majority on a committee would be lost; the intention is not that they should aim to retain the precise political balance on each committee.
- The reference to section 15(4) could be interpreted as allowing dispensations to be granted in relation to committees but not in relation to full council meetings, where issues of political balance can be of concern particularly where there are hung councils or councils with small majorities.

62. To address these concerns, we propose to amend the regulations to make it more clear that they have the following effect:

- A standards committee should be able to grant dispensations if the effect otherwise would be that the numbers of members having the right to vote on a matter would decrease so that a political party lost a majority which it previously held, or if a party gained a majority which it otherwise did not hold
- It should be possible to grant a dispensation if the matter is under discussion at a committee or at a meeting of the full council.

*Question*

**Q14. Have you made decisions under the existing dispensation regulations, or have you felt inhibited from doing so? Do the concerns we have indicated on the current effect of these rules adequately reflect your views, or are there any further concerns you have on the way they operate? Are you content with our proposal to provide that dispensations may be granted in respect of a committee or the full council if the effect otherwise would be that a political party either lost a majority which it had previously held, or gained a majority it did not previously hold?**



# Chapter 6

## The granting and supervision of exemptions of certain local authority posts from political restrictions

### *Purpose*

63. The purpose of the regulations is to prescribe that a local authority which is not required to establish a standards committee, should establish a committee to exercise functions in respect of the granting and supervision of exemptions from political restrictions.

### *Proposals*

64. Section 202 of the 2007 Act inserts a new section 3A into the Local Government and Housing Act 1989 to provide that the granting and supervision of exemptions of posts from political restrictions should be a matter for relevant local authorities' standards committees. There are, however, some authorities subject to requirements with regard to politically restricted posts which are not required to establish standards committees. The only such authorities of which we are aware are waste disposal authorities.

65. In order to ensure that such authorities are able to make decisions on the exemption of certain posts from political restrictions, in accordance with section 3A of the Local Government and Housing Act 1989, we propose that those relevant authorities which are not required to have standards committees should establish committees to undertake this function. We propose to provide in the regulations that the rules regarding the minimum number of members the committee should have, the proportion of members who should be independent and the requirement to have an independent chair, which apply to standards committees, as set out in the 2000 Act, as amended, and the regulations discussed above regarding standards committees should also apply to the committees of these authorities.

66. This provision should not prevent these types of authorities from instead discharging their responsibilities with regard to the granting and supervision of exemptions from political restrictions by entering into agreements with other authorities to carry out this role on their behalf, under section 101 of the Local Government Act 1972. We propose therefore that authorities should have the option of which of the above approaches to take, so that it would only be in circumstances where the authority has not made arrangements for the discharge of this function by another authority that it would be required to set up its own committee to undertake the function itself.

### *Question*

**Q15. Do think it is necessary for the Secretary of State to make regulations under the Local Government and Housing Act 1989, to provide for authorities not required to have standards committees to establish committees to undertake functions with regard to the exemption of certain posts from political restrictions, or will the affected authorities make arrangements under section 101 of the Local Government Act 1972 instead? Are you aware of any authorities other than waste authorities which are not required to establish a standards committee under section 53(1) of the 2000 Act, but which are subject to the political restrictions provisions?**

# Chapter 7

## Other Issues

### **(a) Maximum pay of local authority political assistants – results of earlier consultation**

#### *Purpose*

67. The purpose of the proposed order is to specify the point on the local authority pay scale which will serve as the maximum pay for local authority political assistants.

#### *Proposals*

68. In August 2004, the then Office of the Deputy Prime Minister published the *Review of the Regulatory Framework Governing the Political Activities of Local Government Employees – A Consultation Paper*. In the paper we invited views on the pay arrangements for political assistants. There was a consensus among consultees in favour of linking the maximum pay for political assistants to local government pay scales. Various spine points on the local government scale were suggested as the maximum which should apply, and many suggested spine point 49. Authorities did not suggest that further payments such as London weighting should be added on top of the proposed maximum rate.

69. Accordingly, we propose that the order should set the maximum pay for local authority political assistants at point 49 on the National Joint Council for Local Government Services pay scale (currently £39,132 pa). Local authorities will be able to pay remuneration including any allowances to their political assistants provided remuneration to any individual does not exceed the overall rate represented by spine point 49 from time to time in force.

### **(b) Effective date for the implementation of the reformed conduct regime**

70. We propose that those arrangements referred to in this consultation paper which will implement the reformed conduct regime for local councillors will be implemented no earlier than 1 April 2008. We are aware that this is the date which many authorities have been working to, and that there is an expectation by many in the local government world that the amendments will commence on this date. Feedback from authorities to the Standards Board has suggested that many authorities wish the revised framework to be put in place as soon as practically possible.

#### *Question*

**Q16. Do you agree with our proposal to implement the reformed conduct regime on 1 April 2008 at the earliest?**

## Annex A

### **Your views**

We would welcome your views on the issues covered by this consultation paper and any other comments and suggestions you may have.

#### *Questions*

The specific questions which feature throughout the text of this paper are reproduced for ease of reference:

**Q1. Does our proposal to prohibit a member who has been involved in a decision on the assessment of an allegation from reviewing any subsequent request to review that decision**

to take no action (but for such a member not to be prohibited necessarily from taking part in any subsequent determination hearing), provide an appropriate balance between the need to avoid conflicts of interest and ensure a proportionate approach? Would a requirement to perform the functions of initial assessment, review of a decision to take no action, and subsequent hearing, by sub-committees be workable?

**Q2. Where an allegation is made to more than one standards committee, is it appropriate for decisions on which standards committee should deal with it to be a matter for agreement between standards committees? Do you agree that it is neither necessary nor desirable to provide for any adjudication role for the Standards Board?**

**Q3. Are you content with our proposal that the timescale for making initial decisions should be a matter for guidance by the Standards Board, rather than for the imposition of a statutory time limit?**

**Q4. Do you agree that the sort of circumstances we have identified would justify a standards committee being relieved of the obligation to provide a summary of the allegation at the time the initial assessment is made? Are there any other circumstances which you think would also justify the withholding of information? Do you agree that in a case where the summary has been withheld the obligation to provide it should arise at the point where the monitoring officer or ethical standards officer is of the view that a sufficient investigation has been undertaken?**

**Q5. Do you agree that circumstances should be prescribed, as we have proposed, in which the monitoring officer will refer a case back to the standards committee?**

**Q6. Are you in favour of an increase in the maximum sanction the standards committee can impose? If so, are you content that the maximum sanction should increase from three months to six months suspension or partial suspension from office?**

**Q7. Do you have any views on the practicability of requiring that the chairs of all sub-committees discharging the assessment, review and hearing functions should be independent, which is likely to mean that there would need to be at least three independent chairs for each standards committee? Would it be consistent with robust decision-making if one or more of the sub-committee chairs were not independent?**

**Q8. Do you agree with our proposal that the initial assessment of misconduct allegations and any review of a standards committee's decision to take no action should be exempt from the rules on access to information?**

**Q9. Have we identified appropriate criteria for the Standards Board to consider when making decisions to suspend a standards committee's powers to make initial assessments? Are there any other relevant criteria which the Board ought to take into account?**

**Q10. Would the imposition of a charging regime, to allow the Standards Board and local authorities to recover the costs incurred by them, be effective in principle in supporting the operation of the new locally-based ethical regime? If so, should the level of fees be left for the Board or authorities to set; or should it be prescribed by the Secretary of State or set at a level that does no more than recover costs?**

**Q11. Would you be interested in pursuing joint arrangements with other authorities? Do you have experience of joint working with other authorities and suggestions as to how it can be made to work effectively in practice? Do you think there is a need to limit the**

geographical area to be covered by a particular joint agreement and, if so, how should such a limitation be expressed? Do you agree that if a matter relating to a parish council is discussed by a joint committee, the requirement for a parish representative to be present should be satisfied if a representative from any parish in the joint committee's area attends?

**Q12. Are you content that the range of sanctions available to case tribunals of the Adjudication Panel should be expanded, so the sanctions they can impose reflect those already available to standards committees?**

**Q13. Do you agree with our proposals for an ethical standards officer to be able to withdraw references to the Adjudication Panel in the circumstances described? Are there any other situations in which it might be appropriate for an ethical standards officer to withdraw a reference or an interim reference?**

**Q14. Have you made decisions under the existing dispensation regulations, or have you felt inhibited from doing so? Do the concerns we have indicated on the current effect of these rules adequately reflect your views, or are there any further concerns you have on the way they operate? Are you content with our proposals to provide that dispensations may be granted in respect of a committee or the full council if the effect otherwise would be that a political party either lost a majority which it had previously held, or gained a majority it did not previously hold?**

**Q15. Do you think it is necessary for the Secretary of State to make regulations under the Local Government and Housing Act 1989 to provide for authorities not required to have standards committees to establish committees to undertake functions with regard to the exemption of certain posts from political restrictions, or will the affected authorities make arrangements under section 101 of the Local Government Act 1972 instead? Are you aware of any authorities other than waste authorities which are not required to establish a standards committee under section 53(1) of the 2000 Act, but which are subject to the political restrictions provisions?**

**Q16. Do you agree with our proposal to implement the reformed conduct regime on 1 April 2008 at the earliest?**

Comments should be sent by e-mail or post by **15 February 2008** to: William Tandoh  
Department for Communities and Local Government  
Local Democracy and Empowerment Directorate  
5/G10 Eland House  
Bressenden Place London SW1E 5DU  
e-mail: [william.tandoh@communities.gsi.gov.uk](mailto:william.tandoh@communities.gsi.gov.uk)

## Annex B: The Consultation Criteria

1. The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form.
2. Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (for example, under European Union law), they should otherwise be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

3. The criteria are:
  - a. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
  - b. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
  - c. Ensure that your consultation is clear, concise and widely accessible.
  - d. Give feedback regarding the responses received and how the consultation process influenced the policy.
  - e. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
  - f. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

4. The full consultation code may be viewed at [http://www.cabinetoffice.gov.uk/regulation/consultation/consultation\\_guidance/the\\_code\\_and\\_consultation/index.asp#codeofpractice](http://www.cabinetoffice.gov.uk/regulation/consultation/consultation_guidance/the_code_and_consultation/index.asp#codeofpractice)

5. Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process, please contact:

David Plant, Head of Better Regulation Unit, Department for Communities and Local Government, Zone 6/H10, Eland House, Bressenden Place, London SW1E 5DU

e-mail: [David.Plant@communities.gsi.gov.uk](mailto:David.Plant@communities.gsi.gov.uk)

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

## **LOCAL ASSESSMENT – CHECKLIST**

### **Checklist for local authorities in the run up to April 2008**

This article offers a 'checklist' for local authorities of things to consider in the run-up to the implementation of the locally managed framework.

Please note that, in some cases, it is subject to Communities and Local Government making appropriate regulations.

#### **1) Size of standards committee**

Standards committees must have a minimum of:

- Three members (two elected members and one independent member).
- 25% as independent lay members if the committee is more than three people.
- An independent chair (from April 2008).
- One parish or town council member if the authority has responsibilities for those councils.

#### **Effective practice - the Standards Board recommends:**

- At least six people as a minimum (three elected members and three independent members).
- Two, or possibly three, parish or town council members if the authority has responsibilities for those councils.
- Consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays or sickness.

#### **2) Structure of standards committees**

In addition to their role as champion and guardian of the authority's ethical standards, standards committees will now have three separate but distinct roles in relation to complaints about member conduct:

- Receiving and assessing complaints.
- Reviewing local assessment decisions.
- Conducting hearings following investigation.

To avoid perceptions of bias or predetermination, members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested.

**Effective practice – the Standards Board recommends:**

- A structure of sub-committees or the standards committee acting as a pool of members to deal with the different roles.
- As a minimum, two separate subcommittees, one for taking initial assessment decisions and one for taking decisions on reviews.
- Subject to regulations, any subcommittee should also have an independent chair.
- A member who was involved in an initial assessment decision, or following referral of a complaint back to the standards committee from the monitoring officer or Standards Board for another assessment decision, can be a member of the committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.

**3) Training**

**Effective practice – the Standards Board recommends:**

- Standards committees are fully trained on the Code of Conduct.
- Standards committees are offered other training to equip them with necessary skills, for example in conducting a hearing.
- Independent chairs and vice-chairs are trained in chairing meetings.
- Any newly-appointed standards committee members receive a comprehensive induction to the role and appropriate training.

**4) Local assessment criteria**

- Guidance will be available from the Standards Board on developing criteria and the types of issues to be considered when assessing complaints.
- Standards committees will need to develop their own criteria, that reflect local circumstances and priorities, and which are simple, clear, open and ensure fairness.

- Monitoring officers will be able to acquire additional factual information which is readily available about allegations before the assessment process begins. This could be from minutes or the register of interests, for example, if such information about a complaint would assist decision-making. It should not include interviews or investigation.
- A complainant has a right to appeal if a complaint is rejected, so standards committees will be able to invite complainants to submit further information in support of the complaint at the appeal stage in the process.

## **5) Role of the monitoring officer in the new framework**

### **Effective practice – the Standards Board recommends:**

- A pre-meeting with the independent chair.
- Preparing a summary of the allegation for the standards committee.
- Highlighting what the potential Code breaches are which underlie an allegation to the standards committee.
- Allowing case reading time for the monitoring officer and the standards committee.

## **6) Completing existing investigations**

Many authorities will have outstanding investigations and the Standards Board encourages authorities to clear such investigations – particularly long-standing cases – before the new framework comes into effect.

Any authority experiencing difficulties in completing an investigation should seek advice and support from the Standards Board. Please contact Rebecca Strickson, Local Investigations Co-ordinator, on 0161 817 5372, or email [rebecca.strickson@standardsboard.gov.uk](mailto:rebecca.strickson@standardsboard.gov.uk) <<mailto:rebecca.strickson@standardsboard.gov.uk>>.

## **7) Local assessment and the corporate complaints process**

### **Effective practice – consider:**

- How will the public be informed of the new arrangements?
- Who will receive and log an allegation?
- The production of an individual information leaflet for the local assessment process, possibly combined with the corporate complaints process.



## **8) Future monitoring by the Standards Board**

The Standards Board is consulting a sample of authorities involved in a pilot study on proposals for an online information return system, which will allow authorities to tell us about how local arrangements are working.

This system is being designed based on what standards committees need locally, and to enable authorities to provide information to the Standards Board as simply as possible.

Authorities will be able to use the system locally for their own records, to keep standards committees informed of their authority's ethical activities.

Proposals for the system include quarterly online returns on cases, which will be simple and quick to use, and nil returns if there is no activity to report.

## **9) Local assessment guidance**

We will help standards committees by providing guidance in 2008 on all aspects of the local assessment process, subject to the passage of the relevant regulations, with a toolkit to include:

- Template notices for publicising the authority's Code of Conduct complaint process.
- Complaint assessment flowcharts.
- A standard complaint form.
- Template letters for each stage in the process.
- Template referral and non-referral decision notices. Guidance to assist with drafting criteria and for the authority to define its threshold for referral.
- Template terms of reference for assessment and review committees.

**REPORT TO:** Standards Committee

**DATE:** 27<sup>th</sup> February 2008

**REPORTING OFFICER:** Strategic Director – Corporate and Policy

**SUBJECT:** Standards Committee Training

**WARDS:** N/A

### **1.0 PURPOSE OF THE REPORT**

1.1 To outline possible training for Committee Members in preparation of the forthcoming requirement for local assessment and with regards to any possible future hearings.

### **2.0 RECOMMENDATION:** That

- (1) the actions taken be noted;
- (2) the Committee confirm that it wishes to be involved in the joint training with Warrington Borough Council and the other Association of Greater Manchester Authorities; and
- (3) the Committee advise whether it would like a separate training session to consider the information provided by the Standards Board regarding local assessment in more detail.

### **3.0 SUPPORTING INFORMATION**

3.1 The Committee has previously requested that the provision of further training be investigated in order that Members are prepared for any inquiries/hearings that may come before them in the future.

3.2 Contact has been made with Wigan Metropolitan Borough Council, as agreed at the last meeting, to establish whether there are any imminent hearings that Halton's Standards Committee could attend. Although Wigan has had a number of hearings in the past, none are currently scheduled; however, Wigan's monitoring officer has agreed to contact Halton should this change in the near future.

3.3 In addition, Warrington Borough Council has contacted Halton to find out if Members would be interested in being involved in a proposed training programme on Wednesday, 18<sup>th</sup> June 2008, looking at the implications of the Local Government and Public Involvement in Health Act, with a number of other local authorities from the Association of Greater Manchester Authorities (AGMA).

3.4 The approximate cost for 12 people (based on 5 authorities taking part) would be £950 plus VAT including training, refreshments, postage and

printing materials. Mr Peter Keith Lucas, a well known trainer in this area, has put together the following as a proposed programme for the session:

- how complaints arise;
- the implications of the Act;
- role play - attendees will be put into teams of between 5 and 8 as if they were Referrals Sub-Committees in order to review 10 complaints and decide which merit investigation. The role play takes about an hour and then attendees are brought back together to discuss what the conclusions are;
- the balance of the time is filled with some practical points on investigations and hearings.

3.5 The overall session will last approximately 2.5 hours.

3.6 In addition, the Standards Board has prepared a local assessment training exercise consisting of a range of anonymised complaints that it has previously dealt with. The exercise is based on a pilot that the Board ran in 2007 with approximately 50 participating authorities. The paperwork for this exercise, attached at Appendix A, includes a complaint handling flow chart for guidance. The Committee is requested to consider this information and decide whether Members would like a separate training session in order to discuss the material in more detail.

#### **4.0 POLICY IMPLICATIONS**

N/A

#### **5.0 OTHER IMPLICATIONS**

The cost of the training in association with Warrington Borough Council can be met from existing budgets.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and Young People in Halton** – none.

6.2 **Employment, Learning and Skills in Halton** – none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

#### **7.0 RISK ANALYSIS**

A comprehensive training package is required in order to ensure that the Committee is equipped to deal with the local assessment process and any hearings that it may be required to carry out in the future.

**8.0 EQUALITY AND DIVERSITY ISSUES**

Any training carried out will cover equality and diversity issues that must be taken into account as part of this process.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

# LOCAL ASSESSMENT

**Training exercise for standards  
committees**

## Introduction

The Local Government and Public Involvement in Health Act 2007 has created a change in the Standards Board for England's role. In future, our focus will be on ensuring that members adhere to the Code of Conduct, and that there are adequate arrangements in place at local level for handling cases and preventing misconduct.

One of the main changes to the standards framework is that local authority standards committees will be responsible for receiving complaints about members and deciding whether any action needs to be taken. The Standards Board is planning for its strategic role by preparing local government for taking on this local assessment function.

There is to be a greater focus on training and support. With this in mind, the Standards Board has created a training exercise to help standards committees develop their ability to assess new complaints. The exercise is based on a pilot that the Standards Board ran in 2007 with approximately 50 participating local authorities.

## Benefits of the exercise

The benefits of the exercise for standards committees are:

- Training and preparation to ease the transition from a central to a local assessment process.
- Practice at operating the appeal mechanism.
- Helping familiarise members with the operation of the revised Code of Conduct (available to download from our website).

## The exercise – your preparation

In this section of the website is a set of 12 cases, A-L, which the Standards Board has already assessed. These cases concern real members and are genuine. They have been anonymised as far as possible. However, in the unlikely event that a committee member recognises a case from the circumstances, we expect that confidentiality will be respected for the integrity of the exercise and the sake of those involved.

The cases have been compiled in consultation with the Standards Board's Referrals Unit.

It would be very difficult to pick a truly representative batch from the thousands of complaints the Standards Board has received. Yet, the chosen sample

aims to provide a spread of the main issues which the Standards Board's referrals officers take into account when assessing a case. In the 12 cases:

- We have provided the raw complaint, as it reached our office, and also the summary prepared by officers as it would appear in the decision notice.
- The allegations come from a range of sources – the public, other members, and officers.
- They cover the main paragraphs of the revised Code of Conduct and may disclose a number of potential breaches of the Code.
- There are complaints which are both rural and urban in nature due to the diverse areas committees cover.
- There are also some complaints concerning parish councils. We appreciate that not all standards committees have responsibility for parish councils. However, the Act envisages new community, neighbourhood and village councils in areas without parishes so far. Coupled with the likely increase in unitary authorities, more and more members will need to gain knowledge of this tier of government.

Your committee's task is to decide which cases should be referred for further action. The committee will need to provide reasons for those which are not referred.

It is expected that the exercise should take no more than half a day or an evening, in other words, a three-hour mock session of your committee.

### Appeal cases

In two cases (K and L), we will assume that the decision not to refer the matter for investigation has already been made, and it is set out in the decision notice with the reasons. However, the complainants have asked for these decisions to be reviewed as the law allows, and their letter is enclosed. In these instances, therefore, you are sitting as an appeals committee rather than an assessment committee.

Do not worry about you or officers being hypothetically conflicted out by previous involvement. Simply look at the allegation and summary, and then review the request afresh as if you were dealing with a real appeal. In general the grounds for overturning a decision on appeal are:

- That the original decision is considered to be a flawed judgement because it is unreasonable in law or because the correct procedures were not followed.

- The complainant has provided compelling new information in their review request.

## Criteria

At present, the Standards Board's referrals officers take account of agreed criteria when assessing a case. The criteria were developed at national level and reflect the priorities of the Standards Board for England. Your committee is therefore not expected to abide by them, as this is a local assessment, and we anticipate that the ethical regime will evolve locally.

Local priorities may not always be the same as the Standards Board's. For example, the Standards Board may have decided that a case disclosed a potential breach of the Code but was not sufficiently serious within the national context to warrant a publicly-funded investigation. A local standards committee, on the other hand, may decide that they can only determine how true or serious the alleged breach was after investigation.

The old system was also based on the idea of an investigation followed by a sanction if appropriate. The new system allows greater scope for mediation and other remedies. Unlike before, standards committees may now wish to take other action in certain instances where a sanction might have been unlikely or unhelpful. The recommended approach can be summed up in the two key tests which members should apply to new complaints:

- Does this allegation disclose a potential breach of the Code of Conduct?
- If it does disclose a potential breach of the Code, should anything be done about it?

This approach is demonstrated in the flowchart at the end of this document. The flowchart also points to the kind of allegations that standards committees might consider suitable for referral to the Standards Board for England. Please note, this is notwithstanding the Standards Board's stated position that it will not automatically accept every case referred to it. It is impossible to accurately predict the sort of cases in this category, and it would be wrong to prescribe them.

Typically though, we expect that they will be:

- Complaints concerning the leadership of the council or in some cases the opposition.
- Complaints from chief executives and monitoring officers.
- Instances where a large number of key people are conflicted out and there is a risk of successful judicial review.



There may be other instances where there has been national attention, or where the standards committee feels that the matter turns on an important point of interpretation of the Code.

It is important to underline that where no breach of the Code is disclosed by the allegation, no matter what its source or whoever the subject member, the case falls at the first hurdle. The matter of referral to the monitoring officer or the Standards Board consequently does not arise. Clearly, where no potential breach is disclosed, the matter is at an end, and it is for the committee to provide robust reasons why.

Members may also consider that there are cases which disclose a clear potential breach of the Code. Your committee need not dwell on these too long, provided there is agreement. The same goes for overturning a decision on appeal. On the other hand, there are a number of borderline cases in your pack which come down to a matter of judgement and justification. As long as the justification is sound, there is really no right or wrong answer in these instances. This is because it will depend on local circumstances. Please also bear in mind that a right of appeal exists against a decision not to refer.

### Carrying out the exercise

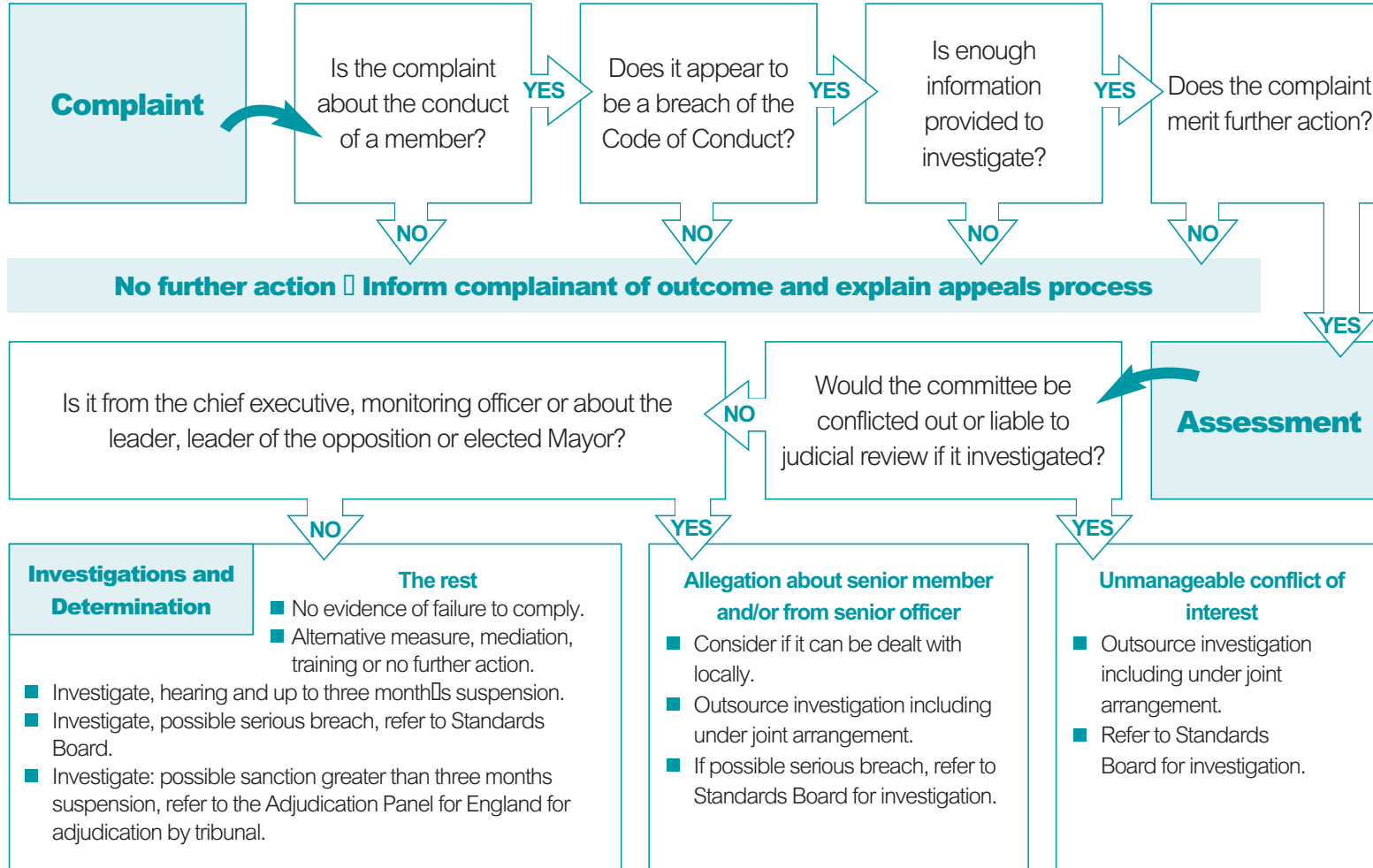
There ought to be a broad set of common expectations for the exercise to succeed:

- A situation as near to reality as possible with your normal rules of committee procedure, such as for seating arrangements.
- The comfortable degree of formality or informality according to custom.
- Your independent chair or chairperson presiding.
- You should follow your customary means of decision making according to the culture of the authority. For example, the chair taking the mood of the meeting, voting by show of hands, or the clerk drafting a resolution for approval.
- The chair, the monitoring officer or the clerk if present should record the decision and the reasons for it. This is essential in the case of decisions not to refer, and will be a legal requirement in future.
- Officer advice may be available, but given sparingly enough for the committee to gain experience from the exercise.
- You will need approximately three hours of time. It is quite acceptable for the session to be on the same day as a scheduled meeting of the standards committee, although it is recommended that the training session be conducted separately from an open meeting. However, if the

committee's regular business is likely to be onerous, this session might better be held another day.

- A good spirit of mature role play and an agreeable atmosphere for learning.

## Local assessment complaint handling chart



**Contact us**  
 If you have any questions about the exercise please contact our enquiries line on **0845 078 8181** or email [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).

## CASE A

### HILTON BOROUGH COUNCIL - COUNCILLOR PETER CITRINE

#### Summary

It was alleged that Councillor Peter Citrine published a political leaflet on behalf of the local Liberal Democrats suggesting that people should boycott the shops in the high street belonging to Councillor Leo Hall, the Conservative council leader. This was in response to the council's decision to introduce car-parking charges in the town centre, which the Liberal Democrats were campaigning against. The complainant is an employee of Councillor Hall. She works in a pet shop and alleges that Councillor Citrine is jeopardising her livelihood by effectively encouraging people to patronise another pet shop 200 yards away.

Miss Marjorie Dawes  
76 Ferry Lane  
Hilton  
HT2 6KJ

RU  
13 JAN 2005  
RECEIVED

RECEIVED  
13 JAN 2005

6<sup>th</sup> January 2005

Dear sirs,

I wish to complain about an article that has appeared in a political newsletter that has been distributed to thousands of homes in Hilton in December 2004 under the name of Cllr. Peter Citrine of Hilton Borough Council and Hilton Liberal Democrats.

The article in question refers to car parking charges and tells people which shops to boycott owned by Mr. Hall. I am employed by Mr. Hall and I believe to encourage people to boycott his shops will disadvantage me and the other members of staff who work for him. I have already had people speak to me to say they have boycotted the shop as they have been told not to use the shop. It is my very livelihood Cllr. Citrine has put in jeopardy.

Having researched your website and looked up the terms of reference it clearly states that "A member must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage." As there is another pet shop (Pampurred Pets) in Hilton High Street only 200 yards from the shop I work in (Pets Paradise) it is abundantly clear that Cllr. Citrine by his actions is seeking to advantage my rivals as well as seeking a political advantage for him and to the disadvantage of all of us who work there.

Your terms of reference under (2) also states that "A member must (a) treat others with respect." I think the way Cllr. Citrine has used and named the businesses has an affect on my livelihood and is not treating me or my work colleagues fairly or with respect.

What he has done has caused a great deal of harm with the potential to cause job losses for his own political gain and to the financial advantage of our local competitors.

I, nor any of the staff employed by Mr. Hall are members of any political party, are not active in supporting any political party, nor stood in any elections. We are not political people. All we want to do is to protect our jobs. The newsletter seeks to put in jeopardy the livelihood of me and my work colleagues. If this is how you allow Councillors to conduct themselves then there is little wonder the general public hold them in scant regard.

Surely this type of newsletter brings not only Cllr. Citrine into disrepute but also the authority he represents.

As the Standards Board for England has been set up to deal with this type of complaint I would ask you to investigate this matter as I believe I have been discriminated against, treated disrespectfully, had ~~Hilton~~ Borough councils' reputation tarnished by the actions of Cllr. *Citrine* who has used his position improperly to forward his own political advantage and to seek a financial advantage for our local competitors to the disadvantage of me and my work colleagues.

Thank you for taking the time to read this letter, I enclose a copy of the offending newsletter.

Yours sincerely

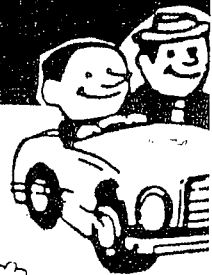


Miss Marjorie Dawes

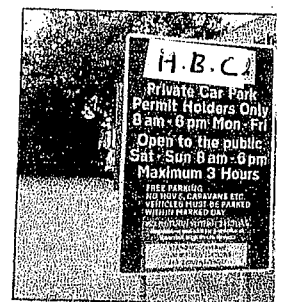
# Where you can still park for free in **Hilton** town centre:

Parking charges only apply in Council-run car parks. On-street parking is still free. You can park for free on any stretch of road not covered by yellow lines. Some roads have a maximum stay of one or two hours. In some roads you can park all day for free. Check the roadside signs for time limits.

You can also park for free in the small car park behind the Town Hall at weekends. Parking charges do not apply to this car park at weekends. There is no ticket machine in this car park. You do not need to buy a ticket if parking here at weekends.



**You may wish to protest about car parking charges by boycotting the High Street shops run by Conservative Council Leader **Leo Hall** ELJ Furnishings & Pets Paradise between the Town Hall and Post Office. But please don't boycott other town centre shops. It's not their fault that parking charges are in place. They need your continued custom. Please support our local **Hilton** shops and help their staff keep their jobs.**



Parking is still free in small car park behind Town Hall at weekends



## It's not too late to make **YOUR** views known

If you've yet to fill in one of our Car Park Charges Survey forms, please do so today. The more people who make their views known, the better our chances of getting things change

# Car Park Charges - **YOUR** chance to have **YOUR** say



- \* Do you agree with car parking charges for **borough** residents? YES / NO
- \* Would you support charges for non-residents who commute across the Harbour? YES / NO
- \* Do you think the £480 charge for a **Hilton** Residents Parking Pass is: TOO HIGH / TOO LOW / ABOUT RIGHT
- \* Do you think it right that Conservative Council Leader **Leo Hall** and top Town Hall officers should continue to get free Town Hall parking when everyone else has to pay? YES / NO

Name: ..... Address: .....

Postcode: ..... Email address (if you have one): .....

Please return to Councillor Peter Citrine, **Hilton** Liberal Democrats,

**If you know of any other local issue or problem which Councillor Peter C and the Liberal Democrats may be able to help with, please let us have the details. Write to Councillor Peter Citrine at Hilton Town Hall, HT4 1AA. As a local Borough and County Councillor, he's here working for us all-year-round**

# FOCUS

**Local News  
and Action**

## Xmas Trade down 30% as Car Park Charges take effect

### **Parking Fees hit Hilton Trade**



Town Centre Traders fear a gloomy Christmas as Car Park charges hit *Hilton* shops and market stalls. Some shops report trade down by 30 per cent. Three stores are closing their doors and more are expected to follow as the Conservative Car Park Charge drives shoppers away. Now Liberal Democrat councillors want the scheme changed before *Hilton* becomes a ghost town

### **Lib. Dems. call for changes "before it's too late"**



Liberal Democrat councillors want:

- \* A return to free parking in short-stay shoppers car parks to help *Hilton* traders & shoppers.
- \* A much-reduced season ticket for *borough* residents using long-stay car parks - £50 has been suggested.
- \* An end to free parking for top Town Hall officers and councillors - it's wrong that Conservative councillors including *Leo Hall* and *Peter Lowry* can still park for free when everyone else has to pay.

Most residents say they support the Liberal Democrat proposals.

## **CAR PARK SURVEY RESULTS**

**Residents oppose  
Conservative  
Car Park Tax**

A survey of over 10,000 households has shown overwhelming opposition to the Conservative Car Park Tax. Over 95 per cent of those surveyed opposed charges for *Hilton* residents. 98 per cent believed the annual £480 charge for residents is far too high. 99 per cent said it is wrong that Tory councillors and Town Hall bosses can still park for free.

**Residents support  
Liberal Democrat  
alternative**

Liberal Democrat Councillor Peter *Citrine* thanked everyone who took part in the survey. "It was important to give local people a say", said Peter. Now the Council should listen to *Hilton* residents and amend the scheme to bring back free parking for residents in short-stay car parks and give local residents a much cheaper season ticket for the long-stay car parks."

### **Conservative double standards - What they say and what they do:**

- \* Why did Conservative Leader *Leo Hall* tell 'The News' that councillors should pay for parking... and then allow Conservative councillors to continue using the Town Hall car park for free?
- \* Why did Conservative Councillor *Peter Lowry* say he was "extremely disappointed that car park charges are to be introduced" just days before he voted FOR their introduction?



Conservative Council Leader *Leo Hall* can still park his 4x4 at the Town Hall for free

**Overleaf - Where YOU can still park for free**



## CASE B

### BOROUGH OF SELCHESTER – COUNCILLOR JULIA HARTY

#### Summary

It is alleged that Councillor Julia Harty lied at council meetings about her decision to require Local Education Authority appointed school governors to pay the £36 cost of their own Criminal Records Bureau (CRB) checks. This is a process which she had approved while cabinet member for education. The complainant, who is the opposition chief whip, said that Labour councillors received complaints during August 2006 that new governors would have to have a CRB check at their own expense. He also said there were letters in the press criticising the policy. It is alleged that at this stage, Councillor Harty suggested a bursary scheme for those who could not afford to pay. A newspaper article quoted the council as saying that the fee **may** be waived by those not able to pay. It is alleged that at a scrutiny committee on 12 September 2006, Councillor Harty, replying to a question, said that it had always been the policy to reimburse governors their CRB expenses. This is not what she had in fact agreed.

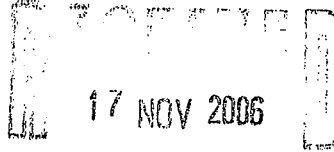
The opposition put down a motion in council on 20 September 2006 on the matter. And it is reported that Councillor Harty again claimed that it was always the policy to reimburse governors for CRB expenses.

**Borough of Selchester**

Town Hall  
Queen Street  
Selchester SL1 1BB

Councillor Barry Corder  
Labour Group Whip

Tel:  
Email:  
Web:



Mr David Prince  
Chief Executive  
The Standards Board for England  
1<sup>st</sup> Floor, Cottons Centre  
Cottons Lane  
London SE1 2QG

15 November 2006

Dear Mr Prince

**COUNCILLOR JULIA HARTY**

I am writing to formally complain about the actions of Councillor *Harty* who, while holding the position of Cabinet Member for Education, lied at Council meetings about her decision to require LEA appointed school governors to pay the £36 cost of their own Criminal Record Bureau (CRB) checks. The requirement that such governors undergo these checks was a new policy introduced by Councillor *Harty*. She not only lied about making this decision at Council meetings but she also lied to her own colleagues, including the Leader of the Council.

The facts supporting this complaint are as follows:

During August this year (2006) members of the Labour opposition received a number of complaints from LEA appointed governors who informed us that they had received letters from the Council stating that the Council had decided that newly appointed school governors should undergo a check through the CRB at their own expense as part of the appointment process to the role of school governor.

This resulted in a story in the local press (see copy on page 5).

You will note that at the end of that article the response from the Council's press office confirmed that this decision had been taken and that the fee may be waived for those not able to pay.

Over the following weeks a number of letters from members of the public were printed in the local press (see copies on pages 6 to 8).

At the meeting of the Council's Education and Children's Services Scrutiny Committee held on 12 September 2006 Councillor *Harty* stated in reply to a question that it was always the policy to reimburse governors for the £36 CRB expense (please see the extract from the minutes of that meeting on page 9).



On the agenda of the Council meeting held on 20 September 2006 there was a special motion from the opposition on this matter (see copy on page 10).

During the debate on this special motion Councillor *Harby* claimed that the local press had misreported this policy and again she claimed that it was always the policy to reimburse governors for CRB expenses (see extract from the transcript of the Council meeting on page 11).

The statements that she made at these two meetings were simply not true as I will prove.

On 21 September 2006 I e-mailed the Chief Executive, Mr *John Grayling*, with a list of the information I considered necessary to pursue this matter. I did not receive the last of the information that he ruled I was entitled to until 7 November 2006.

I refer to the first response that I received from him on 23 October (see pages 12 to 13).

You will note that he refused to supply me with all of the information that I considered necessary. However, I believe I have enough information to proceed with this complaint.

On pages 14 to 15 is a copy of the standard letter sent to governors.

The first paragraph on page 14 states that the Council has agreed to implement these CRB checks and that governors undergo these checks at their own expense.

It is important to understand that under the cabinet system of running the London Borough of Selchester although the letters refer to decisions of the Council, the decision was made by Councillor *Harby*, under her powers as Cabinet Member for Education.

The fourth bullet point on page 15 makes it clear that governors are required to give a personal cheque for £36 to pay for the CRB checks when they hand their forms in. There is absolutely no mention of any reimbursement of governors.

I now draw your attention to the chronology of events provided by Janet *Hudson*, Deputy Director, Children's Services (see page 16).

With regard to Councillor *Harby's* statements that it was always her intention to reimburse governors the £36 charge for CRB checks, I draw your attention to the fourth paragraph on that page which records a Cabinet Member's briefing held on 31 July 2006 in which Councillor *Harby* agreed with the implementation process proposed by officers that LEA governors should apply via the school for which they were a governor for a CRB check and that governors would be charged.

Paragraph five on that page (16) records that in response to a local press enquiry about governors being charged for CRB checks, Councillor *Harby* e-mailed to enquire whether it was possible to set up a bursary scheme but only for those governors unable to pay.

An e-mail dated 15 August 2006 from *Alison de Souza* (Head of School Governance) to Andrew (Director of Children's Services) confirms that Councillor *Harty*, had decided that school governors should pay for the CRB checks themselves (see page 17).

On 17 August 2006 Andrew e-mailed Councillor *Harby* to inform her that he had been contacted by a number of people who were objecting to this policy. In her response dated 18 August 2006 she mentioned that if there were objections, the Council may have to pay for those checks (see page 18).

A copy of the letter from Andrew *Ellicott*, sent to Mr Colin *O'Neill* (one of the complainants) confirms that governors were required to pay for these checks (see page 19).

I now draw your attention to the e-mail dated 29 August 2006 (see page 20) from Councillor *Harby* to Andrew (Director of Children's Services) in which she sets out her opinion that all school governors should offer to pay the CRB charge themselves but that to cover themselves a bursary should be set up to help those governors unable to pay.

The final piece of correspondence that I wish to draw your attention to is the letter of 25 October 2006 from Councillor *Robson* to *John Cunningham* (Chief Executive) copied to me (see page 21).

In this letter she maintains the lie that it was always the intention to reimburse school governors the cost of their CRB checks and she also confirmed that it was she who agreed to the response to the press which included a statement that for those governors unable to pay this charge may be reimbursed.

She would not have agreed to this statement if it had always been her policy to reimburse all governors. Indeed, as I have already pointed out, in her e-mail to Mr *Ellicott* on 29 August 2006 Councillor *Harby* makes it plain that in her view as responsible adults governors should just offer to pay this charge themselves.

It is also a red herring for Councillor *Harby* to say that she did not see a draft of the letters that were sent to governors for the officers are quite clear in their own minds that she was aware of their content which after all merely set out her own decisions.

Councillor *Harby* has now resigned as the Cabinet Member for Education but we have accepted the assurance from the Leader of the Council that her resignation has nothing to do with this but is for family reasons.

In conclusion therefore I believe I have proved conclusively that when Councillor *Harby* as Cabinet Member for Education, stated in meetings of the Council that it was always the intention to reimburse, she knowingly told lies.

Indeed, it was only because of the unfavourable coverage of the policy in the local press that she even enquired as to whether or not a bursary could be set up to reimburse those unable to pay. The fact that the CRB is not now going to charge is beside the point.

Councillor *Harty's* behaviour in this matter completely undermines confidence in local democracy and brings the Council and all its members into disrepute. I would ask therefore that you investigate this matter with a view to taking action against Councillor *Harty*.

Yours sincerely

*B. Corder*

**LABOUR GROUP WHIP**

# School governors must pay up to be scrutinised

## Anger at £36 charge for criminal record checks on unpaid volunteers

by Michael Russell

SCHOOL governors have hit out at the council's decision to charge them for Criminal Records Bureau checks.

Anyone volunteering to do the job with local education authority schools now has to pay £36 to [redacted] Council officials so they can check with the Government's Criminal Records Bureau agency that the applicant has not been convicted of an offence which prevents them from working with children.

Speaking to the Gazette, current governors said that while they agree with the checks they do not believe people who are doing a job for free should have to pay for them out of their own pocket.

They also feel the fee may put some people off being governors in the future.

A governor of [redacted] School in Kingwood since 2002, said: "I think it's outrageous to send a bill to governors who give up so much of their time to help schools."

"It strikes me they (the council) don't have a clue about the role governors play, we are not paid for our work and do not even claim expenses. "We play a very important part in raising school standards and perform a range of duties.

"For example I'm a research scientist and was able to help [redacted] with their proposal to become a science specialist school,

which brings in extra funding. "In my experience it's difficult finding suitable and committed people willing to be governors.

"Some are not going to be carrying £36 in their purses, so it could be a disincentive."

Labour shadow education chief Councillor Harry Bees has also criticised the £36 charge.

He said: "We support CRB checks, but asking people who give their time freely to put their hands in their pockets is unacceptable.

"We should be welcoming governors and picking up the tab no matter what their income as a sign of respect for their work in the community."

Responding, a [redacted] spokesman said:

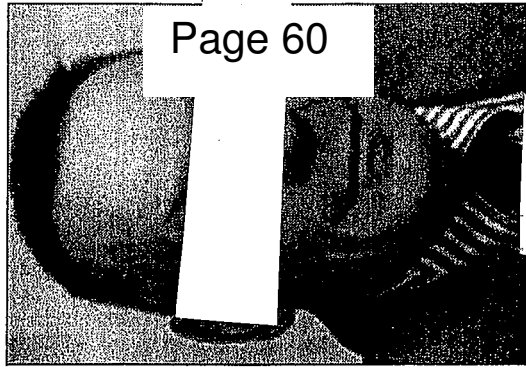
"The policy applies to all newly-appointed local authority governors to ensure that people who have unsupervised access to children have been fully CRB cleared.

"This provides peace of mind for parents in the borough.

"The fee may be waived for those not able to pay."

**What do you think?**  
Do you think school governors should pay to have CRB checks carried out on them?

- Call on
- E-mail edit@
- Write to the Gazette,



Councillor Harry Bees has criticised the £36 charge for checks on governors.

5

Gazette - 22nd September 2006.

## No CRB fees for governors

I WOULD like to set the record straight about our policy on school governors appointed by the council.

Following successful negotiations between the council and the Criminal Records Bureau, the CRB has agreed to waive the £36 charge for carrying out checks on school governors appointed by the local authority.

It was always the council's policy to reimburse governors for this expense. However, we are pleased to have agreed with the CRB that there will be no charges for checking volunteers.

We have appointed 23 new governors since May and have more people wanting to be local authority governors in schools than there are places.

The move to ask governors who may have unsupervised access to children to undergo CRB checks was designed to give parents peace of mind.

Anyone who wants to find out more about becoming a school governor can email *Cllr Paul Gibb*

Cabinet member for community and children's services,  
Council

Gazette - 29th September 2006.

## Is Gibb being straightfoward?

COUINCILLOR Antony Gibb writes in your paper (Letters, September 22) that it was always the council's policy to reimburse government for the £36 expense of the Criminal Records Bureau checks.

If this is the case, why did letters go out on ~~Council~~ paper telling school governors that they would have to pick up the bill and that this was the decision of the Conservative Cabinet Member for the Education?

I remember first reading of this story in the Gazette and so I would also ask why the council's original statement to this paper said that governors would only be reimbursed if they proved they could not afford the £36 fee?

The only conclusion is that either Mr Gibb being less straightforward than he should or he does not know what he is talking about.

Neither conclusion inspires much confidence in him or the Conservative administration

CLIVE B

Address Supplied

## It's a blunder by the Tories

I WAS astonished by Councillor Gibb's claim in the Gazette last week (Letters, September 22) that 'it was always the council's policy to reimburse governors for this expense'.

This is contrary to the letter I received on August 9 from the same council which clearly informed me that 'the council has agreed that all newly-appointed LA school governors should undergo a CRB check at their own expense' and asked me to supply a personal cheque for £36.

A member of the education department provided further clarification, confirming in writing that this was the decision made by the cabinet

member for education.

It seems to me that either Councillor Gibb deliberately misleading your readers or that the new Conservative administration is in such chaos that they have no idea what decisions they are making.

I am glad that once he understood his colleagues' decision, he agreed that imposing this charge was ill considered.

But blunders like this do nothing to convince me that they are serious about improving state education or indeed capable of running the council effectively.

I do hope that in future he and his Conservative colleagues will pay a little more attention to the decisions they are making.

JAMES B

## He's just naive and misleading

I WAS astonished to read Councillor Gibb's comments in your paper (Letters, September 22).

I appreciate that he has only just taken over from the recently-resigned cabinet member for education and so he may not yet be up to speed.

But, to write to the Gazette making the statements he does, strikes me as at best naive and at worse misleading and incompetent.

I have seen a letter from ~~the Council~~ Council demanding £36 from a school governor.

When the school governor in question phoned the council to find out what was going on, he was told that he would have to pay the sum to the council if he wanted to remain a governor.

He was also told that this was a political decision made by the new Conservative administration.

If the decision had not been reversed, my friend would have resigned in protest.

Last week Councillor Gibb said that

'it was always the council's policy to reimburse governors for the £36 expense of the Criminal Records Bureau checks'.

This is plainly not true and could be a matter for his resignation.

Maybe the Conservative administration need to recognise that to lose one cabinet member for education after only five months is unfortunate but to lose two could be seen as careless.

Councillor Gibb, I believe you owe us an apology.

SILVIA J



Gazette - 6<sup>th</sup> October 2006.

## Work to repeat CRB success

I ATTENDED last month's meeting of [REDACTED] Council and listened to the debate on the new Conservative administration's proposal to charge school governors £36 for criminal record checks.

It has not been made clear that it was the Labour councillors who persuaded their Tory colleagues at the meeting to change their minds over the proposal.

The Tories disguised this change of mind by saying they had no intention of levying such a charge and it was all an invention of misleading press reports.

When a Labour councillor disputed this version and produced letters written to school governors about paying the £36 charge there was consternation on the Tory benches – and the council leader even suggested that the letters were forgeries! They were unaware that such letters had been written from the Education Department following the decision by the Conservatives.

The new Conservative administration seems to have a prejudice against education and now proposes to close [REDACTED] school, which is one of the borough's most improved schools. This decision cannot be challenged at a full council meeting again until January. Let us hope the opposition benches on the council will be as successful in persuading the Conservative majority to reverse this decision as they were over the £36 levy on school governors.

JOHN

**Extract from minutes of the Education and Children's Services Scrutiny Committee – 12<sup>th</sup> September 2006**

Councillor Harry Beggs asked Councillor Julia Harty, Cabinet Member for Education for clarification on rumours about the council charging governors to be CRB checked. Councillor Harty stated that following successful negotiations between the council and the Criminal Records Bureau, the CRB has agreed to waive the £36 charge for carrying out checks on school governors appointed by the local authority.

Cllr Harty went on to state that it was always the policy of the council to reimburse governors for the £36 CRB expense. However, she was pleased that the council had successfully agreed with the CRB that there will be no charges for checking volunteers. 23 new governors had been appointed since May and there were currently more people wanting to be local authority governors in schools than there were places. The move to ask governors who may have unsupervised access to children to undergo CRB checks was originally agreed by the cabinet and was designed to give parents peace of mind. It was always intended that governors would be reimbursed.

**COUNCIL – 20 SEPTEMBER 2006**

**SPECIAL MOTION NO. 3 – SCHOOL GOVERNOR CRIMINAL RECORD  
BUREAU CHECKS**

Standing in the names of:

(i) Councillor Matthew Hopkins

(ii) Councillor Zameera Arif

“This Council welcomes the introduction of Criminal Record Bureau checks for school governors. However, it disagrees with the decision of the Cabinet Member for Education to pass the £36 charge, associated with this, onto individual governors as this is detrimental to governors on low incomes and state pensions. School governors are committed volunteers; giving their time freely and providing a valuable service to our community and it is an insult to seek to charge them for this activity. This Council, therefore, agrees to overturn that decision and will guarantee that this charge is met from public funds.”

jpc/13/09/06

**Extract from the transcript of the Council meeting held on 20<sup>th</sup>  
September 2006.**

**Councillor *Harty***

Thank you for your comments. First of all I would like to everybody who is a governor, we the Conservative administration understand how much everybody gives to schools and I myself as Chair of *Gardens* school understand that too. However, there has been some misreporting in the local press of our policy which I think has led to some misunderstanding and as I announced at Scrutiny our policy was always to reimburse governors for expenses for CRB checks. But following ongoing discussions with the CRB I was able to announce at Scrutiny that we have negotiated that the Council will no charge for CRB checks on volunteers. This is excellent news and as I said I did announce this at the Scrutiny meeting. We do feel that it is important for LEA governors who are our responsibility to be CRB cleared. I am also pleased to report that since the Conservative administration came into power we have re-appointed 23 governors and that we have more demand for LEA governor positions than we have places. This is very good news for schools and I do agree with you how important and value added a role that our governors play in schools. I hope that clears up any concerns you had.

**Borough of Selchester**

Town Hall  
Queen Street  
Selchester SL1 1BB

John Grayling, Chief Executive

23<sup>rd</sup> October 2006

Cllr Corder

LABOUR GROUP OFFICE

24 OCT 2006

RECEIVED

CEO/GA/AR

CONFIDENTIAL

*Dear Councillor Corder*

**Re: School Governors CRB Checks**

Thank you for your email dated 21<sup>st</sup> September 2006.

I apologise for the delay in replying. This has been caused by the necessity to collate the information requested and consider how it should be dealt with under the various *access to information* schemes which are relevant in this case.

I enclose the following documents:

1. Chronology of events
2. Letter sent to governors
3. Relevant correspondence & documents
4. Transcript of Council debate

I set out in detail below how we have dealt with your request. The information provided above is provided on the basis of your rights as a councillor and not under the Freedom of Information Act ("FOIA"). It should therefore only be used for the purposes of your duties as a councillor.

As a councillor you are entitled to have access to information if you can demonstrate a need to know in order to carry out your duties as a councillor. In addition you are entitled to material which relates to an executive decision by the Council. I am satisfied that you have a right to see the documents set out above.

**Continued.../**



INVESTOR IN PEOPLE



**Letter to Cllr Corder continued...**

In terms of FOIA, I consider that the correspondence between officers and members on this matter is exempt from disclosure on the grounds that its disclosure is likely to prejudice the effective conduct of public affairs, in that it is likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation, and that in all the circumstances the public interest in maintaining the exemption outweighs that in disclosing it. This correspondence is therefore exempt under S.36 of the Act. In addition some of the correspondence relating to the matter is between officers and individual governors and contains personal data in relation to those individuals. Disclosure of this information is likely to breach the data protection principles and therefore the information is exempt from disclosure under S.40 of the Act.

The distinction is an important one as the Council would refuse a request made by a member of the public in relation to the material enclosed under 1 and 3 above.

For the sake of completeness I will deal in turn with your numbered requests.

1. I enclose as document 2 the standard letter sent to all LEA governors.
2. Janet ~~Hudson~~ authorised the letters under the authority of the Councillor ~~Harby~~.
3. The only minute relating to this matter is the one line extract dated 29<sup>th</sup> June 2006 which is included with 3 above. Other topics in this minute not relevant to this matter have been deleted.
4. I attach copies of all the correspondence which I consider you are entitled to see as a councillor with 3 above.

In terms of your additional questions relating to press matters the answers are as follows:-

1. Pippa Roux
2. Councillor ~~Harby~~ under her authority as Cabinet member for Education.

I hope that this deals with your enquiry. If you are unhappy with the reply insofar as it relates to your rights under FOIA, you may refer the matter to the Information Commissioner ([www.ico.gov.uk](http://www.ico.gov.uk)). The Commissioner has no jurisdiction to consider your rights as a Councillor, only as a member of the public under FOIA.

I am sending a copy of this letter to both Cllr ~~Harby~~ and the Leader.

Yours sincerely,



CHIEF EXECUTIVE

July 2006

Name & Address of Governor

Dear Name of Governor,

**RE: CRIMINAL RECORDS BUREAU (CRB) CHECK:**

The Council has agreed that all newly appointed LA school governors should undergo a check through the CRB, at their own expense, as part of the appointment process to the role of school governor.

To start that process I enclose a CRB disclosure application form, a guidance booklet explaining how to complete the form, and an addressed envelope. Please read the instructions on the form and in the booklet carefully before completing it. Any errors at this stage will incur delays in completing the check. Please complete sections A to D, and section H only. Sections E, F and G are irrelevant to this application. Section X will be completed by your school. Section Y is completed up here, and section Z is completed by the CRB.

There are some points to note when completing the application which may not be clear from it or the guidance:

- **Section A1:** if you put a cross in the box marked *Ms*, the CRB will expect to see further entries from you in section C20, and C22 if appropriate. If you have not used any other surname since birth, put your surname in section C20 (despite what it asks you to do) and put the current year in section C21.
- **Section B:** the position applied for in section B13 is *LA APPOINTED SCHOOL GOVERNOR*. The rest of section B needs to be completed with the name and address of the school.
- **Section C:** please note the above comments regarding section A1.
- **Section D:** the CRB require your address history for the last five years with no gaps. If you need to complete a continuation sheet, please follow the format in the guidance booklet.

- **Section H:** in the education sector the relevant provisions of the Rehabilitation of Offenders Act do not apply and that means that no previous criminal convictions are considered spent. This means that if you have any previous criminal convictions, regardless of when they occurred, you need to put a cross in the yes box of section H66.
- **Section X:** do not make any entries in this section. This is completed by someone from the school, usually the head, deputy or school secretary, so please contact the school and ask to make an appointment to see the Headteacher. Once you have completed your parts of the form, you need to take it to the school with appropriate documentation that confirms your identity. Please see the relevant section in the guidance booklet which gives full details about what is appropriate documentation. Once this is complete, please use the envelope provided and ask the school to send the form to me via the internal mail.
- **Section Y:** do not make any entries in this section.
- **Payment:** all disclosure checks conducted for schools in this authority are enhanced ones for which the CRB charge £36. Please enclose a personal cheque for this amount made out to the school when you give your form to them.

We will record some of the details from your form and then send it off to the CRB. It may take some weeks before the resulting disclosure comes back. The CRB will issue two versions of the disclosure. Your version (called the applicant's version) will be sent to you a couple of days before they send our version (called the registered body's version) back to us. Please keep your copy of the disclosure safely.

All disclosures, and the information that they contain, are handled, stored and subsequently destroyed in accordance with the CRB's Code of Practice (which can be viewed on their website). This means that they are treated in the strictest confidence and information from them is only shared with those making the suitability decision regarding your role as an LA appointed school governor.

If you have any questions or queries about the application process in general, or the CRB disclosure service in general, please contact me at [roger@Selchester.gov.uk](mailto:roger@Selchester.gov.uk)

Yours sincerely,



Roger Halliwell  
Deputy Head of Human Resources  
Children's Services Department

Cc The Head Teacher  
The Chair of Governors



**CONFIDENTIAL**

**CRB Checks for LA Appointed Governors**

**Chronology of Events**

- 24.05.06 The issue of CRB checks for LA governors appointed by the Cabinet Member of Education was discussed. Cllr Harty wanted to ensure that any new governor appointed by her was police checked. Cllr Harty agreed to speak directly to Alison da Souza, Head of Governance Services about what was involved.
- 29.05.06 - 02.06.06 Conversations took place directly between Cllr Harty and Alison da Souza over how this would be implemented.
- June and July 2006 Alison da Souza and I pursued the implementation. Alison da Souza composed a helpful memo outlining how the process might work and Roger Halliwell from Education HR drafted a letter for LA governors.
- 31.07.06 At a Cabinet Member's briefing meeting Cllr Harty agreed that we should proceed with the process as proposed by Alison da Souza and Roger Haliwell. This was that LA governors should apply, via the school for which they were a governor, for a CRB check and that governors would be charged.
- 17.08.06 In response to a local press enquiry about why governors were being charged for a CRB check Cllr Harty emailed me to ask whether we could set up a bursary scheme for those governors who could not afford to pay. I asked Alison da Souza not to send out any more letters to governors until the matter was resolved.
- Early September 06 Consideration given to whether Governors would be exempt from charges. Andrew Elliot (Head of Children's Services) spoke to CRB who agreed that charges would be waived.
- 12.09.06 Cllr Hartly answered a question to the Scutiny Committee to the effect that the LA had discussed the issue with the CRB and they had agreed to waive the charge.
- 20.09.06 Council debate.
- October 06 Alison da Souza and Roger Halliwell composed a new letter for LA governors regarding CRB checks in line with the CRB's advice. This is now ready to go out to governors.

Janet Hudson  
Deputy Director, Children's Services

**From:** Head of School Governance  
**Sent:** 15 August 2006 13:50  
**To:** Andrew  
**Cc:**  
**Subject:** CRB checks for LA appointed governors

Dear Andrew,

Following the new Cabinet Member's decision that LA appointed governors were to be CRB checked, and that they should pay for the check themselves, Janet asked me & Roger to set up a system to carry this out.

Roger and I drafted a procedure which Janet then presented to Cllr Harty who agreed it.

After appointment, or re-appointment by the LA, School Governance Support sends the CRB form and a letter to the governor (in Roger's name) which gives details of the procedure and guidance on how the form should be completed (letter attached). A letter is also sent to the Headteacher of the school concerned to explain that the newly appointed governor will be coming to the school to have their identity authenticated on the CRB form (letter attached). Copies of the letters are also sent to the chair of governors for information.

Colin O'Neill spoke to me this morning: he is concerned that LA appointed governors are being asked to obtain a CRB check, when this is not a legal requirement, and when H&F does not require it for any other category of governor, and he is concerned that governors, who are volunteers, should be asked to pay for the check themselves.

I have also been contacted by [redacted] the Chair of Langfield School Governing Body, who has the same concerns.

Please contact me if you would like any further information.

----- Original Message -----

From: Andrew  
To: *Hardy Julia* COUNCILLOR  
Cc: Janet  
Sent: Thursday, 17 August, 2006 4:52:11 PM  
Subject: CRB CHECKS FOR LEA APPOINTED GOVERNORS

*Julia*

I attach a copy of a letter I have sent to Colin *O'Neill* in case you did not know already, he was a Labour Councillor. I believe that *the Chair at 'Langfield'*, has raised similar concerns.

Andrew

From: Cllr *Julia Hardy* (REDIRECT)  
Sent: 18 August 2006 14:29  
To: Andrew  
Subject: Re: CRB CHECKS FOR LEA APPOINTED GOVERNORS

I would prefer you to have mentioned Holly and Jessica etc... there is a reason for this, although we may have to pay for it if people are objecting.

Director of Children's Services

Colin O'Neill

17 August 2006

Dear Colin

**CRB CHECKS FOR GOVERNORS**

I understand that you phoned and tried to speak to me about the position in respect of CRB checks for LEA appointed governors. I have tried to phone you a couple of times without success.

The decision that LEA governors should be CRB checked was made by *CLLr Hartly*, the new Cabinet Member for Education. *The* (Head of School Governance Support) has informed me that you are concerned about this policy, as you believe it not to be a legal requirement; the Council does not require it of any other category of governor; and that these volunteers are being expected to meet the cost of the checks.

I have copied this to *CLLr Hartly* order that she is made aware of your concerns.

Yours sincerely

Director of Children's Services



INVESTOR IN PEOPLE



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**From:** Cllr. Hartly (REDIRECT)  
**Sent:** 29 August 2006 09:34  
**To:** Andrew  
**Subject:** Fw: CRB CHECKS FOR LEA APPOINTED GOVERNORS

I think LEA governors have to be CRB checked. I think anyone working with children should offer to pay themselves and do it as part of being a responsible adult. However I accept that some people will be unable to pay and we should have a bursary to help with that to make sure that we are covered. Did you read that 10% of Kent police have a criminal record.... ergo you cannot trust anyone in this world and they any LEA governor appointed by me must have a CRM check.

With Best Wishes

----- Forwarded Message -----

**From:** Andrew  
**To:** Cllr Hartly  
**Sent:** Monday, 21 August, 2006 8:33:26 AM  
**Subject:** RE: CRB CHECKS FOR LEA APPOINTED GOVERNORS

I will use the Soham line if there is any follow up. Payment of CRB check would remove significant ground for objection and would leave any refusnic having to argue that they did not want to be CRB checked, which would not be an easy position for them to defend. Do you want us to agree that?

Andrew

---

Town Hall

25<sup>th</sup> October 2006

Dear Geoff

I have received your letter dated 23<sup>rd</sup> October. I understand that the letter responds to a request for access to Council records of correspondence over CRB checks.

In that context, I would like to clarify various points, as I was Cabinet Member for Education at that time. As announced at Scrutiny on 12<sup>th</sup> September 2006, Council policy is for the new governors appointed since May 2006 to undergo CRB checks. We have successfully arranged for the governors to be treated as volunteers and therefore CRB will make no charge to governors. This outcome was the culmination of the efforts of myself and the officer team over the Summer to achieve the best process for governors given the large number of new appointees. The policy has successfully enhanced the safety of our children, whilst ensuring that many of the vacant governor slots have been filled.

At Scrutiny on 12<sup>th</sup> September 2006 and again at the Council Meeting on 20<sup>th</sup> September 2006, I stated that 'our policy was always to re-imburse governors for CRB checks.' As is clear from the timeline produced by Janet [redacted], in the middle of August, well before my statement to Scrutiny on September 12<sup>th</sup>, we were seeking to implement a policy of re-imbursement through bursaries so that Councillors could charge back the expense (as they can for childcare costs). Indeed during July we had discussed possible re-imbursement options. When I was asked to respond to the Gazette on August 30<sup>th</sup>, I agreed to a statement that included 'any new LA governors who are not able to pay the £36 fee will be able to claim the money back from Council.' This was reported in the Gazette on September 8<sup>th</sup> as 'the fee may be waived.'

I see that I was sent an email on the 14<sup>th</sup> of August attaching the Education Department Memo in your pack (which did not mention payment or mechanisms) prepared for the meeting on 31<sup>st</sup> July and the letter that had gone out to governors from Roger [redacted] (the same letter as the Roger [redacted] letter dated July 2006 in your pack). I did not approve the detailed content of this letter before it went out, presumably in early August. This letter made mention of governor payment, but did not mention re-imbursement procedures. I can see how this letter contributed to confusion in the way it was written. I was shown only one letter at the Council Meeting which I now believe to be a letter of 9<sup>th</sup> August sent to the Head at [redacted] School. I still have no recollection of ever having seen this letter before the Council Meeting. Between July 31<sup>st</sup> and mid August, there was clearly a breakdown in communication and attention to detail. I was abroad from August 1<sup>st</sup> to August 14<sup>th</sup>, my father was very ill during that period (he passed away on August 16<sup>th</sup>) and I was distracted by personal matters.

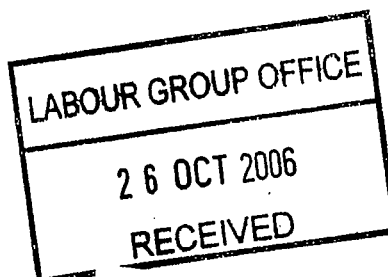
I am sorry if my statement of September 20<sup>th</sup> was inaccurate, although that was not my intention. I hope that you can see that I was at all times acting in good faith.

Please let me know if you need further information.

Yours Sincerely

Cltr J Harty

cc Cltr Corder



## CASE C

### MARNHAM DISTRICT COUNCIL – COUNCILLOR DAVIES

#### Summary

The complainant is the leader of the council. It is alleged:

- Councillor Davies sent a number of disparaging emails to the council's IT staff, criticising their work and mocking their capabilities and copied them to third parties.
- Councillor Davies sent unfair and derogatory emails about the chief executive, the council's solicitor and the complainant, copying them in to third parties, as well as inappropriate emails to other councillors.
- Councillor Davies became involved in support of a local IT company in a dispute with the council, and was confrontational when officers reminded him about possible conflicts of interest
- Councillor Davies was hectoring and overbearing towards technical officers in the presence of the chief executive and two other members at a meeting held on 23 April 2005.

The Chief Executive asked the junior officers to leave after 20 minutes on account of Councillor Davies's behaviour, and because they were upset at the untimely death of a close colleague the previous Saturday. It is reported that when Councillor Davies was told of this, he retorted, "I suppose you're going to blame him!" It is alleged that Councillor Davies has been warned about his conduct, including formal warnings, but that it has continued.



# Marnham District Council

Page 78

RU

17 MAY 2005

RECEIVED

Home Tel No: 342528

Home Fax No: 344097

Email:

From the Office of the Leader: Councillor

RECEIVED  
17 MAY 2005

13 May 2005

Dear Sir

-----  
**Members' Code of Conduct: Councillor Davies - Complaint**

I am the Leader of Marnham District Council and the Leader of the Conservative Group on the Council. On 30<sup>th</sup> April 2002 the Council adopted the new Code of Conduct (copy attached).

In May 2003 Councillor Davies was elected as a Conservative District councillor. He had been a councillor previously. From May 2003 to January 2005, he was also a member of the Council's Executive Board (its Cabinet) as the Portfolio Holder for the Economy and the Regions.

Unfortunately during 2003, 2004 and 2005 he has in my view on a number of occasions failed to treat Council staff and other councillors with respect in breach of Paragraph 2(b) of the Code, and brought his office and the Council into disrepute contrary to Paragraph 4 of the Code.

The misconduct relates to:

1. Sending emails to the Council's IT staff, criticising or mocking their work and capabilities, and copying these to third parties,
2. Derogatory emails about the Council's Chief Executive, myself and the District Solicitor, and copying these to third parties,
3. Derogatory emails to other Councillors,
4. Becoming closely involved in support of a local IT company against the Council in a dispute over copyright and other issues.

I enclose some examples of the emails which I feel are not acceptable behaviour for a councillor.

Both the Deputy Leader and I have asked Mr Davies on several occasions to desist from such conduct and although he has apologised on some occasions, the conduct has continued.

The Standards Board for England  
First Floor, Cottons Centre  
Cottons Lane  
London SE1 2QG



INVESTOR IN PEOPLE

Telephone: 785166

Fax: 776766

DX: 30340



The Standards Board for England

13<sup>th</sup> May 2005

Page Two

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The misconduct led to the unprecedented step of the Council's Strategic Management Team (the Chief Executive and two other Deputy Chief Executives) submitting a formal complaint to the Council's Conservative Group.

It is totally unacceptable for Council staff to be subjected to such behaviour.

Full copies of relevant emails, notes of meetings and file notes can be obtained from the Chief Executive, Mr J [redacted] at *Manham* District Council,

I request that the Standards Board for England investigates this complaint against Councillor Davies and I will be happy to co-operate with you if you require any further information. My home telephone number is [redacted] and email address is [redacted]

Yours faithfully

**Leader of the Council**

Encls:

If you wish to take your ideas forward I suggest you contact these. I need to get on with the Economic Development Strategy and 5 Year Improvement plan etc so do not have the time to get involved. If all are wanting to take forward they will involve me in the business side when appropriate.

---

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From: *Alr* Davies

Sent: 17 July 2004 22:54

To: David

Cc:

Subject: Democracy

Dear David,

Well said. I haven't repeated my other emails to on the childishness of all this, but I think that we are now heading into a subject on the roots

of democracy.

I am quite good in that area! I am NOT going to be told what I can and cannot do as an elected Councillor/Portfolio Holder, etc. in being able to talk to my electorate, and the involvement of stakeholders and the public, in general, in the democratic processes.

I am certainly NOT going to be driven by the MDC IT Department, in what I can and cannot do: THEY are the servants not the masters, and merely the providers of a service of communications AND NO MORE THAN THAT.

I will stick with the Coastal Management aspects for now and leave K out of it with Business Support (which I can do through the Enterprise Centre anyway). On Coastal Management I have agreement, in principle, with DEFRA and the Environment Agency, at central Government level, way above the local authority level, to develop a process which enables stakeholder educated/informed discussion and input. Several other agencies and consultants fully agree with the process. You have now enabled me to proceed down that route, with or without MDC agreement or involvement. It would just be a pity that they were not involved, BUT they can't "sack" me, I have done nothing illegal or even against anything that I have signed or whatever. I use all my own IT equipment, they don't even contribute towards my communications, and the website is MINE!

I am going to go down the line we have commenced, and will consult all my Coastal Management contacts in [redacted] Forum and the LGA [redacted].

I have their support already, and can get additional support from senior consultants, all of whom come through MY contacts, NOT MDC's.

I begin to feel that I am being treated contemptuously by the people who insist that they are there to support me and that they carry out my/our wishes, and policy.

It is heading into the head on crash, which last time resulted in the termination of employment of a Chief Executive and six other Director level appointments.

It really doesn't worry me as I have no intention of ever being involved in the public arena ever again. This is how you lose Councillors from the system for ever, and yet the Officers complain about the standard of elected Members and their lack of experience in local government.

Keep me in the picture, please - I am speaking at the Regional Assembly on Wednesday this week, and might even raise the matter there.

I had added (the MP) to this email but will send a copy to him, after I have talked to him and have seen what develops out of this one.

Best wishes, *Mr Davies*

H.

---

From: Davies (external)  
Sent: 13 October 2004 22:28  
To: Mail Sweeper  
Cc: (Chief Executive + senior officers)  
Subject: RE: Sound Quarantined FW: Powerpoint Presentation for the web site

Terrific guys!!!

You surpass yourselves - it is a PowerPoint presentation on flu' jabs by the local Health Department, with the Chief Executive on the PCT, I just thought he might be interested.

I have never met such an organisation as yours!! The only sounds on that presentation are "whooshes" for the titles coming on - may your "whooshes" never cause a security problem, but you never know do you? After all being medical there could even be small boys willies somewhere around, but then you have never had a virus ever have you - I can only hope that the influenza virus on the PowerPoints is Avian flu!!

By the way H thanks for your FYI copy - but it won't work - if you want the gloves can come off and let us do battle!

-----Original Message-----

From: mailsweeper@  
[mailto:mailsweeper@  
Sent: 13 October 2004 22:15  
To:  
Subject: Sound Quarantined FW: Powerpoint Presentation for the web site

A Sound Attachment has been detected and Quarantined. The Mail Administrator has been notified.

Please contact mail-admin@  
Tel. 534636

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Mail-Admin@ .gov.uk

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2

Subj: **Region representation**  
Date: 25/01/2005 21:04:18 GMT Standard Time  
From: j Davies@  
To: (wide distribution)

Ladies and gentleman,  
Despite my politics I have actually enjoyed working with you, and I believe that we didn't do that bad a job!  
However, I have now reached my limit of working with an arrogant Chief Executive, who wants to run the world, and, I am afraid, a Leader of Council who will not stand up to him, and have resigned from my Portfolio Holder post, which included the Region. I thought that even the Healthy Region Forum was beginning to get somewhere as well.  
There we are, at 68 and a very old retired still have some pride in what I want to achieve.  
Goodbye and good luck for the future.  
Best wishes,

---

From: Davies (external)  
Sent: 04 February 2005 00:10  
To: WebTeam  
Cc: David  
Subject: Amendments

Hi, guys,

Come on, if you are going to remove me from the pages, particularly at the speed my front pages were amended, at least be consistent and professional.

I have a reputation to keep up even if you don't. It only took five months to get my email finally right, and over night to amend my resignation position - HI, Harvey!!

Please remove all references to Councillor Davies from everything that I was involved in, not just bits and pieces. If you can't do that - can I suggest that @ just a little more advanced and can explain if you are stuck - he's very nice guy - and not at all vindictive (like me!!).

But finally, guys, can I genuinely thank you for your input, without it I would never have known how you could twist the democratic process, and I am extremely grateful for your input into that aspect of MDC. Having just been at ~~Low Burken~~ Parish Council this evening, I now just appreciate just how highly you figure in their esteem.

Best wishes,

Copy to Chief Executive,  
Davies

Hi, John, no point in putting my signature as you know it so well already.  
Just try acknowledging this - we will then know here we stand!

---

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04/02/2005

8 February 2005

**PRIVATE AND CONFIDENTIAL**

Dear *Councillor Davies*

I refer to your email dated 4 February 2005 which I have discussed with the other members of SMT and so whilst the comments below are mine the sentiments are shared by both S and J.

Firstly, with regard to your comments about having references to you removed from the web pages, it is entirely appropriate that the website be amended following your resignation as a portfolio holder. I am sure you would agree that keeping the website up to date is desirable from all perspectives. However, you have also asked that all references to you be removed from everything that you have previously been involved in. Clearly that is not appropriate as your involvement in the Council's activities in the past is, and of course should, appropriately remain as part of the official record.

However, I now wish to turn to other aspects of your two emails of 3 February and one of 4 February to H. These emails contain comments which are disparaging I believe both to the staff and in respect of the Council and other councillors. You will recall that I mentioned to you at some point last year when there were a succession of emails from you to R and other staff which contained criticism couched in terms which I believe damaging to mutual respect that is a requirement of the Code of Conduct covering councillor and officer relations. I appreciate that your reading of your email may lead you to believe that in the email to which I refer you felt that you were being humorous. I for one would always accept that humour is the essential lubricant of life that makes it tolerable. I believe on a number of occasions your comments to junior staff have gone beyond the bounds of humour and have potentially breached the Code of Conduct. The effect of this has been that during 2004 I had on a number of occasions to reassure my staff regarding the content of your emails and the manner in which you asserted your views therein. Your latest emails continue in that vein and are I believe potentially contrary to the Code and extremely damaging to the morale and general well being of the staff concerned.

8 February 2005

---

As a Chief Officer I am quite used to receiving criticism and I am both old enough and large enough to take that criticism. More junior staff are not and I do not believe it appropriate that they should be responding to comments regarding other councillors or indeed have their own role and skills criticised in the fashion that you have done in the past. The general standards for conduct of councillors; which all Members have agreed to observe on taking office, are clearly set out in the Members' Code of Conduct (contained within pages 202 to 209 of the Constitution) and set out in the protocol on Member/staff relations on pages 222 to 228.

I would therefore ask that in the future please refrain from personal or sarcastic commentary to my staff and if you have a concern or indeed a complaint then I would obviously be happy to respond to such matters. You do, of course, still have the same access to officers as any other elected Member and we will always be happy to deal with any issues that you may wish to raise. I do believe that we can only work effectively in the Council if all of us adhere to the concept of mutual respect in our day to day dealings as indeed both the Officer and Members Code requires of us.

Finally, this letter is intended as a confidential document and I would ask you therefore not to disclose this to any third party outside of the Council as I believe this would be counter productive and inappropriate given its nature.

Once you have reflected on this letter if you believe it would be helpful, I am of course at your disposal so that we may sit down and discuss the relevant issues.

Yours sincerely

F  
Deputy Chief Executive

NB. Some of the emails to which I refer are enclosed for your convenience.



7 March 2005

Dear Leader and Chief Whip

It is with some regret that I write to you on behalf of the Management Team to complain about the behaviour of a member of your group. R, S and myself have many years of experience in working with a variety of members and have never felt the need to act in this way before. This step is therefore unprecedented which underlines our depth of feeling and concern.

The complaint concerns Councillor Davies. Unfortunately whilst we have expressed our unhappiness to you in the very recent past about his behaviour, there appears to be no moderation in his attitude to certain officers in the Council. As senior managers we are used to a certain degree of criticism and many may argue that we are expected to deal with this. What we are talking about at this time, however, is a succession of derogatory remarks about myself and other officers but more recently and more importantly a number of specific and unfounded allegations about M. SMT find this position totally unacceptable.

R has previously spoken and written to Councillor Davies about the undesirability of his making derogatory remarks in correspondence about staff and it was believed that this would cease.

However in a letter dated 23 February 2005 sent by Councillor Davies to R, the following comment was made:

"... I suspect that you are being advised against such a meeting. Not least by a person who would not survive for long in my business advisers (→) law! Perhaps you should give him some advice in turn to guard his tongue a little more, when he is discussing me with others!"

(→) law is a firm of solicitors with offices in: and and other locations)

/ ...

On the same day a letter was sent to myself, yourself, and to the Chairman of the Council in which the following comments were made:

"With reference to Paragraph 52, 'Limited' and the verbal innuendo circulating around the salaried staff in ~~Council HQ~~ and by some Members about my alleged behaviour, I should be grateful if such opinion could clarify such matters directly with me. The source of such comments could only be the SMT and the District Solicitor. I further understand that the District Solicitor has communicated similar comments about me to members of the electorate in my Ward."

These accusations are entirely untrue and undermine the mutual respect between Councillors and staff which is an essential requirement of the Council's Constitution, the Members' Code of Conduct, and is crucial to the efficient running of the Council. These accusations must now stop.

I have written to Councillor Davies firmly refuting the accusations against staff and requiring him to substantiate such claims.

Although I would not normally circulate correspondence to Members, R S and I feel it very important that you and members of your Group see extracts of relevant letters and emails which demonstrate that the staff have not sought to criticise Cllr Davies, but in fact have tried to assist him and unfortunately these efforts have been misconstrued as allegations of misconduct against him.

At this stage we would like you to share the contents of this letter with the other members of your group.

This matter is separate from the current dispute with A Ltd relating to copyright issues. As you know Mr P of A Ltd made a complaint about my conduct to you which you firmly rejected, and he has also made a similar complaint to the MP to which I believe he has replied. Mr P has been invited to discuss with R his concerns about the way I dealt with his proposal for a Community Server last December, before he refers the matter, if he wishes, to the Local Government Ombudsman.

The misunderstanding relating to officers' comments about Councillor Davies began in December 2004 when I had a telephone conversation with Mr P about his Community Server. I informed him that due to Councillor Davies' involvement in its development, the Council would have to be careful how the proposal was considered at the Council as some may perceive his involvement as indicating a bias or conflict of interest. Mr P unfortunately misinterpreted this as meaning that I had accused Councillor Davies of improper conduct.

As a consequence I immediately placed my comments in writing in a letter of 15<sup>th</sup> December 2004 to Mr P stating that;

"There is absolutely no suggestion that Councillor Davies has acted improperly within the Code of Conduct. The fact that a councillor may have an interest in a subject area does not constitute improper behaviour. Furthermore, any advice about interests is a matter between this Council, the councillor concerned and the professional officers. It is not open to third party discussions. During our conversation, I merely explained to yourself the way the Code works and that I would need to hold further discussions with Councillor Davies."

7 March 2005  
Page Three

Mr P accepted this explanation in his email of 16<sup>th</sup> December to me where he stated,

"... I am very pleased to have your unequivocal assurance that there is no suggestion that Councillor Davies has acted improperly. My own experience is of a man of utmost integrity, astonishing energy, great commitment to the welfare of his constituents, and boundless enthusiasm!"

On 16<sup>th</sup> December 2004 Councillor Davies sent an email to me which included the following:

"I have just returned from a short break to find many things let loose. Firstly I handed a short brochure to the Chief Executive at the start of the last Executive Board, with the comment asking for advice on what is the best way to handle this idea, and how to approach the Council in the most efficient manner.

I now find myself accused of bending systems, imputations of dishonourable behaviour, etc. etc ...

Let me first say that I have NO financial business interests with A Ltd whatsoever."

"Could the District Solicitor kindly inform me of what interests I have failed to declare, or have taken any devious steps in the approaches I have made for advice on a practical proposal for the common good?"

In view of this email, I sent the following email to Councillor Davies on 17<sup>th</sup> December:

" - In very simple terms you have not been accused at any time by any officer of improper practice, dishonourable behaviour, or any of the other comments referred to below. In short M and I have correspondence from D. P which indicates a conflict under the Code. We have simply sought to protect your position as we are paid to do. The best thing is for us to have a chat together rather than fire emails across the District. In the meantime I shall be sending a further short response to DP.

I personally am very surprised by the interpretation being placed on the correspondence by DP which at no time accuses you of anything. J "

In addition I asked Mr K to explain his views to Councillor Davies and he sent the following email to Cllr Davies on 17<sup>th</sup> December 2004:

"I refer to your email of 16<sup>th</sup> December to (CE) and copies to others including myself. (CE) has already confirmed to you in his email this morning that you have not been accused at any time by any officer of improper practice, and I would also like to reassure you that I am not accusing you at all of failing to declare a conflict of interest or of having taken any devious steps in relation to Mr P's proposal."

M then listed a number of statements by Mr P which showed that Councillor Davies had played a key role in the development of the Community Internet Server.

7 March 2005

Page Four

Mr K. then stated:

"In view of the above statements, (CE) asked for my initial advice on this association between yourself and the company and how other parties may perceive it.

The reason (CE) sought my advice was to ensure that as the proposal was being considered within the Council, steps were taken to avoid you being subject to complaints at a later date of undue influence or bias in the decision-making process. For example, if the matter was considered at the Executive Board and you presented it as Portfolio Holder, and the proposal was approved by the Board, then it is foreseeable that, for example, the District Auditor or a competitor of A Ltd might query your association with the company.

An initial examination of the proposal indicated that the Council might incur around £x,000 (over £15,000) over a period in supporting the proposals.

As you know, contract standing orders require that contracts over £15,000 normally need to be subjected to public competitive tendering and decisions made on price, value for money and quality, before a final decision is taken to spend this sort of money.

In view of the above, J and I were hoping to discuss the matter with you on your return from leave so that we can help clarify the best way that this matter could be considered within the Council and in order to prevent you from facing accusations at a later date of any conflict of interest.

Can I please repeat that I am not accusing you of any misconduct - I am only involved in order to try and help you avoid the circumstances being misinterpreted by others at a later date and to protect the Council's interests.

I hope the above explanation will assist and I am happy to discuss the matter with you at your convenience."

An informal and amicable discussion took place between Councillor Davies and M on 20<sup>th</sup> December and it was thought that the officers concerns were accepted by Councillor Davies.

Members present after the January Council meeting and during the discussion at the last Corporate Governance and Audit Committee will be aware that neither M nor I made any criticism of Councillor Davies and I specifically said in answer to a question from Councillor M that there was no suggestion at this point in time that any officer or member had misled A. Ltd although there was still a lot of correspondence to go through.

Throughout this process the officers have acted with integrity in trying to protect the position of Councillor Davies by giving professional advice, in trying to preserve the image of the Council, and in trying to maintain the good working relationship between ourselves and the Members. Unfortunately, we do not believe that Councillor Davies' actions have been consistent with these objectives.

/ ...

7 March 2005

Page Five

M is, in the opinion of SMT, a first class solicitor with an impeccable reputation and a very high sense of integrity. He does not deserve to be treated in this way.

Personally I am also aware that Councillor Davies has made written comments about me to members of the Regional Assembly. This has been fed back to me by colleagues. I find it both distasteful and very sad that anyone from this Council would wish to damage our reputation in this way. I also believe that this has to stop.

I apologise for writing such a long letter on behalf of SMT but we firmly believe that enough is enough. Ideally your group will be able to resolve this matter internally and I would appreciate a written response to this letter. In the event that the group do not feel able to resolve the issue, I shall with great regret have to find alternative ways of protecting the position of officers who are merely doing their job.

Yours sincerely

**Chief Executive**

NOTES OF A MEETING WITH CLLR. DAVIES

Held on Friday, 22 April 2005

In attendance:-

Cllr. C  
Cllr. J  
Cllr. Davies  
Mr. , Chief Executive (Chair)  
Mr. , Deputy Chief Executive  
Mr. , Manager, Electronic Government  
Ms. , Operations Team Leader, E-Gov  
Mr. Team Leader, E-Gov  
Mr. Operations Assistant, E-Gov

**Brief**

This meeting was convened in order to discuss with Cllr. Davies the issues he had raised in his letters of 12<sup>th</sup> and 13<sup>th</sup> April, concerning allegations that his computer communications with the Council were being treated in a different way to those of other Councillors and that his communications were being read and monitored in an improper manner. (Correspondence relevant to this are Cllr. Davies' letters dated 12<sup>th</sup> and 13<sup>th</sup> April to the Chief Executive and the Chief Executive's response dated 20<sup>th</sup> April.)

**The Meeting. (The meeting commenced at approximately 11.03am.)**

The Chief Executive introduced the E-Gov staff to Cllr. Davies and R

touched upon their functions as did each individual member of staff when questioned by Cllr. Davies about their background their qualifications.

Subsequent to this the Chief Executive invited Cllr. Davies to raise his issues of concern. Cllr. Davies, at this point, started to question S on the internet servers. His attitude and demeanour was aggressive and bullying

from the outset and continued in this manner throughout the 'discussion'. The technical detail of the relationship between the two webservers was pursued at some length. The case for load balancing was agreed, but Cllr. Davies was insistent and in a hectoring manner demanded to know whether it was on the actual ratio involved – was it 50/50, 60/40 or whatever? The reply was given that the directing of incoming traffic at any specific time varied according to the existing load. Simon did not rise to the belligerent manner in which he was being 'cross examined' and sought to provide a number of answers. These answers did not appear to satisfy Cllr. Davies, who at one point asked whether S understood how a processor worked and his manner of questioning S became increasingly aggressive and hostile.

He continued to cut across S's replies with comments of a disparaging tone for some considerable time (up to between 15-20 minutes) at which point, given the aggression and hostility being exhibited by Cllr. Davies, the Chief Executive intervened. He said the he was unhappy with the aggressive and belligerent manner in which Cllr. Davies was conducting himself and said that we were holding this meeting in a constructive way so as to address the issues Cllr. Davies had raised.

The Chief Executive explained that the problem with the server had been investigated by and that the company had provided a statement (this was made available to Cllr. Davies) which described the problem and its resolution. The essence of this problem was that people trying to access the

Council's system would, from time to time, be switched from one server to the other. It had been found that the second server was malfunctioning and hence Cllr. Davies was unable to access the data he sought. Cllr. Davies' assertion, on the other hand, that he was being treated 'as a special case' was wholly inaccurate and the Chief Executive said he had demonstrated the difficulty faced with these servers by asking certain Councillors to test the system. When the server had been corrected a wider range of Councillors undertook the tests again which then showed the problem to have been rectified. When told that Cllr. C had been one of those who tested the system, Cllr. Davies turned to him and asked him in a pressing manner what he had seen on the server when making these enquiries and indicated a level of contempt for Cllr. C's responses.

At this point Cllr. Davies was still making derogatory comments and

R intervened to explain that, in fact, Cllr. Davies was calling into question his own integrity with regard to the assurances Cllr. Davies had been given regarding the treatment of his communications. R

reiterated his background and experience and asserted unequivocally that Cllr. Davies had never been treated differently from any other Councillor and certainly in no way improperly.

Cllr. Davies continued to exhibit a very aggressive demeanour and the Chief Executive decided at this point to ask the E-Gov staff to leave to avoid further embarrassment and harassment of those staff. At that point Cllr. C



also excused himself. Therefore, remaining in the room were the Chief Executive, Mr. B Cllr. Davies and Cllr.

Cllr. Davies continued in a similar vane and Mr. B sought to address the issue of the Council's website, producing documents to prove that the Council had the second highest rating available, which was contrary to the assertion by Cllr. Davies that the Council's rating was poor. Cllr. Davies refused to accept this evidence and insisted that the website of Socitim was different.

Further comment ensued and, at this point, Mr. B explained that he was very unhappy with the way Cllr. Davies had interrogated and cross questioned S, particularly given the fact that on Saturday, 16<sup>th</sup> April, the IT staff had suffered the tragic loss of M (a long-standing colleague of S and a member of his team) who had unexpectedly died. At this point Cllr. Davies said 'I suppose you are going to blame him' to which Mr. B replied that he found the comment 'grossly unworthy' and the Chief Executive exclaimed that he found it truly distasteful that a comment of that nature had been made. The Chief Executive, having decided by then that Cllr. Davies' conduct virtually throughout had been wholly unacceptable, culminating with the disgraceful comment about M's death, asked Cllr. Davies to leave the office because there was no further point in the discussion.

The Chief Executive handed Cllr. Davies his briefcase and his papers and Cllr. Davies made an aside regarding his membership of the Group and strode from the office. (The time was approximately 11.38am)

Within a few minutes the Chief Executive asked the E-Gov staff who had originally been present to rejoin the meeting. They were brought back into the room from their offices on the ground floor and Cllr. J asked if he could remain in the room. The Chief Executive said to the E-Gov staff that he wished to apologise for the conduct to which they had just been subjected and that he was very sorry that they had been questioned with such hostility and aggression. Cllr. J added that he would like to apologise most sincerely for what had occurred regarding the conduct of Cllr. Davies and he added that he thought they all were doing a very fine job for the Council and that he regretted what had just arisen.

At this point the E-Gov staff left the room, leaving the Chief Executive, Mr. B and Cllr. Jones.

**This note was written as a contemporaneous record of the meeting within approximately half an hour of the conclusion of the meeting.**

04 May 2005

Dear Councillor Davies,

Following the unsatisfactory meeting in my office on Friday, 23<sup>rd</sup> April I have been reviewing the current position with both R and S. It is our view that your attitude towards the officers in the IT section continues to be totally unacceptable. It is clear that you have no respect for their skills, qualifications or professional dedication and it is not fair on the staff to be subjected to such behaviour. Under these circumstances SMT have instructed that no member of the IT staff is to deal directly with you for the time being. Your rights as a Councillor on IT issues can be fulfilled by your writing to R who will ensure that you receive a reply. The Leader of the Council has been appraised of this situation which will be reviewed in three months time.

K went to great lengths to satisfy your technical query and R insisted upon extensive testing. They believe that the problem is now resolved and we have had no complaints from any other Member.

In conclusion I would like to say that never before have I been obliged to write a letter of this nature to any Member. It is not in the interests of the Council or you to continue this disagreement. Hopefully a cooling off period of three months will put the whole thing into some perspective.

Yours sincerely,

Chief Executive

04 May 2005

Dear *Leader*

Councillor Taff Davies

On Friday, 23<sup>rd</sup> April I chaired a meeting in my office with the intention of resolving Councillor Davies' complaint about the way in which he perceived his email correspondence was being filtered. The hope was that we could reassure him about the integrity of our security which, in itself, is routine and certainly not intrusive.

In advance of the meeting we had engaged our consultants specifically to remedy a search fault on one of our servers, which had been identified by Councillor Davies. In order to be as helpful as possible R brought two technicians to the meeting, in addition to R and his operational manager, K

Having resolved the issue in advance (of which Councillor Davies was notified) and having used six Councillors and our consultant to re-test the system, we were confident that Councillor Davies would be satisfied with the outcome. Sadly, we were wrong.

From the outset of the meeting, also attended by Councillors C and J Councillor Davies demonstrated absolute contempt for the Council's IT service. His comments were aggressive, confrontational and speculative. Having taken the decision to involve junior officers in order to help to resolve the issue, I can now only regret that decision. Councillor Davies did nothing to help relationships between officers and councillors (which have always been good at this Council).

After twenty very unpleasant minutes I asked the staff to leave. R then challenged Councillor Davies about his attitude towards the junior members of staff. Rob asked

Councillor Davies if he was aware that those same officers had just tragically lost a young colleague who had died the previous Saturday. Councillor Davies, by his comments, made it clear that not only was he aware of the situation, but also that he had no regard for it. His comments were deeply distasteful and, in the circumstances, I had to insist that he left my office.

Councillor J. , to his credit, remained behind to apologise to the staff who were re-called to the office.

We have now reached a point whereby a working relationship between Councillor Davies and the IT section is impossible. The ability of our team, whom we regard very highly, is constantly questioned and their skills derided. Having discussed this very closely with Rob and Sam we now feel that we have little opportunity than to deny direct access to these staff by Councillor Davies. Our legal obligations to him as a Councillor will be fulfilled through SMT and all requests will need to be in writing.

I am sorry that it has come to this but, as a management team, we believe strongly in supporting the staff at this Council in whom we, and I believe most Members, have total confidence. Should attitudes change we are prepared to review our position in three months time.

Yours sincerely,

Chief Executive

## CASE D

### COKETOWN DISTRICT COUNCIL – COUNCILLORS YEO, BAILEY AND MALECKA

#### Summary

The complainants refer to the proposed development of a council-owned allotment site at Coketown, for 217 dwellings and associated infrastructure, considered by the planning committee on 21 September 2006. It is reported that Councillor Yeo, the executive member for land and property, had been involved in discussion with the developers and council decisions over the sale of the site. It is also reported that the proceeds of the site would be used by the council to pay for a new leisure centre elsewhere in the borough. Having declared a personal interest in the matter at the planning committee, it is alleged that he failed to declare a prejudicial interest and withdraw from the meeting.

It is alleged:

- Councillor Bailey, the chairman, did not ensure that the meeting was conducted impartially due to confusion of members' and officers' roles.
- That the planning officer, as an employee of the council, was not able to give the committee the impartial advice they needed.
- Councillor Bailey refused to allow a local member to speak until the very last moment, and then cut him short before hastily moving to the vote.
- That by allowing the planning officer to warn members that refusal of the application could lead to an expensive appeal, Councillor Bailey thereby allowed undue influence to be put on the committee.
- That when Councillor Malecka asked the chairman and the planning officer if the terms of the development brief had been complied with, the member was given an affirmative answer. The complainants dispute this and say there were breaches of the development brief.

The complainants also object to aspects of the proposed development, the granting of planning permission and the way the meeting was minuted.

# complaint form

If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on 0800 107 2001.

You can also email them at [newcomplaints@standardsboard.co.uk](mailto:newcomplaints@standardsboard.co.uk)

**Please note**

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

**ABOUT YOU**

title    Mr     Ms    Mrs     Miss    Councillor    Other (please specify)

first name    T & A    ~~EA~~    surname    GRANT

address    47A GARDEN ROAD, COKETOWN

postcode   

daytime telephone    5, 851 1656

evening telephone    955 2235

email   

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature    *Terry Grant*    *Ann Grant*    date    03/006

**YOUR COMPLAINT**

**Who are you complaining about?**

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

| name of the individual/s | name of their authority/ies |
|--------------------------|-----------------------------|
| Cllr C.D. Bailey         | DISTRICT COUNCIL            |
| Cllr L Malecka           | " "                         |
| Cllr R. Yeo              | " "                         |
| MR P.W. PLANNING OFFICER | " "                         |

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

WE BELIEVE THAT A PLANNING APPLICATION WAS  
ERRONEOUSLY APPROVED, AND OUR REASONS ARE  
SET OUT ON THE ENCLOSED SHEET

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

### your ethnic origin

- |                        |         |       |
|------------------------|---------|-------|
| Asian or Asian British | Chinese | White |
| Black or Black British | Mixed   | Other |



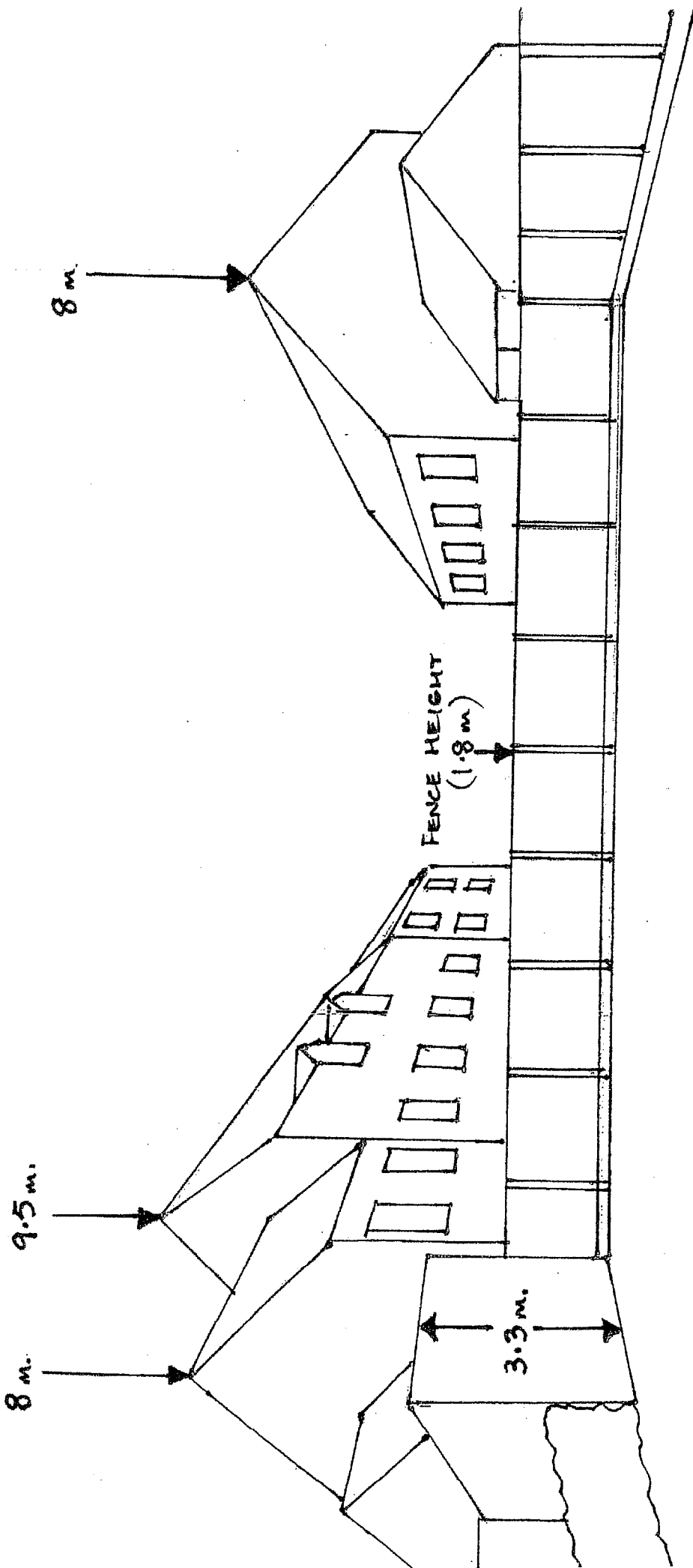
REGARDING THE PLANNING COMMITTEE MEETING HELD AT ~~COKETOWN~~ DISTRICT  
COUNCIL OFFICES, ON 21<sup>ST</sup>  
SEPTEMBER 2006

APPLICATION FOR FULL PLANNING CONSENT BY BOVIS HOMES FOR 217  
DWELLINGS ON GARDEN ROAD ALLOTMENTS,

APPLICATION NUMBER V/2006/0564

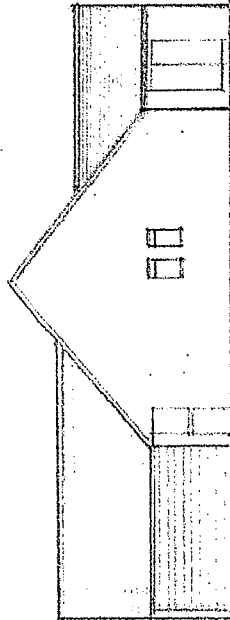
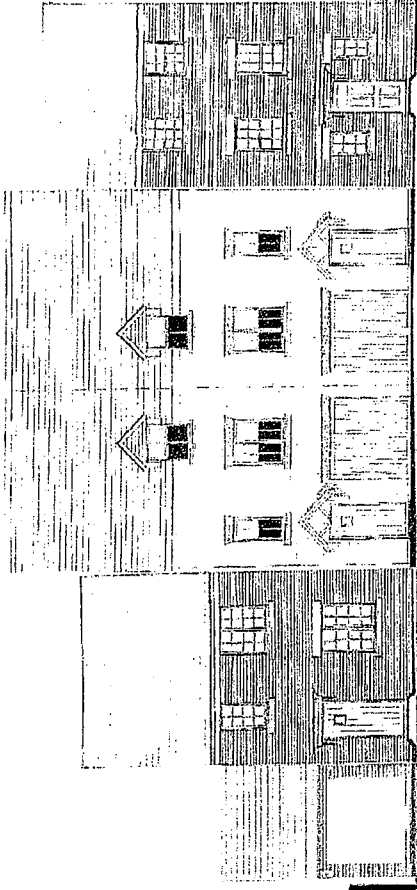
- 1 We believe the conduct of the Planning Committee Chairman and Planning Officer was unacceptable, following their inability to focus clearly on their role, since they have an incestual relationship in that the Planning Officers are employed by the owners of the land ( District Council) and the Meeting was not conducted in an impartial manner due to their confusion on these roles and the heavy demands placed upon them by the Council to sell the land for profit. Therefore, we believe that an independent Planning Officer should have been appointed to research all aspects of this application and to answer the questions of the Planning Committee Members impartially.
- 2 That the Chairman, Cllr B. , refused to allow the Councillor for Central (Cllr C. ) to speak, until the very last moment and was cut short when the Chairman hastily moved for a vote.
- 3 The Committee Members were clearly instructed by the Council's officer, immediately prior to the vote for approval, that if they voted for a Refusal, this would cost the Council a great deal of money in fighting an Appeal, and it is felt by all those present that **undue influence** was placed upon the Committee to approve the application. We understand that it is more likely that a Developer will amend plans if necessary rather than have the additional expense of going to Appeal. We put forward that this instruction to the Committee Members was unjustified and improper. We therefore believe that Approval was granted illegally.
- 4 Councillor M. ) asked the question of the Chairman and the Planning Officer if the terms of the Development Brief had been complied with, and he was given an affirmative reply. We argue that **this is not the case**, and some breaches of the terms of the Development Brief are as follows :
  - ◆ The need to protect the privacy of existing residents (*See illustrations A & B enclosed with regard to the future view from our living rooms*)
  - ◆ Strengthen the need to protect the amenity of existing residents bordering the site (*our rear boundary will also be the end boundary of the cul-de-sac and will expose our property to crime, anti-social behaviour and vandalism, it being insufficiently high or strong enough to prevent intruders*)
  - ◆ The need for **private** space should not be ignored
  - ◆ Building orientation, boundary treatments and the avoidance of overlooking are key (*See illustrations. Our living room windows will be subject to unwelcome surveillance from upper floor windows of the new properties and to children climbing our fence and the trees on the other side of our rear fence*)

- ◆ Raising housing densities should not lead to a lowering of qualitative **private space** standards (*housing density has increased from 34 to 40 units per hectare an increase of approximately 12%*)
  - ◆ To take into account local climatic conditions including natural daylight, sunlight and prevailing winds in consideration of future occupiers and the amenity of existing residents bordering the site (*Our property will suffer from long shadows cast by the houses in the proposed cul-de-sac abutting our rear boundary, in the winter months*)
  - ◆ It is important that the development is designed to limit the potential for crime (*The Police Architectural Liaison Officer has been excluded from all levels of planning since the 2003 Development Brief, resulting in the Council being Cautioned by this Officer*)
  - ◆ Close boarded fences will not be acceptable where they would be visible in the street scene. The Council will require well designed brick walls (*our rear boundary fence is close boarded fencing and will form the end boundary of the cul-de-sac*)
  - ◆ Due to surface water issues the developer will be required to undertake a hydrological survey. This survey was only undertaken in August, after heavy pressure from ourselves because of possible adverse effects to our residence by the artificial drying out of the high level water table. (*This survey was only undertaken in August, after continued pressure from ourselves. There appears to have been reluctance on the part of the Developer and the Council's Planning Officers to obtain this survey report*)
  - ◆ The former railway cutting was adopted as the preferred access route. This has now been changed to A Avenue and H Avenue.
- 5 The elderly and disabled have been positively discriminated against, by not providing single storey houses with outside space to enhance their quality of life. This is a specific requirement of the "PPG3:Housing". Single storey housing for over 55's and the disabled have not been included.
- 6 The recommendations of the Police with regard to designing out the potential for crime has been ignored. The Police decided that their exclusion was such a serious offence that the Council were Cautioned under Section 17 of the Crime & Disorder Act 1968.
- 7 The Planning Meeting on 21<sup>st</sup> September was not fully minuted, and none of the issues discussed by the Planning Councillors have been properly recorded. The meeting was at least 1.5 hours long, and the Minutes barely cover 1 A4 page.
- 8 That we believe Cllr Y had declared an interest in the Outline Application stage for this development and was therefore precluded from voting. Cllr Y, voted on 21 September 2006 for Approval of the application, but did not declare his previous interest, and we put forward that was contrary to planning regulations. We therefore put forward that the Approval granted by District Council was not lawful and should be cancelled.
- 9 That by their site layout design, in close proximity to our residence and rear boundary, the Developers will expose ourselves and our property to burglary, vandalism, anti-social behaviour and unwelcome surveillance from upper storey windows and in doing so our rights under Article 8 of the European Convention on Human Rights will be violated and the Council's Chairman and Planning Officer have permitted this to take place.

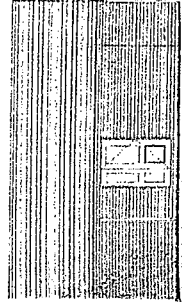
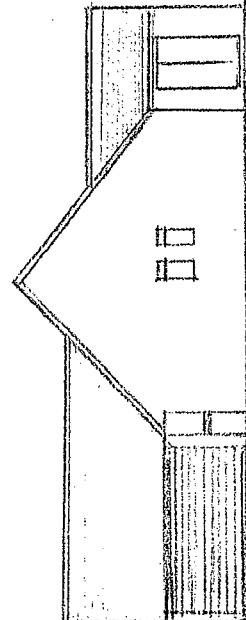


**OUR FUTURE VIEW FROM OUR 3 LIVING ROOMS WHICH FACE THIS DEVELOPMENT. THE DISTANCE BETWEEN OUR WINDOWS AND THE REAR FENCE IS A MERE 11 METRES!**

Side elevation of proposed cul-de-sac



Side elevation of suggested row of bungalows



Proposed Property

26

1/1/2010

47A Garden Road, Cokerdown, CK3 1BW

3 October 2006

The Standards Board for England  
PO Box 36656  
LONDON  
SE1 0WN

RECEIVED  
05 OCT 2006

Dear Sir

We wish to lodge a complaint against members of [redacted] District Council and also their Planning Officer, Mr P W [redacted]

We enclose our Complaint Form and a statement of events, and we should be grateful if you would consider the implications of the events.

As there are very serious concerns regarding the matter in question, we look forward to hearing from you when you have had the opportunity of investigating the matter.

Yours faithfully

*[Handwritten signatures]*

MR i & MRS i GI

# CASE E

## HOOK PARISH COUNCIL - COUNCILLOR DR JON ROUSE

### Summary

It was alleged that Councillor Rouse, the chairman of the parish council, accompanied by the vice-chairman, visited a member of the public at home. Here he made allegations that a group of seven parish councillors, including the complainant, would be pressing for an injunction to prevent the member of the public, a parishioner, speaking at meetings. The parishioner then wrote to each of the seven councillors repeating this allegation and another allegation that he had orchestrated a public protest against the siting of a youth shelter. He enclosed a stamped envelope for them to reply and asked for them to let him know whether the allegations were true or false. He said that if they did not reply he would assume that the claim was true. In this case, he asked them to go ahead and seek the injunction.

The complainant was one of two councillors who replied direct to the parishioner, to say that she was not aware of the actions he referred to being taken, or of a group of seven working in co-operation on the council, and that the allegations were false. The clerk also wrote to the member of the public to say that six of the councillors (one was away) had asked him to reply to say that the allegations were false. The parishioner was not satisfied, wrote to the councillors again to say that the two who had replied personally had not asked the clerk to write on their behalf, and that he would regard the remaining five as having taken the actions originally alleged unless he heard from them by a given deadline.

It is alleged that on 18 April 2005 during public questions, a member of the public made a statement concerning a pre-arranged visit to his house by two senior councillors. The complainant wrote to Councillor Rouse on 20 April asking him:

- If he knew the identity of the two councillors who allegedly paid the visit.
- To name the two councillors allegedly involved and to ask them to explain why they used her name without her knowledge.
- To clear her of any complicity in the alleged actions.
- If he was unable to clear her good name, then to assure her that the exercise was designed simply as character assassination.

The complainant states that she received no response to the letter, and that she put down questions in council on 16 May 2005. She wrote to Councillor Rouse again on 20 May 2005 to convey her disappointment with his handling of her questions. The minutes of the meeting state:

“The Chairman said he had received letters from two Councillors concerning alleged actions of Councillors at an informal meeting. As these letters did not relate to discuss them with individuals outside the meeting.”

On 23 May Councillor Rouse wrote to the complainant to say he regarded the matter as closed. The complainant reports that the member of the public has now told her that Councillor Rouse was one of the two councillors who visited him.

## CASE B

### BOROUGH OF SELCHESTER – COUNCILLOR JULIA HARTY

#### Summary

It is alleged that Councillor Julia Harty lied at council meetings about her decision to require Local Education Authority appointed school governors to pay the £36 cost of their own Criminal Records Bureau (CRB) checks. This is a process which she had approved while cabinet member for education. The complainant, who is the opposition chief whip, said that Labour councillors received complaints during August 2006 that new governors would have to have a CRB check at their own expense. He also said there were letters in the press criticising the policy. It is alleged that at this stage, Councillor Harty suggested a bursary scheme for those who could not afford to pay. A newspaper article quoted the council as saying that the fee **may** be waived by those not able to pay. It is alleged that at a scrutiny committee on 12 September 2006, Councillor Harty, replying to a question, said that it had always been the policy to reimburse governors their CRB expenses. This is not what she had in fact agreed.

The opposition put down a motion in council on 20 September 2006 on the matter. And it is reported that Councillor Harty again claimed that it was always the policy to reimburse governors for CRB expenses.



## CASE C

### MARNHAM DISTRICT COUNCIL – COUNCILLOR DAVIES

#### Summary

The complainant is the leader of the council. It is alleged:

- Councillor Davies sent a number of disparaging emails to the council's IT staff, criticising their work and mocking their capabilities and copied them to third parties.
- Councillor Davies sent unfair and derogatory emails about the chief executive, the council's solicitor and the complainant, copying them in to third parties, as well as inappropriate emails to other councillors.
- Councillor Davies became involved in support of a local IT company in a dispute with the council, and was confrontational when officers reminded him about possible conflicts of interest
- Councillor Davies was hectoring and overbearing towards technical officers in the presence of the chief executive and two other members at a meeting held on 23 April 2005.

The Chief Executive asked the junior officers to leave after 20 minutes on account of Councillor Davies's behaviour, and because they were upset at the untimely death of a close colleague the previous Saturday. It is reported that when Councillor Davies was told of this, he retorted, "I suppose you're going to blame him!" It is alleged that Councillor Davies has been warned about his conduct, including formal warnings, but that it has continued.

## CASE D

### COKETOWN DISTRICT COUNCIL – COUNCILLORS YEO, BAILEY AND MALECKA

#### Summary

The complainants refer to the proposed development of a council-owned allotment site at Coketown, for 217 dwellings and associated infrastructure, considered by the planning committee on 21 September 2006. It is reported that Councillor Yeo, the executive member for land and property, had been involved in discussion with the developers and council decisions over the sale of the site. It is also reported that the proceeds of the site would be used by the council to pay for a new leisure centre elsewhere in the borough. Having declared a personal interest in the matter at the planning committee, it is alleged that he failed to declare a prejudicial interest and withdraw from the meeting.

It is alleged:

- Councillor Bailey, the chairman, did not ensure that the meeting was conducted impartially due to confusion of members' and officers' roles.
- That the planning officer, as an employee of the council, was not able to give the committee the impartial advice they needed.
- Councillor Bailey refused to allow a local member to speak until the very last moment, and then cut him short before hastily moving to the vote.
- That by allowing the planning officer to warn members that refusal of the application could lead to an expensive appeal, Councillor Bailey thereby allowed undue influence to be put on the committee.
- That when Councillor Malecka asked the chairman and the planning officer if the terms of the development brief had been complied with, the member was given an affirmative answer. The complainants dispute this and say there were breaches of the development brief.

The complainants also object to aspects of the proposed development, the granting of planning permission and the way the meeting was minuted.

## CASE E

### HOOK PARISH COUNCIL - COUNCILLOR DR JON ROUSE

#### Summary

It was alleged that Councillor Rouse, the chairman of the parish council, accompanied by the vice-chairman, visited a member of the public at home. Here he made allegations that a group of seven parish councillors, including the complainant, would be pressing for an injunction to prevent the member of the public, a parishioner, speaking at meetings. The parishioner then wrote to each of the seven councillors repeating this allegation and another allegation that he had orchestrated a public protest against the siting of a youth shelter. He enclosed a stamped envelope for them to reply and asked for them to let him know whether the allegations were true or false. He said that if they did not reply he would assume that the claim was true. In this case, he asked them to go ahead and seek the injunction.

The complainant was one of two councillors who replied direct to the parishioner, to say that she was not aware of the actions he referred to being taken, or of a group of seven working in co-operation on the council, and that the allegations were false. The clerk also wrote to the member of the public to say that six of the councillors (one was away) had asked him to reply to say that the allegations were false. The parishioner was not satisfied, wrote to the councillors again to say that the two who had replied personally had not asked the clerk to write on their behalf, and that he would regard the remaining five as having taken the actions originally alleged unless he heard from them by a given deadline.

It is alleged that on 18 April 2005 during public questions, a member of the public made a statement concerning a pre-arranged visit to his house by two senior councillors. The complainant wrote to Councillor Rouse on 20 April asking him:

- If he knew the identity of the two councillors who allegedly paid the visit.
- To name the two councillors allegedly involved and to ask them to explain why they used her name without her knowledge.
- To clear her of any complicity in the alleged actions.
- If he was unable to clear her good name, then to assure her that the exercise was designed simply as character assassination.

The complainant states that she received no response to the letter, and that she put down questions in council on 16 May 2005. She wrote to Councillor Rouse again on 20 May 2005 to convey her disappointment with his handling of her questions. The minutes of the meeting state:

“The Chairman said he had received letters from two Councillors concerning alleged actions of Councillors at an informal meeting. As these letters did not relate to discuss them with individuals outside the meeting.”

On 23 May Councillor Rouse wrote to the complainant to say he regarded the matter as closed. The complainant reports that the member of the public has now told her that Councillor Rouse was one of the two councillors who visited him.

## CASE F

### LONDON BOROUGH OF WALFORD – COUNCILLOR PAT RIX

#### Summary

The complainant alleges that Councillor Pat Rix has subjected her to unfair treatment on the grounds of religion and race, bullying, victimisation and racial harassment.

It is reported that Councillor Rix was on the interview panel which appointed her, but did not want her for the job and preferred a white woman who did not perform as well as the complainant. It is alleged that Councillor Rix called her a liar when she advised her that a community film had a racist remark in it which would offend and embarrass the complainant. It is reported that Councillor Rix has micromanaged her and set her unrealistic targets to make her look a failure, that she has been publicly humiliated at meetings and verbally abused. She reports that her position as a manager has been undermined, that she has had a meeting with her staff and managers, and been excluded from the meetings.

It is reported that Councillor Rix was unhappy when managers asked the complainant to work on assignments including a petition by the Punjabi Sikh community for a community centre. It is alleged that Councillor Rix tried to stop her being involved in this work, told her that she did not want Pakistanis or Muslims asking for a community centre and made derogatory comments about the various ethnic groups within the Muslim community. The complainant found these remarks offensive as a Pakistani Muslim herself.

The complainant says that her managers failed to manage the situation or to protect her, and that she was unfairly and wrongly dismissed. It is alleged that Councillor Rix has referred to the protocol for officer and member relations as “bollocks” and failed to respond to a questionnaire sent to her under the Race Relations Act.

## CASE G

### SCAWTHORPE BOROUGH COUNCIL - COUNCILLOR LEE KREUZ

#### Summary

The complainant is the clerk to Nith parish council. He refers to a meeting of the council on 19 September 2006 where members discussed financial irregularities arising from the alleged misconduct of the council's groundsmen. It is reported that Councillor Kreuz, the local member of the borough council, attended the open part of the meeting but left with the public before the closed part where this matter was discussed.

It is alleged that a member of the parish council gave Councillor Kreuz a confidential note, which he then showed to the groundsmen two days later. It is also alleged that he told them that they had been the main topic of discussion at the meeting, giving them the impression that he had been present, the matter had been discussed in public, and that the clerk had accused them of stealing money.

It is reported that the note had the top of the page folded over, which one member of staff believed was to conceal a fax number. It is also alleged that he doctored a note headed "To all Parish Council Staff", cutting off the heading to make it look as if it only applied to the staff at the park.

The complainant adds that it is common knowledge that Councillor Kreuz intends to stand for the parish council.

**WESSEX COUNCIL - COUNCILLOR DOUGLAS****Summary**

The East Wessex Community Area Forum covers three wards of the borough: Whapton, Box and Friary. The complainant is a Progressive councillor for Whapton and he and two other Progressives won the ward from Labour in 2004. The council is Labour-run: Councillor Douglas is deputy leader and also chairman of the area forum, which has the power to spend the Housing Investment Programme (HIP) monies allocated to it. Part of the allocation is budgeted to replace old wooden doors on council houses with PVCu doors.

The Progressive councillors for Whapton asked repeatedly for HIP funding for their ward. Each time they were told that it had already been committed for new doors in Councillor Douglas's ward (Box), and the vice-chairman's ward (Friary) with nothing for Whapton, even though there was a street there where doors were in urgent need of replacement (June Avenue). The complainant discovered that the chairman and vice-chairman of the forum have private business meetings in advance of the public forum. The complainant also discovered that Councillor Douglas had allegedly arranged matters so that all the spend on the new doors went to his ward.

It is alleged that at such a business meeting on 24 June 2005, Councillor Douglas and the vice-chairman privately approved the allocation of £14,404 to June Avenue. One of the defeated Whapton Labour councillors, who the complainant says plans to stand again in 2006 and is a friend of Councillor Douglas, then organised a petition along June Avenue asking the council to consider installing new doors. This was presented to the council by a resident on 29 June 2005 and then received by Councillor Douglas at a press call in advance of the formal meeting of the forum. The complainant believes that Labour has orchestrated the petition in the knowledge that the money had already been agreed. The complainant also believes that Councillor Douglas has used and abused his position as chairman of the forum, deputy leader, and as a member of the standards committee to manipulate the allocation of funding to his political advantage. The former Whapton councillor subsequently wrote to the newspaper to take credit for the decision and to criticise the Progressive councillors in Whapton Ward.

## CASE I

### GREAT NORTON PARISH COUNCIL – COUNCILLOR JAMESON

#### Summary

The complainant refers to a meeting of the parish council on 16 November 2006. It is alleged that when the chairman asked if there was any other business, Councillor Jameson said, "I've got some!", swung round in his chair, directly facing the complainant, and launched into a loud and aggressive verbal attack. It is alleged that he accused the complainant of calling the chairman "undemocratic" at a previous meeting and demanded that she apologise. The complainant subsequently explained in writing that she was accusing the council of being undemocratic, not the chairman, and has apologised to him for the misunderstanding. She also wrote to the chairman of the parish council to complain about Councillor Jameson's alleged treatment of her at the meeting.

It is reported that the next meeting of the parish council, advertised for 21 December 2006 at the village hall, was brought forward to 20 December 2006 at the Lions Club, which precluded the public, including the complainant, from attending. It is alleged that the meeting went into confidential session to discuss the complaint against Councillor Jameson, but that he failed to declare a prejudicial interest in the matter and remained in the meeting that considered a matter affecting him.

The chairman then wrote to the complainant to say that the parish council had found that, "as the alleged incident took place after the parish council meeting had closed, they found that Councillor Jameson was not in breach of any form of misconduct. It was unanimously agreed that no action be taken regarding Councillor Jameson and the matter to be considered closed". They also agreed to ban the public from speaking at future meetings.



## CASE J

### NETTINGTON TOWN COUNCIL – COUNCILLOR GOLD

#### Summary

The complainant refers to the town hall at Nettington, which belongs to the town council. It is reported that the county registration service rents offices at the town hall and Town Councillor Gold is employed as a registrar. It is also reported that Councillor Gold declared an interest in an agenda item regarding the town hall at a council meeting on 24 May 2004. It is further reported that in 2005, it was agreed in principle to hand the town hall over to a charitable trust, make a grant to the trust and to seek legal advice. It is also reported Councillor Gold is one of three councillors to be on a joint working group with the trust.

Following legal advice, on 27 February 2006 the council “reaffirmed” earlier resolutions concerning the trust, with Councillor Gold voting in favour. It is also reported that after she became town mayor in May 2006, she put herself forward as the council representative on the trust. The complainant refers to a meeting between councillors and the trust which took place on 3 July 2006. She says she had asked for the minutes but had been told that it was an informal meeting, which was not the impression created beforehand.

The complainant has also provided a report of the “Nettington Town Hall Joint Working Group”, which includes Councillor Gold. It states that she has had final sight of the draft briefing for the solicitor who would be drawing up the draft lease for the town hall. The draft briefing refers to the “need to agree continuing office space for the town clerk and use of the council chamber for meetings at a favourable rent and for the Registrar at the rent negotiated with the county council...”. The complainant has also provided a covering memo from the town clerk, which states that the brief will be discussed with Councillor Gold and other members.

It is thereby alleged that Councillor Gold has a conflict of interest between the town council and her employer, which rents her place of work from the council in the building whose future is under consideration. It is also alleged that having previously acknowledged this, Councillor Gold has subsequently become more closely involved in the issue without declaring an interest.

## **CASE K**

### **CENTRAL BARTON URBAN PARISH COUNCIL – COUNCILLOR ROBERT PAXTON**

#### **Summary**

The details of the case are summarised in the Standards Board for England's decision notice below. The complainant sought a review of the decision not to refer the matter for investigation. Members were asked to decide, in light of the review request, whether that decision should be overturned or upheld.

## **CASE L**

### **ANSTY METROPOLITAN BOROUGH COUNCIL – COUNCILLOR MAHMOOD KHAN**

#### **Summary**

The details of the case are summarised in the Standards Board for England's decision notice below. The complainant sought a review of the decision not to refer the matter for investigation. Members were asked to decide, in light of the review request, whether that decision should be overturned or upheld.

RU



# complaint form

10 AUG 2005

RECEIVED

If you have any questions or difficulties filling this form in, for example, if English is not your first language or you have a disability, please contact the Referrals Unit on 0800 107 2001.

You can also e-mail them at referrals@standardsboard.co.uk

**Please note**

- > we can only accept complaints in writing;
- > one of our officers may contact you personally to go through the details of your complaint;
- > we are unlikely to be able to keep your identity confidential if you make a complaint.

RECEIVED  
10 AUG 2005

**ABOUT YOU**

title Mr  Ms  Mrs  Miss  Councillor  other (please specify) \_\_\_\_\_

first name **JEAN** surname **BLAKE TODD**

address **FAIRYTALE COTTAGE, SEA LANE, HOOK, BARWELL** postcode **BW4 2PQ**

daytime telephone \_\_\_\_\_ **56** \_\_\_\_\_

evening telephone \_\_\_\_\_ **56** \_\_\_\_\_

e-mail \_\_\_\_\_

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature **J. R. Blake Todd** date **8 AUG 05**

**YOUR COMPLAINT**

**Who are you complaining about?**

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s **Cllr. DR. J. ROUSE** name of their authority/ies **HOOK PARISH COUNCIL**

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above



# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the date and details of the alleged misconduct, and any information that supports the complaint. We can only investigate complaints that a member has broken the Code of Conduct (see section 3 of the information leaflet 'How to make a complaint about a councillor'). Continue on a separate sheet if there is not enough space on this form.

See Attached letter

Lined area for writing the complaint details.

## EVIDENCE (if this applies)

Please attach to this form copies of correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

Please send this form to:

The Standards Board for England  
First Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

The Race Relations Act 2000 requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

Your answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

8<sup>th</sup> August 2005

Cllr. Jean Blake Todd, Fairytale Cottage,  
Sea Lane, Hook

**Complaints against Cllr. Dr. J. Rouse for bringing the parish council into disrepute by their false accusations against seven parish councillors.**

On 3<sup>rd</sup> April 2005 I received a letter from a member of public claiming that I, among others [all named Councillors of Hook Parish Council] was pressing for an injunction to prevent him attending or speaking at Parish Meetings. He claimed to have been informed of the facts verbally by two Parish Councillors, one of them confirming it in writing [e-mail].

**Item 1 Letter from Richard Ogle**

I replied to him stating that the allegations were false as far as I was concerned

**Item 2 Reply to Richard Ogle**

The Parish Clerk was asked to respond to the letter on behalf of the Councillors by the Vice-Chairman

**Item 3 Clerk's response and his letter informing Councillors' of his actions**

Richard Ogle [the member of the public] wrote to all seven councillors again repeating his request for answers to his allegations

**Item 4 R. Ogle letter of 12 April 05**

At the Council Meeting held on the 18<sup>th</sup> April 2005 during public questions time, Richard Ogle made a lengthy statement concerning the allegations made during a pre-arranged visit to his house by two senior Councillors.

I sent a letter to the Chairman of Council, Jim R. , who refused to reply to my letter or speak to me

**Item 5 Letter to Cllr. Rouse**

I sent a written question to the Chairman for the Council Meeting of the 16<sup>th</sup> May 2005 – his response was as detailed in my letter to him of 20<sup>th</sup> May 2005.

**Item 6 Letter to Cllr. Rouse**

and as minuted at 022.05c.

**Item 7 Copy of the Minutes dated 16<sup>th</sup> May 2005**

Rouse sent a letter to me on 23<sup>rd</sup> May saying that he considered the matter closed.

**Item 8 Letter from Cllr. Rouse**

He has steadfastly refused to discuss this matter with me and will certainly not apologise to me for the false allegations he has put out into the public arena.

Richard Ogle has now told me that the two senior Councillors who visited him, at his house, by appointment, were the Chairman of Council Dr. Rouse and the Vice Chairman Mrs Carol W

Cllr. Mrs J. Ogle was in the house at the time and could I am sure verify that the meeting took place. She also informed me that she had seen the email sent to their home from Dr. Rouse

8<sup>th</sup> August 2005

Cllr. Jean Blake Todd Fairytale Cottage  
Sea Lane  
Hook

**Names of witnesses**

Cllr. Tom W Earlesmere  
Hook Fold

Cllr. Brian D Todd Fairytale Cottage  
Sea Lane  
Hook

**Richard D Ogle  
The Old Rectory  
Hook  
Barwell  
BW4 6HT**

2 April 2005

**To: Parish Councillors Mrs. S , Mrs M , Mrs. H , Mr.  
De Mrs F Mr. W and Mrs H**

Dear Councillors

I am have been informed, verbally by two and in writing also by one Hook Parish Councillor, that you seven Members have been and still are making vigorous representation, pressing for application to be made in the Courts for an Injunction to be taken out against me in order to prevent me from attending and speaking at Parish Council meetings.

I am further advised that some of you claim that I "orchestrated" the public who protested against the placing of a Youth Shelter in the Park.

**I have to say that I am not convinced that these allegations are true and that, specifically, I doubt if seven Members have acted as claimed. However, since that is my information from what I should be able to accept as an impeccable source, I have to ask you all if this is true or false and I shall be pleased to hear from you as soon as you care to reply, using the stamped envelope enclosed. *If you do not reply then I will feel disposed to accept that the claim is true.***

**In such circumstance then I ask you all, quite simply, to make an appointment in the High Court Barwell at which I will appear and claim costs and damages against you all, personally, for you have no grounds whatever, in my view, for attempting to exclude me from public meetings. Such an application would be frivolous/ vexatious and/or malicious, in my view and that would be put to the Learned Judge. I look forward to hearing from you, please, with 7 days.**

~~Yours~~ faithfully

Richard Ogle

Copy to the Clerk, Parish Council for information.



Item 2

Mrs J.

7<sup>th</sup> April 2005

Dear Richard,

I am not aware of any of the actions you refer to being taken or indeed of a group of seven councillors working in co-operation on this Council. Therefore the allegations to which you refer are false.

Yours sincerely

J.R. Blaine Todd



# Hook Parish Council

Hook Parish Offices Cardingmill Lane Hook  
Barwell BW5 1PL Tel 467876

Chairman Cllr Dr Jon Rouse Clerk Luca Franchi

## Minutes of the 229<sup>th</sup> MEETING of the PARISH COUNCIL

Held on Monday 18<sup>th</sup> April 2005 at 19.00 hours  
in the Hook Parish Offices.

Those present: Cllr Dr J C Rouse (Chairman), Cllr Mrs C W (Vice Chairman),  
Cllr Mrs J P O, Cllr Mrs J B, Cllr Mr B D, Cllr Dr G A P,  
Cllr Mrs J Blake Todd, Cllr Mr T W.

In attendance: - County Cllr Mr M C, District Cllr Mrs J M  
- The Clerk and 3 members of the public.

302.04c The meeting opened at 19.02 hours.

Apologies for Absence had been received from:

- CCllr/DClr Mr R Brown; DCllrs Mrs F C and Mrs G
- Cllrs Mrs M M, Mrs J F, Mrs M H and Mrs G S.
- The Assistant Clerk and RFO (Mr J G)

303.04c **Declarations of Personal or Prejudicial Interest**

There were none

304.04c **To Approve the Minutes of the Ordinary Council Meeting held on 21 March 2005**

282.04c It was agreed to add the following sentence after the sentence ending in  
.. private event. "It was established that Cllr Mrs Ogilvie had done all the work  
and supplied all the materials regarding this event in 2005"

Acceptance of the amended minutes was proposed by Cllr P and seconded by Cllr  
Mrs W. All who had been present were in favour.

Resolved

305.04c **There were no matters arising from the Minutes of the Parish Council Meeting held  
on 21 March 2005**

306.04c **To consider any urgent matters that the Chairman may wish to bring to the  
Council for resolution**

There were none.

307.04c **To consider recommendations from the Amenities and Planning Committees**

- That up to £60 be set aside to purchase rechargeable batteries and a 64MB XD  
memory card for the new Council camera (Amenities 133.04a)

This proposal by Cllr W was seconded by Cllr Mrs B and carried.

.....  
Chairman

.....  
Date

308.04c **To Receive, Consider and Resolve the Minutes and Recommendations from Committees**

- a) Planning Dated: 29<sup>th</sup> March and 11<sup>th</sup> April 2005
- b) Amenities Dated: 29<sup>th</sup> March 2005

These minutes were read. Cllr D said that he had informed the County Council that the Beach Café were using footpath 3039 to display items for sale.

Cllr P proposed that these minutes be accepted. This was seconded by Cllr W and agreed by all.

309.04c **To consider reports from District and County Councillors**

DCllr Mrs M said that the new rubbish collection system was settling down with fewer problems being experienced week on week. She said that the plan was to distribute all recycling bins by the end of August. In answer to a question, she said that the setting up of a separate Committee to consider Tree Planning Applications had been approved at the last meeting of the District Council.

310.04c **The Chairman adjourned the meeting to receive questions from Members of the Public.** The following questions were asked:

|  |  |
|--|--|
| What can be done to make residents (including neighbours) more aware of Planning Applications that affected them?  | Cllr P agreed this was an issue that needed to be addressed and asked that it be included on the agenda of the Planning Committee meeting on 9 <sup>th</sup> May.  |
| Would the Chairman please comment on rumours that 7 members of the Council were seeking an injunction to stop a certain member of the public attending Council and Committee meetings? | Cllr Rouse said that the Council had not discussed this and, having just returned from 2 weeks holiday that morning, he had not had the opportunity to see the relevant correspondence but would look into it. |

311.04c **Reports from the Responsible Financial Officer**

The following reports were tabled on behalf of the RFO and these are included at:

- Attachment 1a: Bank Balances, Receipts and Notes
- Attachment 1b: Revised Unaudited Management Accounts for 2004/5

A number of questions were raised, but because of the absence of the RFO, no satisfactory answers could be given. Cllr D said that more information was available within the computer-based accounting package. Cllr W said that Councillors should define their information requirements and ask the RFO to provide in the requested format. The Clerk was asked to set up a meeting with the RFO to pursue this suggestion to implement in the financial year 2005/6.

Cllr W proposed that these reports be accepted. This was seconded by Cllr R and carried.

.....  
Chairman

.....  
Date



# Hook Parish Council

Hook Parish Offices Cardingmill Lane Hook  
Barwell BW5 1PL Tel 467876

Chairman Cllr Dr Jon Rouse Clerk Luca Franchi

Ref:

To: Cllrs-Mrs S, Mrs M, Mrs H, Mr W and Mrs H  
CC: Cllrs Mrs F and Mr D.

12 April 2005

Dear Councillor,

I wrote the following to Mr Ogle yesterday in response to his letter to you dated 2<sup>nd</sup> April.

**"YOUR LETTER TO 7 COUNCILLORS**

I acknowledge receipt of a copy of a letter dated 2 April you sent to 7 Parish Councillors.

You state that you are not convinced that these allegations are true. I have discussed this with all Councillors except Mrs H (who has not yet returned from an Easter break) and those 6 Councillors have asked me to reply to you that these allegations are indeed false."

Mr Ogle has contacted me today and stated that he wishes each Councillor to write to him individually (as requested in his letter). Cllrs Mrs and Mr have already done this.

So I apologise in trying to help, but I must ask you to ignore the fact that I have written to Mr O and I leave you to take whatever individual action you see fit.

Yours sincerely

Clerk to the Council

Hook Parish Council operates an open file policy. Any correspondence with the Council may become public.

For the Purposes of the Data Protection Act Hook Parish Council is the Data Controller



Richard D Ogle  
The Old Rectory  
Hook  
Barwell  
BW4 6HT

12 April 2005

To: Parish Councillors Mrs. S , Mrs M , Mrs. H , Mr.  
D , Mrs F , Mr. W and Mrs H

Dear Councillors

I received a letter from the Clerk to the Council dated the 11<sup>th</sup> April and handed to me by him at 7.30pm today in the Parish Chamber. I had already received a personal reply from Cllr. Brian Todd and Cllr. Mrs. Blake Todd telling me that, so far as they were concerned, the allegations were false. The allegations which I set out, I have to stress, were put to me with the objective of preventing me speaking at Parish meetings. I was asked not to attend the Amenities Committee at all. As I told you, I was not convinced that the allegations against the 'Hook Seven' were true and I decided that the only proper course of action for me was to ask each one of you the questions for the alternative is to carry on thinking that you are each one of the seven!

*However, the Clerk's reply says that 6 Councillors have asked him to reply to me. Cllr. Todd and Cllr. Mrs. Blake Todd assure me that they did not ask the Clerk to do so because they had already replied to me and they told him so. This highlights the fact that a hearsay report from the Clerk serves no useful purpose at all – except, at this stage, wrongly to report that two Members asked him to write to me when they did not. A misunderstanding occurred, apparently. This could happen in relaying anything from you so, at a later date, you simply say "No I never said that – the Clerk must have been mistaken". It is not fair on the Clerk, in my view! Nor do you answer the question I put to you.*

I cannot require any Member to write to me and you may not wish to do so. In that case then I can but assume that you were a party to what I was told was an insurrection by seven Councillors demanding that an Injunction be taken out preventing me from speaking at Council meetings – supposed 'Public Meetings'! So, when a Chairman asks if any Member of the Public would like to speak then that would mean everyone present except Richard Ogle – that would look good in the Barwell Observer! But you run Hook Parish Council and not I! And Hook Parish Council actually consulted a Solicitor about this, on your behalf, as you undoubtedly are aware!

Should I not hear from you by Saturday next then I assume that you are one of FIVE.

Yours faithfully

Copy to the Clerk, Parish Council for information.

Je Page 132<sub>d</sub>  
Fairytale Cottage  
Sea Lane  
Hook  
Barwell  
BW4 2PQ

20th April 2005

Dear Jon,

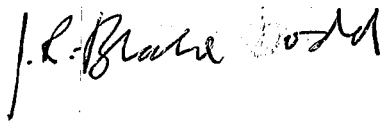
Following the statement by a member of the public at the Council meeting on Monday I feel that things are now much clearer and I think that you owe us all an explanation concerning the events that have been unfolding in the last two weeks. I would like answers to the following questions:-

1. Does the Chairman know the identity of the two Councillors who visited a member of the public, giving him false information, resulting in that person sending letters to seven named Councillors accusing them of "making vigorous representation, pressing for an injunction to prevent him attending or speaking at Council Meetings".
2. Will the Chairman name the two Councillors involved and ask them to explain why they decided to use my name in this complicity without my knowledge.
3. Will the Chairman clear me of any complicity in any action that has been dreamt up and ask the Council to write to me declaring that I was not a party to any such actions.
4. If you are unable to clear my good name and assure me that this whole exercise was not designed simply as a character assassination, I will wish to be given access to the Council's Solicitor at the expense of the Council to act on my behalf to clear my good name.

**Allegations using my name – background information**

I received a letter dated 2<sup>nd</sup> April alleging that I am part of a plot to seek an injunction against a member of the public. I had nothing to hide and replied to the letter stating that I knew nothing about the allegations and that I was certainly not part of any conspiracy or indeed of a group of seven.

Yours sincerely



**Councillor Jean Blake Todd**

**Fairytale Cottage  
Sea Lane  
Hook  
Barwell  
BW4 2PQ**

20 May 2005

Dear Cllr. Rouse

I was disappointed with your handling of my written questions to you as Chairman of Council [sent on 20<sup>th</sup> April 2005]. I do not feel that a response to a serious attack on my character of "I have received written questions but I will not be answering the questions submitted" is acceptable.

You had three weeks to acknowledge my letter and write a response or give me a reasonable explanation for your actions at the Council Meeting on 16<sup>th</sup> May 2005.

I believe that you and your Vice-Chairman visited Mr & Mrs Ogle and made false allegations about me, which you also confirmed to him in writing. At no time did you attempt to contact me in any way for an explanation although you have had endless opportunities to do so.

Mr. Ogle advised me that I am one of an alleged group of seven members making vigorous representation for an application to the Courts for an injunction to be taken out against him to prevent him speaking at Hook Parish Meetings. My understanding is that you and your Vice-Chairman were the ones seeking legal advice about taking out injunctions. Had you bothered to speak to me I could have advised you of the correct procedure to achieve what you were patently trying to do.

I now require a public retraction for your allegations and a written apology from you for the unwarranted harassment by Mr. Ogle that your false allegations have caused me.

I require a reply to this letter within seven days or I will proceed further with this matter, which I take very seriously.

Yours sincerely,



Item 7

## Hook Parish Council

Hook Parish Offices Cardingmill Lane Hook  
Barwell BW5 1PL Tel 467876

Chairman Cllr Dr Jon Rouse Clerk Luca Franchi

(Minute Extract)

Cllr Mrs H proposed that the current internal auditors – Cllrs Rouse and Todd – should continue. This was seconded by Cllr W and carried.

## 018.05c Appointment of Solicitors to the Council

The Chairman proposed that T E continues as the solicitors. This was seconded by Cllr Mrs W and carried.

## 019.05c Reports from the Responsible Financial Officer and Approval of Cheques

A report showing Bank Balances, Receipts and Notes was tabled by the RFO - see Appendix 4. Following a query from Cllr Todd the Chairman proposed that a statement be included in future reports to the effect that "this includes £X ring-fenced money for the allotments". This was seconded by Cllr Mrs Blake Todd and carried.

The RFO presented the list of cheques to be approved – see Appendix 5. Cllr P asked for a key to the Expense Codes. This and other matters would be discussed at the meeting on 23<sup>rd</sup> May. The Clerk was instructed to obtain booking fees from BDC (in hand) and Hook Preservation Society for using the Chamber.

Cllr Mrs H proposed that the report and payments be accepted. This was seconded by Cllr Mrs W and carried.

## 020.05c To approve the 2005/6 Discretionary Grant Application Form and agree the closing date

The Clerk presented a draft form. Changes were agreed and these are included in the amended form at Appendix 6.

The Clerk was instructed to advertise the availability of Grant Forms on the parish notice boards.

## 021.05c To approve the summer / autumn meeting schedule

The Clerk presented a draft form. Changes were agreed and these are included in the amended form at Appendix 7.

## 022.05c Questions to the Chairman or Clerk previously submitted in writing

The Chairman said that he had received letters from 2 Councillors concerning alleged actions of Councillors at an informal meeting. As these letters did not relate to business or decisions taken at Council meetings he would discuss them with the individuals outside this meeting.

.....  
Chairman

.....  
Date



23 May 2005

Cllr Mrs Jean Blake Todd  
Fairytale Cottage  
Hook

Dear Jean,

Thank you for your letters of 14 April and 20 May.

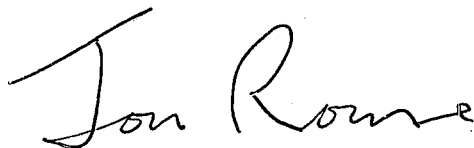
I will not comment on private discussions that may or may not have taken place between Councillors in private, and I am sure that you would not wish to have to disclose all conversations that have taken place between yourself and other Councillors. The same rules must apply to all Councillors without distinction.

The agenda item 'Questions to the Chairman/Clerk' is intended for the dissemination of information about Council Business. There is no such business involved in your letter other than the incorrect implication that I sought legal advice [either on my own or on behalf of the Council] on some matter. I have already made this clear when the accusation was first levelled by the said Mr O and I hereby affirm it again.

I fail to see how making this statement publicly again will assist our electors.

I consider the matter closed.

Yours sincerely,



Dr Jon Rouse

Cc Clerk, Cllr T W.

## CASE F

### LONDON BOROUGH OF WALFORD – COUNCILLOR PAT RIX

#### Summary

The complainant alleges that Councillor Pat Rix has subjected her to unfair treatment on the grounds of religion and race, bullying, victimisation and racial harassment.

It is reported that Councillor Rix was on the interview panel which appointed her, but did not want her for the job and preferred a white woman who did not perform as well as the complainant. It is alleged that Councillor Rix called her a liar when she advised her that a community film had a racist remark in it which would offend and embarrass the complainant. It is reported that Councillor Rix has micromanaged her and set her unrealistic targets to make her look a failure, that she has been publicly humiliated at meetings and verbally abused. She reports that her position as a manager has been undermined, that she has had a meeting with her staff and managers, and been excluded from the meetings.

It is reported that Councillor Rix was unhappy when managers asked the complainant to work on assignments including a petition by the Punjabi Sikh community for a community centre. It is alleged that Councillor Rix tried to stop her being involved in this work, told her that she did not want Pakistanis or Muslims asking for a community centre and made derogatory comments about the various ethnic groups within the Muslim community. The complainant found these remarks offensive as a Pakistani Muslim herself.

The complainant says that her managers failed to manage the situation or to protect her, and that she was unfairly and wrongly dismissed. It is alleged that Councillor Rix has referred to the protocol for officer and member relations as “bollocks” and failed to respond to a questionnaire sent to her under the Race Relations Act.

# complaint form

RU

16 NOV 2006

RECEIVED



If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on **0800 107 2001**.

You can also email them at [newcomplaints@standardsboard.co.uk](mailto:newcomplaints@standardsboard.co.uk)

### Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

RECEIVED  
16 NOV 2006

### ABOUT YOU

title Mr  Ms  Mrs  Miss  Councillor  Other (please specify)

first name **YASMIN** surname **BEGUM**

address **23 AMBLESIDE AVENUE, WALFORD**  
**LONDON** postcode **E 19 8QS**

daytime telephone **0208 8597 4437(H)**

evening telephone

email **y.begum@walford.gov.uk**

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature *[Handwritten Signature]*

date **1 2 1 1 0 6**

### YOUR COMPLAINT

#### Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s  
**COUNCILLOR PAT RIX**

name of their authority/ies  
**LONDON BOROUGH OF WALFORD**

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

Please see attached Complaint and also a copy of the Race Relations Questionnaire that I have sendd Corinther Patricia King. Please note that I have not had a response back as yet.

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

**Confidential**

**Employee Details**

**From:** Yasmin Begum

**Post:** Neighbourhood Management Co-ordinator/Community Engagement Team Leader, London Borough of Walford

**Location:** Old Town Hall, Bournestoke

**Department:** Regeneration Section

**Complaint**

1. **Equalities**

2. I am an Asian Pakistani Muslim Female who has been subjected to less favorable treatment on the grounds of religion and race, bullying, victimization and racial harassment by Councillor Pat Rix.

3. **Bullying, victimization and Harassment on the grounds of religious belief and race**

4. I have been subjected to continuous bullying, victimization and racial harassment since my interview and throughout my employment, and which I have raised with my Line Managers and Head of Service, and which they did nothing about, as the bully, Councillor Pat Rix is an Executive Member of the Council and is in a powerful position. Councillor Rix was on the interview panel, and did not want me selected for the job and preferred a white female, even though I was the best performing candidate. The other panel members did not agree with her, and I was appointed. She has been unhappy with my appointment ever since.

5. She has victimized me and racially harassed me on various occasions since my appointment.

6. I have been constantly picked on. I have been accused of being "a liar" by this bully at a public meeting when I advised her that a community film had racist material and should not be shown in a public meeting. She insisted on the film being shown and complained to my managers. She knew the racist remark in the film would offend and embarrass me. My performance, work assignments and workload, has been unfairly and publicly questioned and I have been blamed without justification. She has treated me unfavorably by "micro-managing" me and setting me unrealistic targets designed to make me look like a failure in front of others. I have been publicly humiliated by this bully at public meetings and verbally abused. My position as a manager has been undermined, and she has had meeting with my staff and managers and excluded me from the meetings.

7. She has been unhappy with me being asked by managers to work, on other assignments, for example on a case involving a petition by the Punjabi Sikh community for a community centre. I am fluent in Punjabi and so was well placed to communicate with the community. However, she deliberately tried to stop me being involved in this work and asked my managers to remove me from the project without justification. She also said to me she did not want the Pakistani or Muslims asking for a community centre and made derogatory comments about the various ethnic groups within the Muslim community. I found her comments offensive as I am a Pakistani Muslim, which she was aware of, and it was inappropriate for her to single out this racial group and religious community.
8. My area of work has been independently reviewed and reported to Members and Chief Officers, where the strategic importance of the work has been recognized. She has been unhappy with the commissioning and recommendations of this review. The review was critical of her.
9. I have raised the bullying, victimization and harassment at meetings with my managers, but they have failed to act and provide me with a safe working environment.
10. The bullying, victimization, manipulation and harassment also influenced and contributed to my unfair and wrongful dismissal. My managers failed to effectively manage the bully to my ultimate detriment, resulting in the less favourable treatment and with me being served with an unfair and wrongful dismissal notice by my managers. The bully has refused to follow the Council's code of conduct or the protocol for Officers and Members referring to the protocol as "bollocks".
11. I have asked the Councillor to respond formally to a number of questions I have asked under the Race Relations Act (RR65), copy attached for ease of reference, but unfortunately I have not received a reply to date.



Ms Yasmin Begum  
23 Ambleside Avenue  
London  
E19 6QS

Reference: CC  
Phone: 020 3201  
Fax: 020 3698  
Minicom: 020 3155  
E-mail: ✓

Date: 19 October 2006

Dear Ms Begum

**Grievance – Treatment by Elected Member.**

I am writing further to my letter of 20 September 2006 and to your e - mail of 9 October 2006.

In order to clarify the position, complaints about a Member which amount to a breach of the Members Code of Conduct need to be referred to the Standards Board for England. Such complaints are outside the scope of the grievance procedure which only applies in respect of employees.

I am sending you the Standards Board for England booklet "How to make a Complaint", which has a form inside for you to complete should you wish to pursue the complaint about the Member.

Yours sincerely

**Parvinder Kaur**  
**Deputy Monitoring Officer**

Yasmin Begum  
23 Ambleside Avenue  
London  
E19 6QS

Mrs Pat Rix  
33 Lordship Lane  
Borough Green  
London E20 4PZ

11<sup>th</sup> November 2006,

Dear Madam,


**Re: Race Relations Questionnaire RR65 – Dated 9<sup>th</sup> October 2006**

I refer to the above which was sent to you by recorded delivery on the above date.

Could you please note, as stated in the guidance attached to the questionnaire, that by virtue of section 65 of the Race Relations Act, the questionnaire and any replies are admissible in proceedings under the Act and a court of Tribunal may draw any such inference as is just and equitable from a failure without reasonable excuse to reply within a reasonable period, or from an evasive or equivocal reply, including an inference that the person questioned has discriminated unlawfully.

I therefore look forward to a full reply as originally requested.

Yours faithfully,

  
Yasmin Begum



THE RACE RELATIONS ACT 1976 SECTION 65(1)(a)

QUESTIONNAIRE OF PERSON AGGRIEVED (THE COMPLAINANT)

Name of person to be questioned (the respondent )

To: Patricia Rix

Address

Of: 33 Lordship Lane Borough Green London E20 4PZ

Name of complainant

I Yasmin Begum

Address

Of: 23 Ambleside Avenue London E19 6QS

consider that you may have discriminated against me contrary to the Race Relations Act 1976.

Give date, approximate time, place and factual description of the treatment received and of the circumstances leading up to the treatment (see paragraph 10 of the guidance)

2 On

*please see attached Grievance Statement dated the 11<sup>th</sup> Sept 2016.*

Complete if you wish to give reasons, otherwise delete the word "because" (see paragraphs 11 and 12 of the guidance)

3 I consider that this treatment may have been unlawful ~~because~~

This is the first of your questions to the respondent. You are advised not to alter it

4 Do you agree that the statement in paragraph 2 is an accurate description of what happened? If not in what respect do you disagree or what is your version of what happened?

This is the second of you against me? your questions to the respondent. You are advised not to alter it.

Enter here any other questions you wish to ask (see paragraphs 13-15 of the guidance)

\*Delete as appropriate above is if you delete the first alternative, insert the address to which you want the reply to be sent

5 Do you accept that your treatment of me was unlawful discrimination by

If not

- a why not?
- b for what reason did I receive the treatment accorded to me? and
- c how far did considerations of colour, race, nationality (including citizenship) or ethnic or national origins affect your treatment of me?

<sup>6</sup> please see attached list of questions that need to be answered by you.

7 My address for any reply you may wish to give to the questions raised

\*that set out in paragraph 1 above/the following address

See paragraph 16  
of the guidance

Signature of complainant .

*Gemma Bigney*

Date .....

*9th October 2006*

NB By virtue of section 65 of the Act, this questionnaire and any reply are (subject to the provisions of the section) admissible in proceedings under the Act and a court or tribunal may draw any such inference as is just and equitable from a failure without reasonable excuse to reply within a reasonable period, or from an evasive or equivocal reply, including an inference that the person questioned has discriminated unlawfully

**QUESTIONS UNDER THE RACE RELATIONS ACT 1976**

**YOU ARE UNDER A LEGAL OBLIGATION TO ANSWER THESE QUESTIONS**

**EMPLOYEE: \_\_\_\_\_**

**Please provide the following information and answers to the questions in electronic format on a CD and a hardcopy:**

**TO: Valerie Rush**

1. Please explain why you were on the interview panel for the selection of the Neighbourhood Co-ordinator and who agreed this?
2. Please explain your reasons why you wanted the officers at the interview to offer the position of Neighbourhood Co-ordinator to S. \_\_\_\_\_ and not to me?
3. Please explain why you did not introduce me and welcome me to my first Neighbourhood Management Partnership Board meeting on the 14<sup>th</sup> December 2004, which you chaired.
4. Please explain why you did not hold the partnership board accountable for service delivery rather than focus on me?
5. Please explain what concerns you had over my performance, and what action you took?
6. Please explain why you instructed me to read out my reports at each partnership board meeting and then persistently interrupted and rudely question me in front of other members causing me embarrassment
7. Please state why you set unrealistic timescales and targets for me to achieve tasks?
8. Please explain what discussions you had with my managers J. \_\_\_\_\_ and B. \_\_\_\_\_ on my workplan or targets or performance and why?
9. Please state why you bullied me to write to the Chair of the \_\_\_\_\_ Network group asking her to resign from her position?
10. Please state why you pointed your finger at me across the table on the 7<sup>th</sup> August 2006 at the Neighbourhood Management Partnership Board meeting and you said "this is all your ( \_\_\_\_\_ ) fault for the mess we are in" in a rude, condescending and bullying manner to me.
11. Please explain why you have never appraised or acknowledged my work or achievements to the NMPB or at the quarterly meetings with my line managers.
12. Please explain why it was difficult for you to say thank you to me for the good work I did or was involved in at any Neighbourhood Management board meetings?
13. Please state why on the 7<sup>th</sup> August 06, you thanked K. \_\_\_\_\_ and L. \_\_\_\_\_ for their efforts on the community film, but did you not thank me?
14. Please explain why again on the launch of the community film on the 13<sup>th</sup> September 2006, you said "I would like to thank 2 officers; K. \_\_\_\_\_ Vasa and L. \_\_\_\_\_ and members of the NMPB" and why did you not include me in your thanks.
15. Please explain why you called me a liar in at the NMPB on the 6<sup>th</sup> March 2006, when I explained to you that the community film contained offensive remarks?

16. Please explain what you meant when you said to me "what have you been up to" when you met me and my manager B and J on 19<sup>th</sup> June 2006
17. Please explain why you spoke to me in a high pitched, raised tone and scolding voice, as if telling a child off like a child at each board meeting with me?
18. Please explain why you picked holes in my reports to the NMPB, even though I had briefed you prior to the board meetings?
19. Please state why you at the NMPB meeting of the 7<sup>th</sup> August 2006 singled out the Muslim community for your comments knowing that I was a Muslim?
20. Please state why you were unhappy with me dealing with the Sikh Punjabi petition?
21. Please explain why you were opposed to and do not want Black Ethnic Minorities groups to have accommodating on the G ward and also why you are against the K site being used to re-house existing groups, please explain why you are opposed to these groups? Please explain your role on the Planning Committee and why you opposed their application?
22. Why did you at the Sure Start Partnership Board on the 1<sup>st</sup> December 2005, say "The council is under no obligation to pay any redundancy to staff on temporary contracts, we just give notice and ask people to leave" and then look straight at me and smirk?
23. Please explain why you think I should be dismissed?
24. What was your role in my dismissal?
25. Please state what you discussed with J when I was asked to leave the room on the 19<sup>th</sup> June 2006.
26. What aspects of the Draft Neighbourhood Management Review report February 2006 for NMAGT and Final Review Report of both pilots 'An Overview and Learning for the Borough dated June 2006 did you not like and please outline reasons why
27. Please state what was discussed at your 45 minute meeting with K on the 31<sup>st</sup> July 2006.
28. Please confirm why you stated to K at the above meeting that "The Chief Executive had received the reviews was now looking at the Neighbourhood Management and its going to be taking off big time".
29. Please explain why you said to K that she was to have a role in the new work but I was not to?
30. Please state why did you not consider it appropriate to ask or seek my permission as Line Manager of K, my staff member, prior to having the meeting with her?
31. Please state why you said "bollocks to the protocol" to K when she informed you on the telephone that there was a Member and Officer protocol in place on the 19<sup>th</sup> July 2006
32. Please state why you gave instructions to J on your meeting with him on the 14<sup>th</sup> August 2006, "to kill off the Neighbourhood Management Partnership Board" which was due to meet on the 2<sup>nd</sup> October 2006?
33. Please state what your role on the Personnel Board? How many dismissals have you dealt with or comment upon on the Board. Please provide details of all your decisions.
34. Have you been involved in any previous or current Employment Tribunals cases? If so please explain your role and the outcome or issue.
35. Please provide details of all complaints against you, current and previous.

36. Please provide electronic copies of all your e-mails to K. J., J. D., K., HR sent or received concerning Neighbourhood Management, Community Engagement, Community Development Trusts, Personnel Board, Re-organisations or Restructuring, staff employment or dismissals.
37. Please provide a copy of your .pst file from your computer

## CASE G

### SCAWTHORPE BOROUGH COUNCIL - COUNCILLOR LEE KREUZ

#### Summary

The complainant is the clerk to Nith parish council. He refers to a meeting of the council on 19 September 2006 where members discussed financial irregularities arising from the alleged misconduct of the council's groundsmen. It is reported that Councillor Kreuz, the local member of the borough council, attended the open part of the meeting but left with the public before the closed part where this matter was discussed.

It is alleged that a member of the parish council gave Councillor Kreuz a confidential note, which he then showed to the groundsmen two days later. It is also alleged that he told them that they had been the main topic of discussion at the meeting, giving them the impression that he had been present, the matter had been discussed in public, and that the clerk had accused them of stealing money.

It is reported that the note had the top of the page folded over, which one member of staff believed was to conceal a fax number. It is also alleged that he doctored a note headed "To all Parish Council Staff", cutting off the heading to make it look as if it only applied to the staff at the park.

The complainant adds that it is common knowledge that Councillor Kreuz intends to stand for the parish council.

Millennium Hall Main Street  
Nith-upon-Brierley Moor  
Scawthorpe SP10 5AW Tel 467876

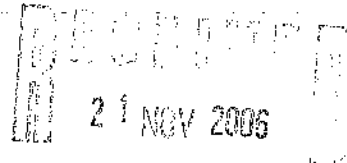
Chair Cllr Alison Stainsby Clerk Frank Law

cc. POC Brown



16<sup>th</sup> November 2006

The Standards Board for England  
1st Floor, Cottons Centre  
Cottons Lane  
London SE1 2QG  
United Kingdom



Dear Sirs

For the attention of  
Paul Hoey

**New Referral**

**Councillor Lee Kreuz, Scawthorpe Borough Councillor**

I write to complain about the behaviour of Scawthorpe Borough Councillor, Kreuz for the reasons given below. He was given confidential Nith Parish Council information (by a Nith Parish Councillor) and used it to try to put myself, the Clerk and line manager of these staff in a bad light and to damage the working relationship I have with my staff, thus failing to show me respect and putting me at a disadvantage.

He also failed to show my grounds men, William G. and Thomas L. proper respect and, in putting to them a completely false version of events, looked to cause them unfounded personal concern about their reputations and job security. It is little secret that Borough Councillor K. intends to stand for the Parish Council next May and the false information he gave, plus the possibility that this man may have been one of their 'bosses' next year was calculated to upset them.

In doing what he did in such a premeditated way he has also brought his Borough Council into disrepute.

**Councillor – Nith Parish Council**

The information which Councillor K. possessed can only have been supplied to him by a Parish Councillor. If in the course of this investigation Mr K. reveals who gave it to him then I would ask that that Councillor be subject to the process as well. Twice already this year, two Strictly Private and Confidential letters to the Council from its auditors have found their way into the press; on the second occasion a letter was quoted verbatim by the Vice Chairman of the Residents and Tenants Association, Mr Green. The Chairman of that Association is former Councillor David W., whose wife is a serving Councillor on Nith Parish Council!

During the period that these confidential matters have been leaked, Nith Parish Council has been the subject of a Standards Board Direction meant to address its



problems via the media of training, counselling and mentoring. It seems some Councillors have treated this period as 'open season' on ~~NW~~ Parish Council and its staff, in an attempt to secure an advantage for themselves.

The facts:

- On 19<sup>th</sup> September 2006, ~~NW~~ Parish Council discussed two confidential items after a resolution to exclude the public and press.
- The first of these related to a staffing matter, details of which are covered in the attached minute of the meeting.
- Two days later, ~~Seawick~~ Borough Councillor, ~~Lee Kreuz~~ was in possession of the confidential note to Parish Councillors and showed part of it to two of the Parish Council staff (Mr G and Mr L), saying that:
  1. the matter concerned had been discussed in the presence of the public;
  2. he had been there when the issue had been discussed
  3. during the discussion, the Clerk to the Parish Council (myself) had accused both staff members of fraud and theft.
- When he showed them his 'evidence' (the copy of the note that had been handed to Councillors of the Parish Council at the meeting) he had the top of the page folded over and would not let it go when he showed it to them. Mr G believed that the page was a 'fax' copy and that the page was folded over to hide the senders fax number. The photocopy he subsequently supplied gave this impression. Perhaps his own fax records could be checked. Certainly a comparison of the original notes to those handed to the staff give a strong impression of emanating from a fax.
- Mr K said that he could not let them keep the paper he had, but promised to return later that day with a photocopy. It was the next day that he returned and handed over a copy of the note, which had been doctored, in that the heading 'To all Parish Council Staff' had been cut off to make as though the note concerned only the staff at our Park (the Russell Playing Fields) and not all staff as the original note shows.

The two men remain very upset at the interference from Mr K

When the receipts discussed in the note to Council went missing both staff offered to put their hands in their pockets to cover the shortfall. I told them this was not required and that I would ask Council to ratify the situation, but that, having told them on more occasions than enough that their practice of taking tennis money for fuel for the mowers and submitting net takings plus a receipt was not acceptable, that any further occurrences would be the subject of disciplinary action. This they accepted as reasonable.

Mr K intervention therefore gave rise to a belief in their minds that I had said one thing to them and another to Councillors; it suggested to them that the alleged

R

accusations were in a wider domain than just the Council Chamber, and therefore undermined a good working relationship that exists in the Parish Council between Clerk and staff and gave them feelings that perhaps they could not trust their line manager.

I have personally invested much time in working with staff at the Parish Council since I became Clerk, to the benefit of the Parish in many ways. To have my work challenged in this way by a Borough Councillor is disappointing to me yet manageable; I am degree educated, have held senior Posts in major organisations and have had to live with this sort of harassment in [redacted] for some time.

However my staff are typical working men, not on the highest salaries and both in their late fifties. They work as hard as they are able for the Council. To be dragged in to a battle not of their making, and given the impression that they have been called thieves by their own line manager is disgraceful. They do not deserve to be abused by Parish and Borough Councillors in this way, in pursuit of selfish political aspirations and a vendetta against the Clerk to the Council.

I would mention that when I was told about Mr K [redacted] on 21<sup>st</sup> September I asked for both Groundsmen to come to my office to give them assurances that what they had been told was not the case. I asked them to go through what had been said.

Mr Lionel T [redacted], Regional Adviser to the Society of Local Council Clerks and our internal auditor was present that day and will confirm what was said at the time.

Mr K [redacted] was obviously given the confidential papers by a Parish Councillor; he clearly had time to think about what he was going to say to the Parish Council staff before he did it and in travelling to the Playing Fields, he also had time to reflect on what he was going to do and why he was going to do it.

He knew he was going to lie, for whilst he had been at the meeting at which the staffing item was later discussed, he had left immediately the resolution to exclude the public and press was passed. To tell them it was discussed in public was also a lie. Having been previously found guilty of bringing his office as councillor of [redacted] Borough Council into disrepute and failing to treat others with respect, he is well aware of the Code of Conduct which governs the standards of behaviour expected of him.

I ask that the Standards Board investigate the actions of Councillor Kreuz. He has behaved disreputably and in a pre meditated manner and also brought ~~Scawthorpe~~ Borough Council into disrepute. Arguably he has tarnished ~~Nith~~ Parish Council by giving two of its staff the impression that the Council's Chief Officer, was accusing his staff publicly of theft.

I should also ask the Standards Board to investigate whichever [redacted] Parish Councillor leaked the confidential memo to Mr K [redacted]. If this man is serious about

his Council role he should answer truthfully the question and the Parish Councillor he names should be subject to their Code also.

Yours faithfully

Frank Law  
Clerk to the Council.

Appendices

1. Summary of staffing issue not handed to Councillors at the September 19<sup>th</sup> meeting until after the public had left. (1 page)
2. The proposed Notice to be handed to all staff if the Council meeting approved it. (1 page)
3. Actual minute of the Council meeting -- **Confidential** section from 19<sup>th</sup> September meeting (1page)
4. Notes written out by Mr L and Mr G the following morning detailing events and their feelings. (2 pages)
5. Copy of the summary note given to Mr G by Councillor K, with the header removed. (1 page)
6. Copy of the proposed Notice to staff handed over by Mr K, again doctored. (1 page)
7. My own note written later that afternoon. (1 page)

North Parish Council

Staff Item 1

A recent accounting of bowls and tennis money at the Russell revealed the total to be £30 short. At the same time there was only one petrol receipt totalling £8 for a near four week period. Analysis of the previous period shows that in summer the average petrol use is £10/£15 per week.

It is clear that petrol receipts have been lost. This is despite numerous demands from myself over the last three years that petty cash for petrol be collected from this office, not taken from bowls or tennis money. The habit dies down after each warning only to flare up again. Typically when getting cash plus petrol receipts in the past I have 'had a word', entered the takings gross and added petty cash to the net cash for banking and accounting purposes.

I have spoken with the internal auditor as to the best way forward regarding the shortfall. He suggests that if statistically we are convinced that the shortfall can only be due to missing receipts, and that we trust the men, then we could obtain a statement to the effect that petrol was purchased and the receipts lost, from both the staff concerned.

The second step is an obvious one and the warning overleaf has been handed to both staff and will be maintained in the takings record file at the Russell. It effectively makes any future diversion of takings to purchases, a disciplinary offence.

I ask that Council accept a statement from the Ground staff regarding the missing petrol receipts and that Council confirms the stance regarding future treatment of recurrences.

To all Nith Parish Council staff

**NOTICE**

I have for three years now been insisting that no cash takings be diverted for purchasing of petrol or other supplies.

This is for your own protection as much as for the safety of the Councils money and the following of proper accounting procedures.

It seems that little heed is paid to this requirement as evidenced by the recent potential cash shortage.

**If I discover again that any money whatever has been used from any cash receipts to fund petrol or other purchases, then the person or persons responsible will face disciplinary action.**

**I have spoken with the Chairman on this and it will be brought before the Council for confirmation. I regard it as wilful misconduct for my instructions to be so regularly, flagrantly, and needlessly disregarded. As the recent shortfall indicated, lost petrol receipts do happen. When that happens as a result of the wilful ignoring of instructions it will not be tolerated.**

Frank Law  
Clerk

NITH PARISH COUNCILMinutes of the Parish Council MeetingHeld on Tuesday 19<sup>th</sup> September 2006CONFIDENTIAL – ITEMS85/06aStaffing

After the public and press left, Councillors were handed a note from the Clerk detailing a problem arising with staff and the use of bowls and tennis money for petrol purchases. The Clerk assured Councillors that it was clear beyond reasonable doubt that the staff had used some money which appeared to be missing, for fuel for the mowers, and then mislaid the receipts. The Clerk said he had on numerous occasions over the years told staff that under no circumstances should this be done it was clear that with petrol of only £8 bought in August for all the Parish Council sites that there were some fuel purchase invoices missing.

**Councillors resolved** that the Council would accept written assurances from the staff concerned that this was what had happened to the money (£30), but that there would be a note circulated to all staff advising that should there be any further recurrence of this often repeated requirement, then disciplinary action would follow.

(11/1)

85/06bPublic Interest Report 2002-2004 Audits

Councillors debated the report from Hacker Young. Mrs W read a statement signed by the five independent councillors asking that the Council approve the submission of this to Hacker Young for inclusion in the report. This was not agreed by the meeting.

The Clerk suggested that whilst many of the conclusions reached by the report could be accepted by the Council, contrary to the reports' conclusion on records maintenance figures were maintained by him at all times. Further, aside from issues as detailed in 85/06a (2006/2007) the suggestion that cash receipts used for petty cash by the Clerks office did not feature in the accounts and nor did matching expenditure, was wrong. As UHY Hacker Young were still in possession of the papers, this could not officially be disproven, but the Clerk adopted systems in June 2003 which were operated by the previous Clerk

Several Councillors stressed the need to move on and recognise the very positive conclusions coming out of the report,

Tom and myself were working at the main entrance to the park, when we were approached by Councillor Kreuz. He proceeded to tell us that we were the main topic of conversation at the Council meeting. He inferred that we had "Had our hands in the till" to coin a phrase regarding the £30 that fell in the tennis money. As you can imagine Tom and I were upset by this, and no doubt it got a reaction that Mr Kreuz expected.

However on reflection I realised there was more to this. Lee offered to show us the letter, which he duly did after about 10 to 15 minutes later. He returned in his car and I told him I would like to keep it to have it photocopied. He said he would do this and return the copies to the park before Tom looked in at 7:30pm. This never happened as apparently I was at a Borough Council meeting. I feel the letter I looked at had been "doctored" to appear that it only concerned Tom and myself and not as it has turned out directed to all members of staff.

SIGNED

SINCE I HAVE WORKED THE COUNCIL  
I HAVE NEVER BEEN SPOKEN TO LIKE THIS  
ESPECIALLY BY A BOROUGH COUNCILLOR, REALLY  
UPSETTING TO THE POINT WHERE BOTH  
BILL & I THOUGHT OUR JOBS WERE ON THE  
LINE.

Mr Lee

As an afterthought Lee did say  
that he would be coming to see  
us on the park as yet he has not  
appeared

Bill



Staff Item 1

A recent accounting of bowls and tennis money at the Russell revealed the total to be £30 short. At the same time there was only one petrol receipt totalling £8 for a near four week period. Analysis of the previous period shows that in summer the average petrol use is £10/£15 per week.

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I have spoken with the internal auditor as to the best way forward regarding the shortfall. He suggests that if statistically we are convinced that the shortfall can only be due to missing receipts, and that we trust the men, then we could obtain a statement to the effect that petrol was purchased and the receipts lost, from both the staff concerned.

The second step is an obvious one and the warning overleaf has been handed to both staff and will be maintained in the takings record file at the Russell. It effectively makes any future diversion of takings to purchases, a disciplinary offence.

I ask that Council accept a statement from the Ground staff regarding the missing petrol receipts and that Council confirms the stance regarding future treatment of recurrences.

Frank Law

**NOTICE**

I have for three years now been insisting that no cash takings be diverted for purchasing of petrol or other supplies.

This is for your own protection as much as for the safety of the Councils money and the following of proper accounting procedures.

It seems that little heed is paid to this requirement as evidenced by the recent potential cash shortage.

If I discover again that any money whatever has been used from any cash receipts to fund petrol or other purchases, then the person or persons responsible will face disciplinary action.

I have spoken with the Chairman on this and it will be brought before the Council for confirmation. I regard it as wilful misconduct for my instructions to be so regularly, flagrantly, and needlessly disregarded. As the recent shortfall indicated, lost petrol receipts do happen. When that happens as a result of the wilful ignoring of instructions it will not be tolerated.

Frank Law  
Clerk

I was approached by my assistant this afternoon to say that the ground staff were very upset after an approach to them by Borough Councillor, Lee Kreuz, who had with him a Parish Council confidential agenda item from the meeting on Tuesday night.

The first item after Exclusion of Public and Press was regarding a potential petty cash shortfall, occasioned by the loss of some petrol receipts. I wanted Council to agree that I could accept a signed statement from the staff that this was what had happened, thus regularising my petty cash account, and to agree the notice to all staff that any recurrence would lead to disciplinary action.

Borough Councillor K was at the main part of the meeting but left with all others as the Exclusion of public and press motion was approved. The council was both considering this staff item and the draft ~Public Interest Report submitted by Hacker Young.

He told Mr G and Mr L that they were the main topic of conversation at the meeting with a very great emphasis on them both being responsible and the very strong inference that I had accused them of stealing the money. Mr K also gave them the impression he had been there for the discussion.

They said Councillor K indicated that Parish Councillor, Tony J. may be coming along also to tell them what had gone on. I understand my staff asked for the piece of paper but that Mr K was very reluctant to let it go, instead promising to return later in the day with a copy. They did say Mr K mentioned going to a Council meeting at later but that he promised Mr L he would be back before 7.30, having asked Mr L what time he finished work.

Mr G, having seen the copies of the papers put to the Council then stated that the copy in Mr K's possession had been altered in that the words 'To all Parish Council staff' had been deleted. He said that this made it seem very much like it was directed solely at himself and Mr L and that as a consequence Mr K account to them, delivered as though it was first hand and that Mr K had been there, was true. Mr G also said that he thought that the paper in Mr K's hands looked as though it were from a fax.

Mr L added that he felt as though Mr K and those who had provided him with this information were getting at them as a way of getting at the Clerk and the Council. He personally wanted only to come to work, do his job and go home.

This discussion took place in the presence of Lionel T who was attending my office for the purpose of the internal audit. I asked Lionel to underline the importance of correctly dealing with cash receipts which he did after I had shown them both the original version of the papers that went to Council.

21 September 2006

## CASE H

### WESSEX COUNCIL - COUNCILLOR DOUGLAS

#### Summary

The East Wessex Community Area Forum covers three wards of the borough: Whapton, Box and Friary. The complainant is a Progressive councillor for Whapton and he and two other Progressives won the ward from Labour in 2004. The council is Labour-run: Councillor Douglas is deputy leader and also chairman of the area forum, which has the power to spend the Housing Investment Programme (HIP) monies allocated to it. Part of the allocation is budgeted to replace old wooden doors on council houses with PVCu doors.

The Progressive councillors for Whapton asked repeatedly for HIP funding for their ward. Each time they were told that it had already been committed for new doors in Councillor Douglas's ward (Box), and the vice-chairman's ward (Friary) with nothing for Whapton, even though there was a street there where doors were in urgent need of replacement (June Avenue). The complainant discovered that the chairman and vice-chairman of the forum have private business meetings in advance of the public forum. The complainant also discovered that Councillor Douglas had allegedly arranged matters so that all the spend on the new doors went to his ward.

It is alleged that at such a business meeting on 24 June 2005, Councillor Douglas and the vice-chairman privately approved the allocation of £14,404 to June Avenue. One of the defeated Whapton Labour councillors, who the complainant says plans to stand again in 2006 and is a friend of Councillor Douglas, then organised a petition along June Avenue asking the council to consider installing new doors. This was presented to the council by a resident on 29 June 2005 and then received by Councillor Douglas at a press call in advance of the formal meeting of the forum. The complainant believes that Labour has orchestrated the petition in the knowledge that the money had already been agreed. The complainant also believes that Councillor Douglas has used and abused his position as chairman of the forum, deputy leader, and as a member of the standards committee to manipulate the allocation of funding to his political advantage. The former Whapton councillor subsequently wrote to the newspaper to take credit for the decision and to criticise the Progressive councillors in Whapton Ward.

RU

12 AUG 2005

RECEIVED

ATTACHMENTS

RECEIVED  
12 AUG 2005

Letter of Complaint

1. Community Area Forum Agenda for 7<sup>th</sup> July 2005
  - Item 4. The petition from the residents
  - Item 8. allocation of finance for UPVC doors for ~~June~~ Avenue confirmed.
2. Copy of petition submitted by hand by Councilor ~~Douglas~~ on 29<sup>th</sup> June 2005
3. Copy of the picture, and report from the local newspaper
4. Section of CAF report showing nil finance for uPVC doors and Decent Homes
5. Appendix 2 Shows the scheme, and the cost which was agreed at the meeting
6. Press cuttings resulting from the allocation of finance to ~~June~~ Avenue

Councillor Darren Smith  
11A Marchmont Court  
Whapton Estate  
Wessex WE16 3TR

Dear Sir,

I am a member of the Progressive Group on Wessex Council, and a member of the Standards Committee.

I am deeply concerned at methods adopted by Councillor Douglas (Deputy Leader of the Council and a member of the Standards Committee) and his questionable allocation of Community Area Forum Finances. They appear biased and manipulative in promoting the Labour Party interests in the East Wessex Community Area Forum at the expense of the Progressive opposition, to an extent that I believe them to transcend ethical standards.

The June elections two other Progressives and I were elected to the three contested seats in the Whapton Ward displacing the former Labour representatives, Mr Lear, Mrs Delon and Mr Demetrios.

Mr Lear is an ambitious and dedicated Labour supporter, a prospective Labour candidate for the local elections in May 2006, and friend of the chairman of East Wessex Community Area Forum, Councillor Douglas.

After the June 2004 elections the East Wessex Community Area Forum was set up. My colleagues and I, as Progressives Councillors, became part of the East Wessex Community Area Forum, comprising of Whapton, Box and Friary Wards.

Acting on behalf of the residents we represent, we applied for Housing Improvement Programme finance to complete the work of programmes already started, which included the replacement of UPVC doors and windows in the area known as East Avenue. We were repeatedly informed that no money was available for those schemes as all the finance had already been allocated to Friary and Box Wards.

This situation has continued to date. Having publicly been accused of doing nothing for our ward, despite assertions there was no finance available, we were at a loss to know how these finances were being distributed and thus preventing us from carrying out work as Councillors for the benefit of the residents in our ward.

A chance remark by another Councillor that the Chairman (Councillor Douglas) and Vice Chairman (Councillor O'Sullivan) met on a regular basis, to determine the agenda of business and finance allocations, to be presented at the next Community Area Forum, which is held fourteen days after the business meeting.

The disclosure gave me cause of concern and prompted me to question the reason why no financial support was coming through for the Whapton Ward. On investigation it became clear that the chairman was totally biased against the Progressive Ward Councillors and his ability to direct finances in the CAF was reflected in the financial isolation of the ward.

Further enquiries revealed that since our election in 2004 the finance allocated to the Area Management Initiative for the Whapton Ward had been re-allocated at a business meeting, with instructions from the deputy leader, Cllr Douglas, that finance be re-allocated to the improvement of his Box ward in August Road and July Road Area. An officer in the Highways Department conveyed this information to me.

June Avenue and the immediate vicinity are in dire need of renovation. My two colleagues and I have, over months, requested finance for the completion of the UPVC doors programme. This request has been rejected, with the assertion that there was no money available.

At their business meeting on Friday 24<sup>th</sup> June 2005 the Chairman, Councillor Douglas and Vice Chairman were the only people privy to their decision of allowing £14,404 to go to the June Ave area for the completion of the UPVC doors programme.

That decision became an item on the agenda for the full CAF meeting to be held on the 7<sup>th</sup> July 2005 having been endorsed by the Chairman, Councillor Douglas.

On Wednesday 29<sup>th</sup> June the council received by hand a petition from Councillor Douglas requesting the council to consider the installation of UPVC front doors in June Avenue, to which he was already privy to, and had already agreed on Friday 24<sup>th</sup> June 2005.

This petition had been organised by his friend and colleague Mr Lear the prospective candidate for the Whapton Ward in 2006.

On the 7<sup>th</sup> July 2005, in the certain knowledge that the money had already been allocated, and prior to the full CAF meeting, Councillor Douglas was photographed, by a pre-arranged press photographer, recording the event of him receiving the petition that he had delivered to the council on 29<sup>th</sup> June 2005. It is the first occasion ever known in the council for a petition to be received and acted upon at the same meeting.

This arranged picture shows the presentation of the petition by a resident, which the Chairman's colleague Mr Lear in the background.

As a result of this manipulative scheming my organisation was put into a position of ridicule, enabling Councillor Douglas and his social and political friend Mr Lear to claim in the local newspaper that we had ineffectual and negligent in looking after the interests of our constituents.

I believe that Councillor Douglas, being aware of the situation, used his inside knowledge and dishonourably abused his position as the Chairman of the East Wessex Community Area Forum, his position has a totally disregard to the standards required of him.

I have been reluctant to pursue the procedure laid down to by the Standards Board, but feel I have no alternative in attempting to bring into the open what I perceive to be the gross abuse of confidentiality, and an over zealous exercise of political exploitation, the combination of which has prevented my colleagues and I exercising our discretion as Councillors to assist the residents we represent.

I therefore respectfully request you investigate the actions and consequences of this Councillor's behaviour, and thoroughly examine what I believe to be a serious breach of the standards now expected in local government.

Yours faithfully,



Councillor Darren Smith  
Progressive Councillor  
Whapton Ward  
Wessex Council

Standards Board of England  
1<sup>st</sup> Floor, Cottons Centre  
Cottons Lane  
LONDON  
SE1 1QG



East Wessex Community Area Forum  
Thursday, 7 July 2005

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# Agenda

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|   | Notes |
|---|-------|
| 1. Declarations of Interest                                     | ..... |
| 2. Minutes of 26 May and 3 June 2005                            | ..... |
| 3. Police and Community Safety Report                           | ..... |
| 4. Petition from residents of <i>June</i> Avenue                | ..... |
| 5. <del>East Wessex</del> Community Area Profile                | ..... |
| 6. Do Your Bit – Presentation                                   | ..... |
| 7. Community Area Forum Grant Budget                            | ..... |
| 8. Housing and Construction Related Services Information Report | ..... |
| 9. Work Programme for the Forum                                 | ..... |
| 10. Chairman's Urgent Items                                     | ..... |
| 11. Dates of Future Meetings                                    | ..... |

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# East Wessex Community Area Forum Minutes

## 7 July 2005

Present: Councillors: Douglas (Chairman), Bird, Butterfield,  
Iqbal, O'Sullivan, Outram, Ranns, Smith, Witherden

Mike Milligan, Community & Voluntary Sector Representative

Inspector Torney

Jack Spencer (Head of Streetscape), Diana Lodge (Community Safety Officer), Martin Naismith (Neighbourhood Manager), Gloria Coffin (Information Team Leader), Harvinder Singh Marway (Sustainable Design Manager), Asha Bhoose (Democratic Support Officer)

8 Members of the Public in attendance

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### 1. Minutes of the meetings held on 26 May and 3 June 2005

Agreed: That the minutes of the meetings of the Forum held on the 26 May and 3 June 2005 be confirmed as a true record subject to the following amendments: -

#### **3 June 2005 - Attendance:**

Present: Cllr Outram

Absent: Cllr Iqbal

#### **3 June 2005 – Item 2 ‘Housing Investment Programme’:**

Agreed: That Meltonian Road wall to encompass flats - £27,751 – with half, £13,875.50 to be funded from this years budget and the remaining half to be funded from next years budget.

#### **3 June 2005 – Item 3 ‘Community Area Forum Grant Budget 2005/2006’:**

Agreed: That Snowdon House Residential Home was awarded a grant of £300 towards a Christmas party.

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## 2. Matters arising from the minutes

Members requested that the remainder of the Box Park grass verges be looked at for replacement with block paving. The poor conditions of the grass verges on School Approach were also highlighted to the Forum. The Chair requested that the Sustainable Design Manager look into these issues.

Agreed: That the Executive Director Neighbourhood Services investigates the conditions of The Box Park Approach grass verges.

## 3. Police and Community Safety Multi-Agency Problem Solving Report

Submitted: Report of North Mercia Police.

Inspector Torney reported on the activities of the police in the Forum area and responded to questions arising from the report.

The police and the Council continued to work together to target anti social behaviour on the Whapton Hill Estate. It was noted that a search warrant had resulted in an arrest for the possession of drugs.

It was reported that 2 arrests had been made, for criminal damage, in the Friary Park area. It was noted that one motorcycle had been seized following warnings to the owner. The dangers for both the public and police in relation to off road motorcycles in the Friary Park area were once again highlighted.

All schools within the Borough are to be visited by the police and all valuable property was to be marked with Smart Water.

Members of the Forum were informed that 142 disorder letters had been distributed in the area and 97 litres of alcohol had been seized.

The Community Safety Officer provided an update on the Multi-Agency Problem Solving Group, the issues covered included:

- Kingsway– Monitoring of the area by police was to continue.
  - Gawthrop Close - It was noted that Community Safety was to fund repairs to the fence and further street lighting.
  - Detached Prevention Workers – It was reported that the pilot scheme had come to an end. Evaluations had shown that the
-

presence of Detached Prevention Workers had made a positive impact on the area in which they were deployed.

- Cliff Castle – A community conference had been arranged to deal with complaints from residents regarding young people playing football.
- Box Park Seating – Members were informed that removal of the seat had resulted in youths congregating in other areas of the park near to residential homes. The Detached Youth Worker had been requested to engage these young people in activities to keep them occupied. It was also noted that Police and Police Community Support Officers continued to patrol the area.
- Linden Lane – As a result of complaints from residents, the Community Safety Project Officer has arranged for the path between Cedar Grove and what was Poplar Grove to be fenced off.
- Empty Property in June Avenue – Youths were reported to be entering gardens and causing damage to other properties. This had been brought to the attention of the Community Safety Project Officer and the police were currently patrolling the property at appropriate times.
- August Avenue – The Anti-Social Behaviour Unit (ASB Unit) was to leaflet drop the area in an attempt to deter street parties similar to those that occurred last year.

Members of the Forum reported that since the ball park seating had been removed there had been no complaints received from residents. The Ward Members also requested information on the projects used to engage the young people.

It was reported that the parties in Avenue Victoria were taking place in the rear gardens as opposed to last year when they were in the front gardens. Inspector Thorney was to investigate this issue and an update would be brought back to the Forum.

A Member of the Forum raised concerns over the empty property in June Avenue and it was noted that the Neighbourhood Manager was to investigate this further and keep the Member informed.

Members thanked the police for responding to public concerns with extra patrols in the Whapton Moor area.

Problems with anti social behaviour in Southway Avenue and Kingsway were highlighted and the Sergeant was to pass these concerns on to Inspector Sutton.

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Agreed: (a) That the report is noted; and (b) That the Executive Director Neighbourhood Services investigates the issue of the empty property in June Avenue and informs Councillor Ranns of any progress.

#### **4. Petition from residents of June Avenue, Whapton Moor Estate**

The Lead Petitioner submitted the petition from residents, which requested that consideration be given to the installation of uPVC front doors to the 23 properties in June Avenue.

Agreed: That the petition be accepted.

#### **5. East Wessex Community Area Profile**

Submitted: Report of the Executive Director Corporate Development

The report highlighted some of the key issues facing the communities within the East Wessex area and the detailed East Wessex Community Area Profile was attached.

A Member of the Forum requested that the Whapton Ward Councillors, Chair of the Forum and relevant Housing Officers arranged a meeting to look at the issues surrounding the Whapton Moor area. The Head of Streetscape suggested to the Forum that the Head of Housing attend the next meeting of the Forum to discuss the issues on the estate.

Agreed: (a) That the report be noted; (b) that a meeting be arranged with the Whapton Councillors, Chair of the Forum and Housing Officers to discuss the issues surrounding the Whapton Moor area; and (c) that the Head of Housing be invited to the next meeting of the Community Area Forum.

#### **6. Do Your Bit – Presentation**

Jack Spencer, Head of Streetscape, gave a presentation on the Council's 'Do Your Bit' initiative. The presentation covered the following areas:

- The Litter Problem
  - Do Your Bit – Our Aims
  - Education
-

- Operations
- Enforcement
- Working with the Business Community
- Recognising and Acknowledging Good Practice Engaging with our Community
- Marketing
- When and How will this be Delivered

It was noted that the Council had prosecuted offenders in the past for environment crimes and 750 warning notices had been issued in the Borough.

Members, Residents and Members of the Public were given the opportunity to raise any questions or offer feedback on the presentation.

It was highlighted that the Do Your Bit Campaign was aimed at raising public awareness to the litter problems faced by the Council. The Head of Streetscape explained that there was a need to educate and engage young people in schools and as a result from September 2005 the Streetscape Team was to deliver a presentation to all schools in the Borough.

It was reported that the Council's aim was to engage the public and raise awareness to the problems of environment crimes.

The Chair thanked the Head of Streetscape for the presentation and everyone for their participation in the discussions.

Agreed: That the presentation be noted.

## **7. Community Area Forum Grant Budget 2005/2006**

Submitted: Report of the Executive Director Corporate Development

This report advised the Forum of the Community Area Forum Grant budget to this Community Area Forum, for the full 2005/2006 financial year, which was £53,361. The schemes outlined in Appendix A of the report showed that £50,428 had been allocated to date, leaving an unallocated budget of £2,933.

Members of the Forum queried the costs of £8,500 for the completion of the parking bays programme at Cliff Castle.

A Member of the Forum requested additional funding of £150 for the Box Park Family Fun Day to cover the costs of a barrier and traffic warden for the day.

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Agreed: (a) That the report be noted; (b) that the Executive Director Neighbourhood Services investigates the costs of the parking bays scheme at Cliff Castle and reports back to the Forum; (c) that the additional funding for the Box Park Family Fun Day be agreed by the Chair and Vice-Chair of the Forum once the appropriate grant form had been completed; and (d) that new applications be dealt with as follows in Table 1.

Table 1

Social Schemes

St Attracta's Senior Citizen Club – Christmas Party with entertainment - project cost £525, grant sought £150

That a grant of £150 be awarded.  
Reason: *This scheme represents a worthwhile contribution to the community.*

Whapton URC Toddler Group – Early Learning Slide – project cost £199, grant sought £150

That a grant of £150 be awarded.  
Reason: *This scheme represents a worthwhile contribution to the community.*

**8. Housing and Construction Related Services Information Report**

Submitted: Report of the Executive Director Neighbourhood Services.

This report provided information relating to Housing and Construction Related Services, including stock and status changes, together with details of the Housing Investment Programme (HIP) budget for 2005/2006. The total HIP allocation to the Forum was £681,046, which had been subdivided into three budget headings:

|               | 100% (£) | Committed (£) | Balance (£) |
|---------------|----------|---------------|-------------|
| Discretionary | 99,423   | 68,599        | 30,824      |
| PVCu Doors    | 99,423   | 99,423        | NIL         |
| Decent Homes  | 482,200  | 482,200       | NIL         |

Details of the number of Empty Homes and Right to Buys in the Forum area were submitted for information, as were details of the Friary Park Redevelopment.

A Member of the Forum highlighted the efforts of Ward Members to obtain prices and commencement dates for work to properties in June Avenue, June Close and the remainder of the estate.

SHOWS NO  
MONEY  
AVAILABLE ↘

Members were informed that all houses would be brought up to the Decent Homes Standard by 2010.

Members identified further schemes for the Housing Investment Programme 2005/2006.

Agreed: (a) That the report is noted; and (b) that the proposed schemes be dealt with as follows:

**Organisation**

**Project**

HIP 2005/2006

APPROVAL  
GIVEN ↘

Upvc front doors – June  
Avenue - £14,404.00

This scheme was agreed  
*Reason: To improve security  
at these premises.*

Upvc front doors – Roach  
Court - £12,795

This scheme was agreed  
*Reason: To improve security  
at these premises.*

Fencing – 272 Linkswood  
Gardens - £385.21

This scheme was agreed  
*Reason: To improve security  
at this premises.*

Fencing – 43 Sandringham  
Avenue - £600.00

This scheme was agreed  
*Reason: To improve security  
at this premises.*

**9. Work Programme for the Forum**

Submitted: Report of the Executive Director Resources.

Details of the work programme for the Forum for the current Municipal Year were submitted. Members were invited to add any items to the work programme.

It was highlighted that a report was still to be received on the petition to close Whapton Moor Lane

Agreed: That the draft work programme be noted and amended.



*petition  
received by  
hand from  
Cllr Douglas  
29.6.05*

**W**e the undersigned being Council house tenants of June Avenue, request the Council to consider installing uPVC front doors to our homes.

| Name               | Address     |
|--------------------|-------------|
| KEITH + DEBRA      | June Avenue |
| Kelly              | June Avenue |
| MARGARET           | June AVE.   |
| Maxine             | June Avenue |
| Les                | June Ave    |
| TRACY + KEITH      | June Ave.   |
| DAVID              | June Ave    |
| CARL               | June Ave    |
| <i>[Signature]</i> | June Ave    |
| DEBORAH            | June AVE    |
| JOHN<br>SHARON     | June Ave    |
| <i>[Signature]</i> | June Ave    |
| J.                 | June Avenue |
| N.                 | June AVE.   |
| SAMANTHA           | June AVENUE |
| C.                 | June AVE    |
| K                  | June AVE    |
|                    |             |
|                    |             |
|                    |             |
|                    |             |

# VICTORY IN BATTLE FOR NEW DOORS

**COUNCIL tenants have won their battle for a £15,000 revamp of their homes.**

Half of June Avenue in Wessex received new uPVC doors when Wessex Council undertook a repainting programme because they were beyond repair.

But the rest of the residents were left with old wooden doors.

A petition signed by 20 people was presented to East Wessex community area forum in a bid to rectify the situation.

And it was successful, with councillors agreeing to an estimated spend of between £14,000 and £15,000 to bring the other homes up to scratch.

Lead petitioner Mr Abbott told the forum: "All we are asking is that we are brought in line with the other estates.

"We have a lot of houses which still have the old wooden doors.

"They are the original ones and they are leaking.

"There are 23 doors that still need doing

**By ANGELA**

Chief reporter

to finish it off." He added: "I would also like to thank Mr Pear for his help in putting our petition forward to the council."

Former ward councillor Mr suggested the petition when former constituents asked for his help.

He hit the streets with Wessex MP Emma Smith as a Labour party member and found people were worried about the security of their doors.

"I had a door programme in full swing," said Mr Lear. "The last scheme I had passed was July Avenue on the same estate.

"I didn't get re-elected and it was up to the new councillors to deal with what they wanted to put forward.

"No schemes were put forward from any of the councillors in . . . The residents were told there was no money available for doors this year."

He added: "The houses are some of the oldest in the ward and many of the doors are the originals from 60 years ago."

7<sup>th</sup> July 2004**Housing Investment / Planned Maintenance Programme**

3. The total budget allocation to the Community Area Forums for 2005/2006, to support improvements to Council homes amounts to £2850,000. Individual allocations to each of the Forums are based on the number of Council homes within the areas. In addition to enable the Council to meet our targets for Decent Homes, tenant led schemes and allow the Forum to respond to community issues the budgets for each of the Forums was divided into 3 areas:

- Discretionary
- PVCu Doors
- Decent Homes

4. The Housing Investment Programme total allocation to this Forum is £681,046. This allocation has been sub-divided into the 3 budget headings. This Forum's budgets are:

| Budget Item   | 100% (£) | Committed (£) | Balance (£) |
|---------------|----------|---------------|-------------|
| Discretionary | £99,423  | £76876        | £22547      |
| PVCu Doors    | £99,423  | £99,423       | Nil         |
| Decent Homes  | £482,200 | £482,200      | Nil         |
| Total         | £681046  | £482,200      | £22547      |

SHOWS NO  
MONEY AVAILABLE

5. Appendix 1 lists those schemes within their budget headings previously agreed by the Forum and their progress to date. Appendix 2 lists schemes for consideration.

Management of Empty Homes

6. A Key National Performance Indicator is the number of empty homes. The Council are obliged to monitor and report on the rental loss of empty homes. With this in mind the letting of empty homes is a priority of the Service.

APPENDIX 2

HOUSING INVESTMENT PROGRAMME 2005/2006  
IMPROVEMENT SCHEMES FOR CONSIDERATION

f 3

| Ward | Scheme              | Cost (£) | Date Agreed | Date Ordered | Date Start | Date End | Comment |
|------|---------------------|----------|-------------|--------------|------------|----------|---------|
| EW1  | June Ave upcv doors | £14,404  |             |              |            |          |         |

5

## raise for ex-councillor

MAY I take this opportunity to write on behalf of the residents of ~~June~~ Avenue to thank our former councillor, ~~Lea~~, for all his help during our recent campaign to persuade the council to install UPVC doors to own homes.

Given the fact that ~~Lea~~ is no longer our councillor, he could have turned his back on my request for help, but he didn't.

On behalf of the residents in ~~June~~ Avenue, thanks ~~C. Lea~~

Mr Abbott  
June Avenue,  
EastWessex

**WRITE TO: The Editor**

**Gazette,**

26 July 2004

### Fighting for improvements

IT seems people power has touched a sore point with Mr Smith

I make no apology for helping residents in June Avenue with their fight for new uPVC doors.

However, I do stand by my claims, which the Progressive's proposed in the council chamber, that there should be no monies allocated to local community forums in future years for housing schemes through the Housing Improvement Programme.

This would have meant that across East Wessex, the uPVC door programmes, kitchen renewal schemes and fencing projects would have been cancelled.

While the Labour Council rejected Coun Smith's crack-pot proposal, the residents of Whapton also refused me a mandate to continue the work in improving the council stock.

That was their right and, as a democrat, I respect their decision.

But it is not for the Friary or Box councillors to propose schemes for Whapton their job is to fight for their own patch.

It is Coun Smith's job, along with his worthy brothers Couns and to fight for Harton.

Their inaction has meant that tenants in Whapton will have to wait longer for their improvements. That's not Labour's fault - it's the fault of the Progressive councillors.

Mr Lea  
Wessex

## CASE I

### GREAT NORTON PARISH COUNCIL – COUNCILLOR JAMESON

#### Summary

The complainant refers to a meeting of the parish council on 16 November 2006. It is alleged that when the chairman asked if there was any other business, Councillor Jameson said, "I've got some!", swung round in his chair, directly facing the complainant, and launched into a loud and aggressive verbal attack. It is alleged that he accused the complainant of calling the chairman "undemocratic" at a previous meeting and demanded that she apologise. The complainant subsequently explained in writing that she was accusing the council of being undemocratic, not the chairman, and has apologised to him for the misunderstanding. She also wrote to the chairman of the parish council to complain about Councillor Jameson's alleged treatment of her at the meeting.

It is reported that the next meeting of the parish council, advertised for 21 December 2006 at the village hall, was brought forward to 20 December 2006 at the Lions Club, which precluded the public, including the complainant, from attending. It is alleged that the meeting went into confidential session to discuss the complaint against Councillor Jameson, but that he failed to declare a prejudicial interest in the matter and remained in the meeting that considered a matter affecting him.

The chairman then wrote to the complainant to say that the parish council had found that, "as the alleged incident took place after the parish council meeting had closed, they found that Councillor Jameson was not in breach of any form of misconduct. It was unanimously agreed that no action be taken regarding Councillor Jameson and the matter to be considered closed". They also agreed to ban the public from speaking at future meetings.

6 JAN 2007

# complaint form

RECEIVED

If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on 0800 107 2001.

You can also email them at [newcomplaints@standardsboard.co.uk](mailto:newcomplaints@standardsboard.co.uk)

## Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

## ABOUT YOU

title      Mr      Ms     Mrs      Miss      Councillor      Other (please specify)

first name      Jo

surname      Barlow

address      Chimney Cottage, Great Norton,  
Snelling

postcode      SM4 1TJ

daytime telephone

evening telephone

email

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

date      230107

## YOUR COMPLAINT

### Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

Mr R. Jameson

name of their authority/ies

Great Norton Parish  
Council

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the date and details of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

16-11-06 COUNCILLOR JAMESON BREACHED THE CODE OF CONDUCT BY FAILING TO TREAT A MEMBER OF PUBLIC WITH RESPECT AND IN DOING SO CONDUCTED HIMSELF IN A MANNER LIKELY TO BRING HIS POSITION AND THE PARISH COUNCIL INTO DISREPUTE.  
PLEASE REFER TO SEPARATE SHEET.

20-12-06 COUNCILLOR JAMESON BREACHED THE CODE OF CONDUCT BY FAILING TO WITHDRAW FROM THE MEETING WHEN A MATTER IN WHICH HE HAD A PREJUDICIAL INTEREST WAS DISCUSSED AND SOUGHT IMPROPERLY TO INFLUENCE A DECISION ON THE MATTER.  
PLEASE REFER TO SEPARATE SHEET.

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.



## complaint form

## CONTINUATION

16-11-06 Councillor Jameson breached the Code of Conduct by failing to treat a member of public with respect and in doing so conducted himself in a manner likely to bring his position and the Parish Council into disrepute.

20-12-06 Councillor Jameson breached the Code of Conduct by failing to withdraw from the meeting when a matter in which he had a prejudicial interest was discussed and sought improperly to influence a decision on the matter.

During the November 16<sup>th</sup> Parish Council meeting (Agenda item "Any other Business") the Chairman asked if there was any other business. Councillor Jameson said "I've got some" swung round in his chair so he was directly facing me, within arms length, and launched into a verbal attack shouting at me in a very loud, aggressive manner which made me feel incredibly intimidated, harassed and in fear of my safety. I was so anxious & uncomfortable with his being so close to my face and in an obvious state of anger that I had to stand to make some distance between us for my own safety.

[His outburst was regarding his belief that I had called the Chairman undemocratic during the October Parish Council meeting. This was not true & has been addressed separately and is not covered by this complaint]

I wrote a letter of complaint to the Chairman which is attached for information. In this letter I laid out my complaint and requested that a resolution be sought at local level.

On December 20<sup>th</sup> the Parish Council held another meeting, this should have taken place in the Village Hall on the 21<sup>st</sup> as stated during the November meeting but the date and venue was changed without the statutory notice having been given thus precluding myself and other members of the public from attending.

At this meeting my letter of complaint was discussed and the Parish Council made a resolution that a response be sent to me.

Councillor Jameson did not declare a prejudicial interest, did not leave the room and participated in the deliberations and decision making. His presence during this debate prevented proper discussion, his presence and participation influenced the decision.

On Sat 13<sup>th</sup> January I received a letter from the Parish Council in response to my complaint. It states that "as the alleged incident occurred after the meeting had closed, they [the council] found Cllr Jameson was not in breach of any form of misconduct"

The Minutes of the November meeting record the incident during "Any other Business ahead of "Matters for the next Meeting" although the form of words used does not correctly record the happenings [this is being addressed by our Residents Group – letter attached for info.]. The Minutes of the December 20<sup>th</sup> meeting, where my letter of complaint was discussed also record the 'incident' as having occurred during the meeting.

On Monday 15<sup>th</sup> January 2007 I sought advice from the Winward Borough Solicitor following which I sent the Parish Council a response to their letter dated 10<sup>th</sup> January and began the complaint procedure of The Standards Board.

## Enclosed for Evidence / Information;

1. Agenda November 16<sup>th</sup> 2006
2. Minutes November 16<sup>th</sup> 2006
3. Letter of Complaint to Parish Council Chairman 9<sup>th</sup> December 2006
4. Letter of explanation to Parish Council Chairman 28<sup>th</sup> November 2006
5. Agenda December 20<sup>th</sup> 2006
6. Minutes December 20<sup>th</sup> 2006
7. Letter from Parish Council regarding my Complaint 10<sup>th</sup> January 2007
8. Letter to Parish Council in response to their Letter 16<sup>th</sup> January 2007
9. Letter to Parish Council from JB Norton Residents Group 18<sup>th</sup> January 2007

## Witnesses:

Mr BondMr DugganCouncillor Winter

(1) 10/1

GREAT NORTON PARISH COUNCIL

30<sup>th</sup> Nov  
closing re election

9 November 2006

Dear Sir/Madam,

A Meeting of *Gr Norton* Parish Council will be held in the Village Hall, *Great Norton* on Thursday 16 November 2006 at 7.00pm.

I trust you will be able to attend.

Yours faithfully,

Clerk

AGENDA

- 1. Minutes - to approve as a correct record the minutes of the last meeting.
- 2. Apologies for absence
- 3. Declarations of Interest
- 4. Matters arising from the last meeting
  - (a) Policing of the Village
  - (b) Allotments rules
  - (c) Village Improvements
  - (d) Lights by the Children play area
- 5. Precept 2007-2008
- 6. Correspondence

*election - May*

2/2006/1136 Planning Application Detached dwelling at  
 2/2006/1146 Planning Application Detached dwelling at  
 Consultation on Works to Tree preservation Order Trees TPO 7/2005  
 Notification from Inland Revenue  
 Letter from Countryside Alliance  
 Donation request from CAB

*1 x ASH  
 4 x SYCAMORE  
 30% CROWN REDUCTION  
 ON ALL 5 TREES  
 'COS BRANCHES VERY  
 LOW*

- 7. Clerks Report
- 8. Matters for discussion at next meeting.

*- vacancy for governor - 29<sup>th</sup> Nov. mty*

*16/11*

Minutes of a meeting of ~~St Norton~~ <sup>Gt Norton</sup> Parish Council held in the Welfare Hall,  
Gt Norton on Thursday 16 November 2006 at 7.00pm.

Present: Mr Jones  
Mrs Storr  
Mr Wragge  
Mr Anders  
Mr Jameson  
Mrs Atkinson  
Mr Deighton  
Mr Leck  
Mrs Winter

Apologies: Cllr Burke, Mr Wilson

Also Present: 3 members of the public.

**MINUTES**

The minutes of the last meeting were agreed as a correct record.

**DECLARATION OF INTEREST**

None declared.

**MATTERS ARISING**

**Policing the Village**

No one from the police was available to attend the meeting

**Allotments**

The chairman had been revising the allotment rules and asked the clerk to photocopy them, so that they could be circulated to the committee at December's meeting.

**Village Improvements**

The light on the corner of the Gavels is off.  
The light (07) behind the home housing car park is off and one of the lights on the path between the village and Riverside is also off.

**ACTION** - Clerk to Report to CC

2 of 4

**PRECEPT 2007-2008**

As the clerk did not have all the information to hand Mr *Jameson* requested that the matter be held over until December's meeting.

A discussion took place around the street lighting requirements , as CC had said that even though they had a list of 5 lamp standards requested for the village, they had no budget. It was decided that money be put into the precept for at least one lamp standard.

(2) of 4

Following an incident at the close Octobers meeting, the Chairman asked one member of the public, Ms *Barlow*, who had been at the previous months meeting, for an apology for the remarks that she had made and for calling the Chairman undemocratic. Ms *Barlow* denied doing this. During a heated debate Mr Pearson suggested that Ms *Barlow* be barred from the Parish Council meetings until she gave, in writing, an unreserved apology for falsely accusing the Chairman of being undemocratic. Ms *Barlow* said that she would write to the Chairman with an apology.

**Matters for discussion at next meeting.**

None declared.

4

INCORRECT RECORD  
CHAIRMAN MADE NO REQUEST  
... CLR Jameson

(3) 10/11

9th December 2006

Dear Chairman

I am writing to complain about Councillor *Jameson*'s treatment of myself during the November 16<sup>th</sup> Parish Council meeting 2006.

Councillor *Jameson* failed to treat me with respect.

I was incredibly intimidated and harassed by his shouting in my face from such close proximity which is why I had to stand up to create some distance between us. He continued to harass myself after the meeting had closed upon my leaving the Hall.

The reason for his shouting was, as I explained, due to his mistaken belief that I had, during October 19<sup>th</sup> meeting, called you, Mr Chairman, undemocratic. I had not and fully explained such at the time (and by separate letter to yourself).

During Councillor *Jameson*'s outburst he shouted he would have me banned from future Parish Council meetings. With respect, this is not in the power of Councillor *Jameson*, only the Chairman, and it is illegal to decide to exclude a member of public from future council meetings.

I feel that through his disrespect he has conducted himself in a manner likely to bring his position and the Parish Council into disrepute.

I realise I can make a complaint to the Standards Board but would prefer that my complaint be dealt with and resolved locally.

As a resolution of my complaint I am willing to accept a full verbal and written apology with assurance there will be no repeat incidences of disrespect, intimidation or harassment by Councillor *Jameson*.

Yours Sincerely

Mrs *Ballar*

(4) 1001

28<sup>th</sup> November 2006

Dear Mr

*Jones*

I am writing to try and correct the misunderstanding that apparently arose during the last parish council meeting.

If anything I said has caused you upset or annoyance I can only apologise and say that that was never my intention. Any remarks I made were not aimed you, personally but at the council's procedures.

Perhaps I expressed myself badly, but any use of the word "you" and "your" were intended to refer to the council as a body. Nor was my remark ever intended to infer that the council was undemocratic in every regard, but only in its process relating to the consultation regarding the village plan.

As I tried to explain, during the November 15 parish council meeting, I thought the process of deciding what changes should be made to the village boundary was undemocratic and that remains my view.

Again, I can only say that I never aimed the remark at you, and I sincerely hope you will accept my apology and explanation that I regarded the process and not you, as undemocratic.

Yours Sincerely

*Ms Barros*

DEC '06

## Great Norton PARISH COUNCIL

15 December 2006

Dear Sir/Madam,

A Meeting of Great Norton Parish Council will be held in the THE LIONS CLUB  
on WEDNESDAY 20 DECEMBER 2006 at 7.00pm.

I trust you will be able to attend.

Yours faithfully,

Clerk

## AGENDA

1. Minutes - to approve as a correct record the minutes of the last meeting.
2. Apologies for absence
3. Declarations of Interest
4. Matters arising from the last meeting
  - (a) Policing of the Village
  - (b) Village Improvements
  - (c) Confidential issues.
5. Precept 2007-2008
6. Correspondence
  - Letter from Resource
    - County Council re Village boundaries
    - re Tree preservation Order 7/2005
    - re Tree preservation order 7/2005
  - Consultation re Planning Application 2/2006/1256 -
  - Town & country Planning ( Local development) Regulation 28
  - Land registry - re
    - re Village boundary
  - Flyer from Highways
  - Request for Donation Rape Crisis
  - Information from CALC
  - Consultation re Planning Application 2/2006/1229 - This was consulted upon due to time scales and application agreed.
7. Clerks Report
8. Matters for discussion at next meeting.



(6) 1 of 3

Minutes of a meeting of Gt. Clifton Parish Council held in the Lions Club, William Street, Gt. Clifton on Thursday 20 December 2006 at 7.00pm.

Present: Mr Jones  
Mr Wragge  
Mr Anders  
Mr Jameson  
Mrs Atkinson  
Mr Deighton  
Mr Leck

Apologies: Mr Wilson Mrs Storr

Also Present: Cllr Burke, 1 member of the public

MR. C. EASTON

## MINUTES

The minutes of the last meeting were agreed as a correct record.

## DECLARATION OF INTEREST

None declared.

## MATTERS ARISING

### Policing the Village

No one from the police attended the meeting. Comment was passed that the Police were rarely in the village and it was felt that "they were never there when required."

### Allotments

The chairman apologised for not having the revised allotment rules. They were still being worked on and would be presented to the council and the allotment society for approval when they were completed.

The spare allotment had been allocated to

The chairman said that he was going to contact the RSPCA re the animals kept on the allotments, and ask them to visit every three months to make sure that there were no problems and the animals were being kept in good condition.

### Village Improvements

Dog bin was requested

that another bin post be erected in the village

The post has been erected. It was also requested

16/2023

**ACTION - Chair to contact**

A request was made by \_\_\_\_\_ for a light at the bottom of \_\_\_\_\_. It was noted that this has already been requested from CC, who have stated that there is no money in their budget for street lighting at the moment and that they now have a total of five street light requests for \_\_\_\_\_. The road sign outside \_\_\_\_\_ house, will be fixed to the wall after the wall has been built.

**Lights by the Children's seating area.**

Clerk reported that we would have to wait for another estimate for the lights, as per the e mail that she had received from \_\_\_\_\_ (\_\_\_\_\_ Borough Council). \_\_\_\_\_ felt that this was not correct.

**ACTION - Clerk to Contact \_\_\_\_\_ and \_\_\_\_\_ (\_\_\_\_\_ Community Safety Officer)**

\_\_\_\_\_ has requested that the two grit bins in the village be filled by the Highways Dept.

The hedge down Middle gate also required cutting back.

**PRECEPT 2007-2008**

After a discussion on the Councils Finance's it was decided to ask for an increase in the precept for 2007-2008.

A cheque for £20 was received from the Allotment society. It was agreed to pay £160 to \_\_\_\_\_ for the seat at bank top and bin post.

**Correspondence**

Planning application no 2/2006/1256 Proposed conservatory- Agreed

Request for a donation form \_\_\_\_\_ Rape Crisis was turned down.

Ms ATKINSON requested more information on the Right to Roam Act. Mr JAMESON informed Ms ATKINSON that after doing a search on the internet he could find no restrictions in the village area.

6 of 3

A letter from the land registry office appears to confirm that the land in question at Lonin as not been registered by any party. It was agreed that the Clerk would contact County Council to register the land for the Parish. A letter is to be sent to the occupier of

Vacancy on Parish Council

NOT ON AGENDA

Present at Meeting

There were two applications to join the Parish Council. Mr C. EASTON and Ms Barons.

After taking legal advise from the Borough Solicitor, it was discovered that there was not sufficient time between now and the local elections in May, to hold an election for a new member. Therefore the Parish Council members voted and the vote was unanimously in favour of MRC EASTON. Mr Deighton asked if it was legal for the parish Council to do this and the chair responded that it was.

Confidential Issues

MR. C. EASTON

The member of the public and Councillor Burke were asked to leave the room.

The chair read out three letters that had been received, two from Ms Barlow & one from Mr Bond.

Two of the letters were complaints re the heated discussion that had taken place at the previous meeting.

After reading out the letters and a frank discussion by the Parish Council, it was unanimously decided that the Parish Council would revert to the usual practice of no members of the public, what so ever, being allowed to speak at any Parish Council meeting. Any business that members of the public have for the Parish Council, must be conveyed through one of the councillors.

Once Cllr Burke and the member of the public were asked to return to the room, the chair wished everyone a Happy Christmas and the meeting was closed.

① Mr JAMESON WAS NOT ASKED TO LEAVE THE ROOM WHILE COMPLAINTS AGAINST HIM WERE DISCUSSED

Matters for discussion at next meeting.

None declared

② NO 'ACTION' MINUTED WAS IT AGREED TO SEND A RESPONSE LETTER INCLUDING THE CONTENT?

(7) 10/21  
Gt Norton Parish Council

Ms Barton

10 January 2007

Dear Ms Barton

**RE Complaint regarding Cllr Barton**

Thank you for your letter concerning Cllr Jameson. The matter was discussed at the Parish Council meeting held on 20<sup>th</sup> December 2006. After reading your letter the matter was discussed at length, and the Council found that, as the alleged incident took place after the Parish Council meeting had closed, they found Cllr Jameson was not in breach of any form of misconduct. It was unanimously agreed that no action be taken regarding Cllr Jameson and the matter to be considered closed.

The Parish Council also decided that due to the disruption caused by members of the public during Parish Council meetings, in future, no member of the public would be allowed to speak in meetings. The Council have decided to revert to the previous practice of any business that members of the public require to be brought to the Council, must be presented through a member of the Parish Council.

I would also like to take this opportunity to thank you for your application to join the Parish Council. Due to the local elections taking place in May, we are unable to hold an election in the interim period. As there were two candidates for the position, the Council voted on the candidates and unfortunately you were not successful in your application at this time.

Yours sincerely

Mr Jones

Chairman great Clifton Parish Council

16th January 2007

Dear Chairman

Re Your letter dated 10<sup>th</sup> January 2007, RE Complaint regarding Cllr Jameson  
Response to my letter of complaint dated 9<sup>th</sup> Dec 2006

Dear Mr Jones

Thank you for your letter dated 10th January 2007, regarding my complaint against Councillor Pearson in response to my letter of complaint of December 9<sup>th</sup> 2006.

I am afraid that I am dissatisfied with your council's response to my complaint and I do not share your view that the matter is closed. I had sincerely hoped that this issue could be resolved at local level but, as your decision was not based on the actual facts nor arrived at in accordance with the Code of Conduct, you leave me no recourse other than to take this matter further.

I take issue with your decision that "as the incident took place after the meeting Cllr Pearson was not in breach of any form of misconduct" when it in fact happened as the only item under 'Any other Business' as evidenced in your Approved Minutes of the November 16<sup>th</sup> meeting and witnessed by other members of the public.

The meeting held Wednesday December 20<sup>th</sup>, at which your response was determined, also raises other issues which, I am afraid, will form the basis of further separate complaints.

These are:

1. That according to your own minutes, Cllr Jameson did not declare a prejudicial interest and is not recorded in your minutes, as having left the room while my complaint about him was discussed.
2. Furthermore, members made decisions about items not published on the agenda. These are:
  - a) The decision that "no members of the public, whatsoever, will be allowed to speak at any Parish Council meeting".
  - b) Voting to co-opt a member to fill a vacancy when that course of action was not published on an agenda.

As you ought to be aware, business cannot be legally transacted by a Parish Council unless it first appears on the agenda for that meeting.

Yours faithfully,

Mrs.

Barlow

7/18/02

Clifton Norton Residents' Group

January 16, 2007

Tel: \_\_\_\_\_ (mobile)

Mr. Jones  
 Chairman  
 Gt. Clifton Parish Council.

Dear Mr. Jones,

I have been asked to write to you, on behalf of the residents' group because, at your December meeting, you approved the following minute:

*Following an incident at the close of October's meeting, the Chairman asked one member of the public, Ms Kirkbride, who had been at the previous month's meeting, for an apology for the remarks that she had made and for calling the Chairman undemocratic. Ms Barlow denied doing this. During a heated debate Mr. Jameson suggested that Ms Barlow be barred from the Parish Council meetings until she gave, in writing, an unreserved apology for falsely accusing the Chairman of being undemocratic. Ms Barlow said that she would write to the Chairman with an apology.*

It is a form of words, which does not begin to reflect the events of the night in question, and which, because they are a matter of public record, MUST do so accurately.

However, the minute in question contains several inaccuracies; glosses over and trivialises what was in fact disgraceful conduct on the part of Coun. Jameson

As a first instance it refers to "heated debate". There was no debate as such. Our contemporaneous shorthand notes show that in fact Coun. Jameson merely began haranguing Ms Barlow in an aggressive manner. His case, such as it was, should have been made through you, the chairman, and

2 of 2

arguably should not even have been being made by him in the first place, since the matter did not involve him.

Its also says the chairman asked for an apology, when it was in fact demanded, but not by the chairman but by Mr Jameson. Furthermore Ms Barlow offered to write "an explanation" rather than an apology. She said that IF she had expressed herself in a way which had been misunderstood, she was sorry.

Your minute also states that Mr Jameson suggested Ms Barlow be barred from council meetings, when in fact our notes reveal that he went on to claim, very loudly, and directly to Ms Barlow: "I could have you banned", which is again plainly untrue.

Such a move would require a formal motion, seconded and approved by the full council which we presume does not come on his say so.

Even your minutes show no such proposal, seconder, or vote thereon.

Our shorthand notes, taken at that time show that Mr Jameson claimed that Ms Barlow had accused you, personally, of being "undemocratic" at the previous (October) meeting.

Our notes of that meeting also show that that was patently not the case.

That situation came about because of an unfulfilled promise, at an earlier parish council meeting, that there would be a public meeting, arranged by your council, at which villagers could comments on the upcoming Local Plan.

Our group feels aggrieved at the fact that the promised meeting never materialised and that the Parish Council's deliberations, about suggested changes to the Local Plan, were carried out almost entirely in secret and without proper public consultation, before the council's views were presented to Allerdale Council.

It is against that background that Ms Barlow, who is the Residents' Group's appointed spokesperson, said: "You are being undemocratic", referring to the lack of proper public consultation and not to you, Mr Jones.

It was on the basis of possible misinterpretation of her intent, that she agreed to explain to you, personally and not the council as a whole, in writing, and I believe that she subsequently did so. Your council's minute implies that she in fact did call you undemocratic and subsequently apologised for that, when that is plainly not the case.

In view of this we wish your council to re-word that minute, to properly, fully reflect the events of that night and to amend the apparent, but I am sure, unintentional, impression that Ms Barlow apologised for something that she never actually did.

I understand that the events of the night of the November meeting led to two written complaints.

Representatives of our group intend to continue to attend your public meetings and to that end we would be grateful if you could ask your clerk to highlight to us any sudden departures from the normal dates and venues of your public meetings.

Yours faithfully,

Mr Bond

secretary

## CASE J

### NETTINGTON TOWN COUNCIL – COUNCILLOR GOLD

#### Summary

The complainant refers to the town hall at Nettington, which belongs to the town council. It is reported that the county registration service rents offices at the town hall and Town Councillor Gold is employed as a registrar. It is also reported that Councillor Gold declared an interest in an agenda item regarding the town hall at a council meeting on 24 May 2004. It is further reported that in 2005, it was agreed in principle to hand the town hall over to a charitable trust, make a grant to the trust and to seek legal advice. It is also reported Councillor Gold is one of three councillors to be on a joint working group with the trust.

Following legal advice, on 27 February 2006 the council “reaffirmed” earlier resolutions concerning the trust, with Councillor Gold voting in favour. It is also reported that after she became town mayor in May 2006, she put herself forward as the council representative on the trust. The complainant refers to a meeting between councillors and the trust which took place on 3 July 2006. She says she had asked for the minutes but had been told that it was an informal meeting, which was not the impression created beforehand.

The complainant has also provided a report of the “Nettington Town Hall Joint Working Group”, which includes Councillor Gold. It states that she has had final sight of the draft briefing for the solicitor who would be drawing up the draft lease for the town hall. The draft briefing refers to the “need to agree continuing office space for the town clerk and use of the council chamber for meetings at a favourable rent and for the Registrar at the rent negotiated with the county council...”. The complainant has also provided a covering memo from the town clerk, which states that the brief will be discussed with Councillor Gold and other members.

It is thereby alleged that Councillor Gold has a conflict of interest between the town council and her employer, which rents her place of work from the council in the building whose future is under consideration. It is also alleged that having previously acknowledged this, Councillor Gold has subsequently become more closely involved in the issue without declaring an interest.



12 OCT 2006

RECEIVED



# complaint form

If you have any questions or difficulties filling in this form, for example – If English is not your first language or you have a disability – please contact the Referrals Unit on **0800 107 2001**.

You can also email them at [newcomplaints@standardsboard.co.uk](mailto:newcomplaints@standardsboard.co.uk)

**Please note**

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

RECEIVED  
12 OCT 2006

## ABOUT YOU

title      Mr      Ms      Mrs  Miss      Councillor      Other (please specify)

first name      surname Jones

address      Nettleshire      Nettington  
postcode

daytime telephone

evening telephone

email

**Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.**

signature

date 8 / 10 / 06

## YOUR COMPLAINT

### Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

name of their authority/ies

CHUR. J Gold

Nettington TOWNS COUNCIL

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the Information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

My complaint is that Cllr. J. Gold may have broken Nettington Town Council's Code of Conduct.

It appears that since May 2004, Cllr. Gold has not declared any interest in the Town Hall, although she continues to be employed by the Registration Service, which is a tenant of the Town Hall.

Please see attached documents detailing all relevant information.

Signed P. Jones

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

COMPLAINT AGAINST COUNCILLOR. *J Gold* OF *Nettington* TOWN COUNCIL.

At the *Nettington* Town Council Meeting of Monday the 24th. May 2004, Cllr. *J Gold* declared an interest in an agenda item regarding the Town Hall as she was employed by the Registration Service which is a tenant of the Town Hall. ( minute enclosed, - item 1).

In October 2005 it was agreed in principle to hand over the Town Hall to a Charitable Trust ( *Trust* ), on the recommendation of a Consultant, employed by the Town Council who was paid £15000. from a Sustainability Grant from the

In November 2005 it was agreed to give £5000 of public money to the Trust so that they could progress ( minute enclosed - item 2). It was also resolved to seek legal advice, ( this was not done until September 2006). It was resolved that Cllr *Gold* be one of three Cllrs. to be on a working group to work with the Trust. ( minute enclosed, also item 2).

On the 23rd. January 2006, it was resolved to meet with the *Trust* on the 20th. February 2006, ( minute enclosed - item 3). This meeting never took place.

At the Council Meeting of February 27th, 2006, on the advice of the Monitoring Officer Cllrs. *Sprint* and *Bold* declared a prejudicial Interest in the Town Hall. The resolutions of the 24th. October and 28th. November 2005 had to be reaffirmed ( minutes enclosed -item 4 ).

It was then proposed not to progress further with the Charitable Trust until all outstanding concerns had been answered, ( minute enclosed - also item 4). Cllr. *Gold* voted in favour of this proposal.

In May 2006 Cllr. *Gold* became Mayor. She has since nominated herself to be on the working group with the BT & CT, ( this was not put to a vote) ( minute enclosed - item 5) and even cancelled a meeting ( without a resolution from council), which was to be held on the 12th. June 2006 with the *Trust*.

It was agreed by Council that councillors would meet with the *Trust* on July 3rd. 2006 ( minute enclosed - item 6). The meeting did take place and I have repeatedly asked for the minutes, ( as other important items were discussed and agreed). I was only present for the first part of the meeting. I was told, by Cllr. *Gold*, after requesting the minutes yet again at the council meeting of the 25th. September 2006, that the meeting of 3rd. July was in fact an informal meeting and no minutes were taken, yet the Clerk was present. At no time were we informed that this would be an informal meeting.

A decision was made on the 5th. September, by Councillors. *Gold*, *Bold* and *Muland* on the Working Group to send off a draft brief to our solicitor after Cllr. *Gold* had final sight of it. This was not brought to full Council. ( copy of report enclosed - item 7).

I received a copy of the brief on October 6th, this was the Councils first sight of it, but it had already been sent to the Council's solicitor on 7th. September 2006. As you can see from the brief, there will be a need to agree continuing office space for the Registrar ( copy enclosed - item 8).

Should the Town Hall lease be handed to the *Trust*, the future of the Registry Office could be in question, and in turn this could be seen as having a direct effect on Cllr. *Gold*

I asked Cllr. *Gold* in July if she was still a registrar and she replied that she was. Since May 2004 Cllr. *Gold* has not declared any interest in the Town Hall, but continues to speak, vote and take part in a working group regarding the future of the Town Hall. I believe Cllr. *Gold* is in breach of *Nettington* Town Council's Code of Conduct, as it appears she has a personal, prejudicial and possibly a financial interest in matters relating to the future of the Town Hall.

Signed *P Jones*

Date *8.10.06*

UNADOPTED

MINUTES OF A MEETING OF *Nettlington* TOWN COUNCIL

HELD IN THE COUNCIL CHAMBER, TOWN HALL, *Nettlington* ON MONDAY 24 MAY 2004 AT 7.00pm.

Present: Cllr *Bold* - Mayor, in the Chair  
 Cllrs Mrs *Brent*, P *Madden*, W *Nidland*, J *Dench*, Mrs *Thatch*, Mrs J *Gold*,  
 Town Clerk Mrs M *Gee*

|       |  |
|-------|--|
| 188   | Election of Mayor:   |
| 189   | Apologies for Absence:   |
| 190   | Declarations of Interest:<br><br>Cllr <i>Gold</i> declared an Interest in Agenda item 18 as she is an employee of the Registration Service which is a tenant of the Town Hall. |
| 191   | Election of Deputy Mayor   |
| 192   | Town Clerk's expenditure limit   |
| 193   | Arrangements for payment of monthly salaries:  |
| 194   | Minutes of the Council Meeting held on 26 April 2004:  |
| 195   | Matters Arising:   |
| 195.1 |  |
| 195.2 |  |
| 195.3 |  |
| 196   | Report of the Planning Committee meeting on 10 May 2004  |
| 197   | Mayor's Communications:  |
| 198   | Public Speaking Time:  |
| 198.1 |  |
| 198.2 |  |
| 198.3 |  |
| 199   | District Cllrs Report:   |
| 200   | Matters arising from Annual Town meeting:  |

*J.H.* 1

106/05

107/05

108/05

109/05

110/05

**111/05 Town Hall – Charitable Trust**

It was RESOLVED to pay a grant of £5,000.00 now and the balance of up to a further £5,000.00 when requested. The Clerk is to be given authority to release funds on request from the Trust supported by documentation.

It was RESOLVED to seek legal advice and the Clerk is instructed to find an independent Solicitor with relevant experience in this field.

It was RESOLVED to establish a working group consisting of the Mayor, Cllr *Bold*, Cllr *Gold* and the Clerk, to work closely with the Trust. A preliminary meeting is to be organised as soon as possible.

112/05

113/05

**116/06 Town Hall – Charitable Trust**

It was RESOLVED that the interim report from *The* Trust be welcomed and that thanks be expressed to the members of the trust for the work done so far.

It was RESOLVED that members of the Council meet with members of *the* Trust on 20<sup>th</sup> February 2006 at 7.00pm to discuss progress. Members were requested to advise the Clerk of any issues or items to be discussed at this meeting. The Clerk will relay these to the secretary of *the* trust in writing together with a request for any issues that *the* trust may wish to discuss with the Council to be advised to the Clerk.

117/06

118/06

119/06

The meeting closed at 9.00 pm

132/06

133/06

134/06

135/06

136/06

137/06

138/06

**139/06 Bakewell Town and Community Trust**

Cllr. *Bold* having declared a prejudicial interest in this item left the chamber and stated that he wished to remain closely associated with the group and would hope to be the nominated representative of the Council to the trust.

*C Sprint* declared a prejudicial interest in this item left the chamber with regret

Special notes:

**ADDITIONAL ITEMS**

*Council Representatives for the TMOB Working Group*

Discussion took place as to if councilor *Sprint* should partake in this part of the agenda in view of the letter which had been read out by the clerk at the recent *TMOB* Meeting on 3<sup>rd</sup> July when councilor *Sprint* had taken advice from the Monitoring officer.

The clerk advised that this was council business and that councilor *Sprint* should stay in the room for the item.

The Mayor suggested that she should represent the council on the group and that councilor *Midland* had expressed a wish to be involved before he went on holiday.

It was proposed by *SLever* and seconded by *B Jones* that councilor *Midland* should represent the council on the discussion group. All Agreed.

Councilor *Bold* expressed a wish that he would like to represent the council as the third member of the group and this was proposed by *P Jones* and seconded by *Midland* that *Bold* should be the third representative.

The mayor proposed that *SLever* be the reserve member as agreed with the *TMOB* at last weeks meeting. This was seconded by *B Jones* with no other votes being cast in support.

Councilor *P Jones* then nominated herself to be the reserve member of the group. the mayor taking the decision at this point to leave the election of the reserve member of the group until the next full council meeting on the 24<sup>th</sup> July.

It was agreed that this should be the case.

**Authorisation of cheques for payments**

Town Clerk

Signed as a true record of events.....Mayor



11. Town Hall

It was confirmed that the councillors would met with the full team from BC&CT on 3<sup>rd</sup> July and that the meeting would be approached in order to achieve the way

forward with the project. The BC&CT planned to launch themselves at functions in September and the need to establish dialogue was vital.

Meeting closed at 21-15pm

ITEM 7

# Nettington TOWN HALL JOINT WORKING GROUP

Report of Meeting held on Tuesday, 5 September 2006

Present:

Nettington Town Council:  
The Trust:

Cllrs: J Gold, Bold and Midland

## Report back on Presentation of Report of First Meeting to Town Council

reported that they had been advised by their solicitor that the correct protocol was for the owner's solicitor to generate the draft lease for consideration. Cllr. Bold tabled a draft of the briefing for the solicitor. With minor amendments the Clerk would be asked to send this off when next in the office (7 September) after Cllr. Gold had had final sight of the document. The Council would seek to have the draft available for the Working Group's next meeting on 5 October. Cllr. Midland said that if the term of the lease was found to be insufficient with regard to major funding applications then this could be reviewed.

\*  
page 12  
page 38  
" 41  
" 45  
" 59

Cllr. Bold asked when it was likely that the Trust could take over the running of the Town Hall. It was generally agreed that this might be from the end of the present financial year. However, such an arrangement would be dependent on some funding being in place.

## Nettlington TOWN COUNCIL – BRIEF FOR PROPOSED TOWN HALL LEASE

### Background

A Condition Survey was carried out by County Council surveyors in autumn 2003 which, together with the need to install a lift to comply with the Disability Act, identified costs of the order of £500,000 to bring the Town Hall up to modern standards.

In 2004 funding was obtained from PDNPA for a consultant to report on the future potential of the Town Hall. His report recommended transferring responsibility for the Hall to a Charity to be set up for the purpose. One of the reasons for his recommendation was that outside funding is more readily available to a charity than to a local authority.

The Town Council invited volunteers to form a Study Group. The Group reported back to the Council in October 2005, setting out management and business plans, anticipated sources of grant aid and an outline of the proposed Charity. The Council agreed in principle to the setting up of this Charity.

The Trust has been formed as a charitable company limited by guarantee. 1AR is the Company Secretary. *D. Spint*, Cottage, is chairman.

The Town Council has provided £5,000 for startup costs + a further £5,000 agreed.

The Trust's business plan shows a need for substantial financial support from the Town Council over the first 5 years. This is partly justified on the basis of savings to be made in the Council's annual budget (The Town Hall is currently losing money and the charity would be exempt from business rates). While the Council has understood the need for financial support to the Trust over the first 5 years, no firm commitment has yet been given.

### The Lease

The proposal is to grant the Trust a 25 year full-repairing lease. (Grant giving bodies tend to require 20/25 years).

There will be a need to agree continuing office space for the Town Clerk and use of the 'Council Chamber' for meetings at a favourable rent and for the Registrar at the rent negotiated with the County Council – 'office space' need not necessarily mean the spaces currently occupied. There is a need to sort out what commitment there would be to the Masons who have traditionally occupied one room in the Town Hall. Two other tenancies ( ) are on short tenancies.

Nettington TOWN COUNCIL

7<sup>th</sup> October 2006

Memo to Councillors

I enclose for your information a copy of the brief provided to *XXX Solicitors* for the preparation of a lease from the Town Council to the Trust together with the response letter from *XXX Solicitors*. She has provided a first draft of a lease based on a standard commercial format. Please let me know if you wish to see this early draft (which runs to 32 pages). I can either make and individual copy for you or you can borrow a copy from the office.

I am discussing the points that *Gold, Midland* makes with Councillors *Gold, Midland* *Bold* - who attend the joint working party meetings with Trust representatives..

Town clerk

In view of circumstances and on the advice of the Monitoring Officer, reaffirmation of the following resolutions is required.

Council are asked to reaffirm the following decisions

• **24<sup>th</sup> October 2005 – 89/05**

*RESOLVED unanimously to accept the Study Group's proposal in principle to proceed with the Charitable Trust and to fund the group for up to £10,000 to enable progress of the next steps.*

• **28<sup>th</sup> November 2005 – 111/05**

*It was RESOLVED to accept the Trust as named: The Trust.*

*It was RESOLVED to pay a grant of £5,000.00 now and the balance of up to a further £5,000.00 when requested. The Clerk is to be given authority to release funds on request from the Trust supported by documentation.*

It was RESOLVED to reaffirm Resolution 89/05 of 24<sup>th</sup> October 2005

It was RESOLVED to reaffirm Resolution 111/05 of 28<sup>th</sup> November 2005

Cllr [redacted] requested that votes on the following resolution be recorded:-

It was proposed by Cllr Midland, seconded by Cllr Bent and RESOLVED by a majority not to progress further with Trust until all outstanding concerns are satisfactorily answered.

For the proposal: Cllrs Midland, Bent & Gold

Against the proposal: Cllr Jones

Abstentions: Cllrs

It was RESOLVED that the Council undertake an independent review of the Trust proposal and business plan. The Clerk is to contact Mr [redacted], recently retired Corporate Services Director of [redacted] suggested by [redacted], to progress this review.

It was RESOLVED to hold a special meeting with BTCT to review progress so far.

140/05

1.

The meeting closed at 9.40 pm

## **CASE K**

### **CENTRAL BARTON URBAN PARISH COUNCIL – COUNCILLOR ROBERT PAXTON**

#### **Summary**

The details of the case are summarised in the Standards Board for England's decision notice below. The complainant sought a review of the decision not to refer the matter for investigation. Members were asked to decide, in light of the review request, whether that decision should be overturned or upheld.

The Standards Board for England  
1<sup>st</sup> floor  
Cottons Centre  
Cottons Lane  
London  
SE1 2QG

RU  
31 JAN 2007  
RECEIVED

27 January 07

31 JAN 2007

Dear Sirs

**Re: SBE16970.06  
Complaint against Mr R Paxton**

I have received your letter, dated 9 January 07, and the notice detailing your decision regarding the above complaint.

As this company does not agree with the decision, or the rationale on which it is based, we would like the decision to be reviewed by the Standards Board's Chief Executive.

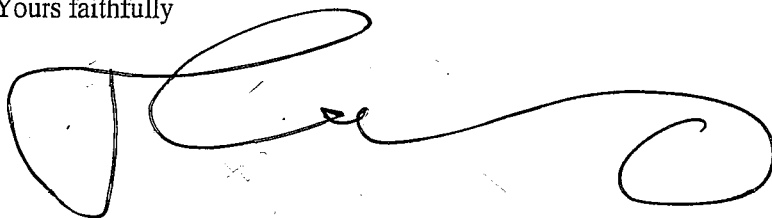
Currently this Company has incurred substantial costs because a Council member - took confidential papers, copied them and sent them to 59 members of this Company. He did this in an attempt to obtain personal gain.

Attached is our reasoning as to why your decision is wrong.

My fellow Director and I are available to provide any further input that you may require.

I look forward to hearing from you.

Yours faithfully



**P Goodwin  
Director, Grange Road (Freehold) Ltd**

Contact Nos.

'phone & fax  
e-mail

[msn.com](http://msn.com)



Re: **SBE16970.06**  
**Complaint against R Paxton**

The Decision notice, dated 8 January 07, bases the decision on two points:

1. That the Place Making Group meeting was not confidential; and
2. That the actions by R Paxton in relation to our two companies relate to his private capacity.

The following is our input for each item:

### **Confidentiality**

- The documents in question were handed to an officer of the Council, by a professional firm of architects, in order to obtain "officer opinion". Even though they work regularly with such matters, the architects did not know that the procedures meant that their enquiry would go before the Place Making Meeting. In fact they did not know of the existence of the group. Subsequent enquiries only informed them that the meeting was "Confidential" – they were given no further details.
- At the end of October 06, both the architects and the officers of this Company, became aware that R Paxton was making statements about the papers he had seen at a Council meeting. The statements he was making were untrue.

On 2 November 06, this company contacted the Chair of the Place Making Group, Jane Eagles and advised her of these untrue statements that were being made by Robert Paxton. We asked why our documents were at this particular meeting – she advised only that the meeting was "Confidential". We asked her to take action to prevent R. Paxton making any more untrue statements or even discussing this Company's business. We confirmed that we believed our enquiry was made in confidence.

- Three weeks later, on 23 November 06, R Paxton copied the papers and sent them to our members. He did this despite the obvious Copyright and despite our plea to the Chair of the Place Making Group to ensure that he be stopped from discussing our confidential business with anybody.
- On 30 November 06, I again spoke to Tony Simpkins of English Partnership Jane Eagle's boss. He confirmed that all papers and discussions at the Place Making Meetings were "confidential" and that he would not expect any participant to use any information in the way I had described to him. He said he would interview R. Paxton to discuss my allegations with his superiors, and would then "get back to me". He has not done so.
- We did not mark our papers as confidential; we are not aware if any papers before the Place Making Group are marked confidential. You have surmised that the Place Making Group is not confidential. We are aware that both the Chair of the Place Making Group and her boss both consider all the content of the meeting to be confidential as they both stated so on at least two occasions. Tony Simpkins has said so in his email (5 Dec 06) – a copy of which you have.

**Private Capacity**

Items 4 & 6 from The Standards Board's information – *Behaviour covered by the Code of Conduct*

**“revealing information that was given to them in confidence”**

**“using their position improperly, to their own...advantage”**

- The fact that R. Paxton did not use the papers, entrusted to the Barton Council, in the manner we have described, is not in question as he confirmed that he had done so at this Company's AGM held on 5 December 06. The Company's Lawyer was present and recorded his confirmation.
- The letters sent out by R. Paxton, which included our paperwork, were in support of his desire to become a Director of this Company. He used confidential information that he had obtained by virtue of his position and he was clearly seeking personal gain.

**P. Goodwin**  
**Director, Grange Rd (Freehold) Limited**

9 January 2007



Mr Peter Goodwin  
Rosemount Properties  
Above Bar Gate  
Southampton  
SO2 1FF

1<sup>st</sup> Floor, Cottons Centre  
Cottons Lane  
London  
SE1 2QG  
Direct Line: 020 7378 5101  
Fax: 020 7378 5005

[john.williams@standardsboard.co.uk](mailto:john.williams@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

Dear Mr Goodwin

**SBE16970.06**

I refer to the recent allegation of a breach of the Code of Conduct which you made to the Standards Board for England.

Our decision is set out in the attached notice, which also explains the relevant procedures, including your right to seek a review of the decision. If you decide to exercise this right, we must receive your written request by 8 February 2007.

Yours sincerely



John Williams  
Referrals Case Manager

## **Decision Notice**

**Reference** SBE16970.06

### **The Complaint**

The Standards Board for England recently received a complaint from Mr Peter Goodwin concerning the alleged conduct of Councillor Robert Paxton of Central Barton Urban Parish Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

It is reported that Councillor Paxton attended a meeting of Central Barton Place Making Group on 15 September 2006, and that the meeting was confidential. It is alleged that he took documents from the meeting and, with others, copies them with a covering letter to members of Grange Road (Freehold) Ltd. It is alleged that the letter sought to discredit the existing directors of the company and further Councillor Paxton's chances of being elected a director of the company.

In particular, it is alleged that architects acting for the directors of the company (including the complainant) sought an informal officers' opinion on the possibility of building an on a plot at Eaton Mews. Unbeknown to the architects, the matter was discussed by the place-making group, with a sketch plan and a 3-D graphic.

### **Decision**

Officers have obtained the terms of reference of the group when it was set up by Barton Partnership to assist in the exercise of its planning powers, and it is noted that the parish council, along with other parish councils and agencies, has a representative on the group. The preliminary inquiry has also confirmed that Councillor Paxton is appointed to the place making group by Central Barton Urban Parish Council.

Although the meetings may be "confidential" in the sense that they are not open to the public, that does not mean that all the things discussed there are confidential. It is also noted that the group brings together a number of stakeholders. It would be unlikely for a joint advisory panel of this diverse nature to be asked to consider sensitive information, unless by error, particularly as there is an expectation that representatives will liaise between the partnership and the bodies which appoint them. In this connection it is noted that the documents are not marked "confidential" or otherwise not for publication, as would normally be the case in local government if there was a risk that they might unintentionally enter the public domain.

It is considered that the allegations concerning the freehold and right-to-manage companies relate to Councillor Paxton's private capacity.

The Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe that a potential breach of the Code of Conduct is disclosed. We have made no finding of fact.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and the clerk to the parish council.

### Review

At the request of the complainant, the Standards Board's Chief Executive (or, in his absence, another senior officer) can review and change a decision not to refer an allegation for investigation. However, he will generally only do this if he is persuaded that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the Chief Executive to conduct a review has to be made in writing. We must receive the complainant's written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to all the parties mentioned above, notifying them of the outcome.

### Terms of Reference

*The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.*

*The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure.*

*Only the information provided by the complainant is assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.*

### Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice, require large print, or a Braille or taped transcript, or translated version of the information in this letter, we are able to assist you.

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Signed ..... *Lucy Morris* ..... Date *7/1/2007* .....

**Lucy Morris – Acting Head of Referrals  
(On behalf of the Standards Board for England)**

**BARTON PARTNERSHIP COMMITTEE**

**UDA Place Making Group**

**Terms of Reference**

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**1.0 Purpose**

- 1.1 The purpose of the Urban Development Area (UDA) Place Making Group is to work alongside Barton Partnership, the Local Planning Authority, in an advisory capacity, bringing together both local community and specialists to regularly review and appraise progress on UDA planning applications particularly Development Briefs and Design Codes (refer to map). The UDA boundary includes the East and West expansion areas and Wolverley Park and Broomhouse South.
- 1.2 Development Frameworks have been prepared for the Eastern and Western Expansion Areas. Both documents set out the vision for development, identify opportunities and constraints, land uses, character areas, design principles, phasing strategy and implementation, funding and delivery strategy. It is intended that Barton Council will adopt these documents as Supplementary Planning Guidance (SPG). These documents are a key material consideration in the determination of 'outline' planning applications received by the Barton Partnership.
- 1.3 Development Briefs and Design Codes will cascade down from the Development Frameworks to provide more detailed design guidance on how sites are to be developed. Collectively, they will be used by Barton Partnership to assess and determine future 'reserved matters' applications.
- 1.4 Given the extent of the eastern and western areas within the UDA boundary, with multiple land holdings (including English Partnerships) and the relationship they have to the surrounding area, it is imperative that a collaborative approach between land owners, developers, Barton Council, Barton Partnership and other key stakeholders is taken in preparing design codes in order to effectively deliver the vision for the area. The UDA Place Making Group will act as a focus for discussion between key stakeholders with a view to helping understand and resolve design issues on a consistent basis.
- 1.5 This paper sets out the aims and objectives, roles and responsibilities and working arrangements for the UDA Place Making Group.

## 2.0 Background

- 2.1 To drive forward the growth of Barton, the Office of the Deputy Prime Minister (ODPM) established Barton Partnership in June 2004. Barton Partnership, a sub committee of English Partnerships (EP), have been conferred planning powers for the purposes of Part 3 of the *Town and Country Planning Act 1990* to decide major planning applications within the boundaries of the designated UDA.
- 2.2 Barton Partnership is committed to taking forward ODPM's Five Year Plan for Housing (*Sustainable Communities: Part 1 - Homes for All and Part 2 – People, Places and Prosperity*) and has a business objective to ensure effective mechanisms are in place to control the overall quality of development. Barton Partnership works with EP who act as a national champion for best practice in the creation of high quality, well-designed sustainable communities.
- 2.3 One of the key components of creating 'sustainable communities' is to ensure that all developments are well designed and built to offer:
- *'a sense of place - where people want to live and work, now and in the future;*
  - *user-friendly public and green spaces;*
  - *sufficient range, diversity, affordability and accessibility of housing within a balanced housing market;*
  - *appropriate size, scale, density, design and layout, including mixed used development, that complement the distinctive local character of the community and that use modern low cost building methods;*
  - *high quality, mixed –use, durable, flexible and adaptable buildings, using materials, which minimise negative environmental impacts;*
  - *buildings and public spaces, which promote health and are designed to reduce crime and make people feel safe; and*
  - *accessibility of jobs, key services and facilities by public transport, walking and cycling'* (ODPM, 2005: pg 58).
- 2.4 In determining all planning applications, Barton Partnership must make reference to the Barton Local Plan (December 2005), as it sets out the local planning policy requirements for the expansion areas identified within Barton. The requirement for the preparation of comprehensive design documents such as development frameworks, development briefs and design codes is exercised through *Policy EA1 – Expansion Areas*.
- 2.5 The Development Briefs will be approved prior to the issuing of any outline planning consent, whilst the preparation and approval of Design Codes will be secured through Section 106 Agreements. The approval

of the Design Code by the Local Planning Authority (Barton Partnership) will be required prior to the submission of any approvals, pursuant to conditions of the outline planning consent.

- 2.6 It is the applicant's responsibility to prepare these documents. The UDA Place-Making Group will act as a key focus for consultation, prior the referral of the documents to the Planning Sub-Committee for endorsement.

### **3.0 Operational Context**

- 3.1 The framework for how the Place Making Group will operate is illustrated in **Figure 2**.

### **4.0 Role**

- 4.1 The role of the Place Making Group is to provide a focus for stakeholder consultation and review and advise Barton Partnership officers on:

- The design aspects of outline applications including each Development Brief
- The preparation of design codes for sites in and adjoining strategic sites the UDA, in accordance with best practice guidelines.
- Key matters regarding the content, structure and presentation of information contained in the design documents.
- Coordinated design and layout response between adjoining development sites to achieve an overall integrated design approach within the UDA.
- The preparation of the interim best practice guidelines for preparing development briefs and design codes.

### **5.0 Responsibilities**

- 5.1 The Place-Making Group's responsibilities are to assist Barton Partnership in achieving:
- A consistent approach in the level of detail and quality of design related documents produced in relation to development in the UDA.



- An efficient response in evaluating design documents to ensure that the planning decision-making process, and ultimately the delivery, is not unduly delayed.
- High quality development is delivered.
- On going input from stakeholders to the development process.

## **6.0 Membership**

6.1 Members of the Group will comprise representatives from the following organisations that have a core interest in the development of the UDA:

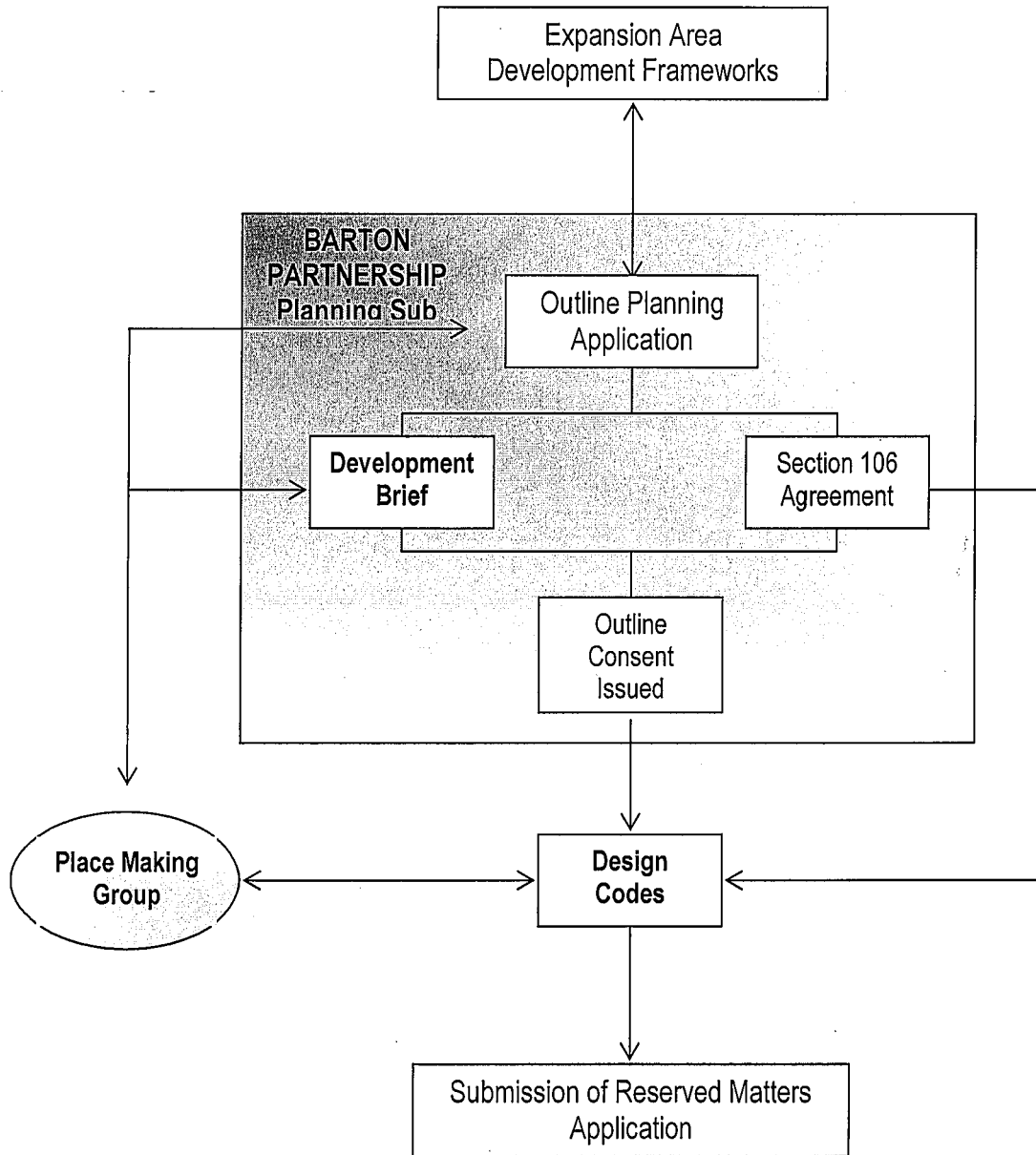
- Commission of Architecture and Built Environment (CABE);
- English Partnerships (National Consultancy Unit – Urban Design)
- Barton Council (Highways Authority);
- Barton Council (Urban Design Section);
- Barton Council (Development Plans);
- Barton Partnership (Planning Team);
- Barton Partnership (Strategic Policy & Planning);
- Barton Strategic Environmental Partnership;
- Barton Forum;
- East Mercia Police; and
- Central Barton Urban Parish Council, Barton Village Parish Council, Barton Rural Group Parish Council, Wolverley Parish Council, Broomhouse Parish Council, Low Mown Meadows Parish Council, High Leys Parish Council, Long Barford and Hanging Ditch Parish Council, Rucklethorn Canonycorum with Broughton-cum-Papplechurch Regis Parish Council, Kirkby-cum-Muckby and Speckleby-on-Bain with Spinx Parish Council

## **7.0 Working Arrangements**

### **Meetings**

- 7.1 The Place-Making Group should meet every 4 – 6 weeks in Barton Partnership's Boardroom, 1<sup>st</sup> Floor, Civic Centre, Central Boulevard, Barton..
- 7.2 Applicants will be asked to circulate copies of the draft documents to every member of the Place-Making Group and an agenda will be circulated one week in advance of each meeting.

Figure 2: Decision Making Framework



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**TELEPHONE FILE NOTE**

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Allegation ref: SBE16970.06  
Date of call: 05 Jan 2007  
Call between: John Williams and Anita King, Clerk to Central Barton  
Urban Parish Council  
Nature of call: Preliminary Inquiry

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Anita King returned my call from yesterday. He confirmed that Bob Paxton was an CBU parish councillor, and was also their official rep on the UDC Place Making Group. He added that he also saw himself as representing the "ordinary man in the street" on planning matters, and that he fed back regularly to meetings of the parish council.

He gave me Cllr Paxton's address and his own.

Signed



Date

5 Jan 2007

RU

1 2 DEC 2006

RECEIVED



# complaint form

If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on 0800 107 2001.

RECEIVED  
1 2 DEC 2006

You can also email them at [newcomplaints@standardsboard.co.uk](mailto:newcomplaints@standardsboard.co.uk)

### Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

### ABOUT YOU

title Mr  Ms  Mrs  Miss  Councillor  Other (please specify)

first name PETER surname GOODWIN

address ROSEMOUNT PROPERTIES, ABOVE BAR GATE  
SOUTHAMPTON postcode SO9 3NP

daytime telephone 0709 086 764 77

evening telephone 0709 086 764 77

email pr.goodwin@msn.com

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature \_\_\_\_\_ date 081206

( DIRECTOR, CRANGE ROAD (FREEHOLD) LTD )

### YOUR COMPLAINT

#### Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

|                          |                                      |
|--------------------------|--------------------------------------|
| name of the individual/s | name of their authority/ies          |
| MR ROBERT PAXTON         | CENTRAL BURTON URBAN PARISH COUNCIL. |
|                          | CENTRAL BARTON UDC BOARD             |

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

# complaint form



## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information

Councillor Paxton of Central Barton Urban Parish Council attended a meeting of the Central Barton UDC's Place Making Group on 15 Sep 06. The meeting was Confidential. Mr Paxton took documents from the meeting and, with others, copied them. He sent three copies, with a letter, to members of Grange Road (Freehold) Ltd. The letter sought to discredit the existing directors of Grange Road (Freehold) Ltd and to further Mr Paxton's personal chances of being elected a director of the company.

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.



msn.com

Printed: 08 December 2006 13:17:06

From : [Tony@englishpartnerships.co.uk](mailto:Tony@englishpartnerships.co.uk)  
 Sent : 05 December 2006 12:59:15  
 To : [pgoodwin@msn.com](mailto:pgoodwin@msn.com)  
 Subject : **Grange Road**

Dear Peter

I refer to our telephone conversation of yesterday.

I can confirm that the matter of the additional development at **Grange Road** was raised at the **UDA's** Placemaking Group on 15th September 2006. The matter was referred to this Group by the **UDA** Technical Group - who had been consulted informally by **Barlow Borough** Council's development control team. **Mr Paxton** attended the meeting as a **UDA** Board member and declared an interest in the subject and did not take part in the discussion. The meeting is confidential. It was also noted that EP consent would be required for any development in this location which had not been requested.

**Tony Simpkins**  
 Central **Barlow UDA** Project Director

Tel: 353939

\*\*\*\*\*  
 The information contained in this email and any attachments is intended only for the use of the individual to whom it is addressed and may contain information that is privileged and confidential, the disclosure of which is strictly prohibited by law. If you have received this communication in error please notify us immediately by telephone on 01908 353604 and delete the email.

This email message and any attached files have been scanned for the presence of computer viruses. However, you are advised that you open any attachments at your own risk.

We thank you for your co-operation.

\*\*\*\*\*  
 HELP SAVE NATURAL RESOURCES BY CONSIDERING  
 THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

**Grange Road (FREEHOLD) LIMITED**

Grange Road is a development of 60 apartments between Central Boulevard and Saxon Rise. Grange Road is owned by many of the residents via a company – Grange Road (Freehold) Limited.

Architects GLE Associates, asked Lois Webb (Barton Planning Dept) for an informal officer's opinion on the possibility of building on a plot at Grange Road. They provided her with a simple sketch plan and 3-D graphic.

Without GLE's knowledge the enquiry was discussed at the Place Making Group of Barton Partnership.

R Paxton (parish councillor and resident of Grange Road) was present at that meeting and declared an interest so took no part in discussions.

However, R Paxton has subsequently circulated the sketch plan & 3-D view to numerous residents of Grange Road together with a letter that strongly infers that plans have been presented for planning permission without the residents' knowledge.

R Paxton is using this false information to seek to discredit the existing Directors of Grange Road (Freehold) Ltd and to further his quest to become a Director. The AGM of the company is tomorrow.

We have asked Jane Eagle, Barton Partnership to provide us with a letter confirming that no application has been made and explaining how it has been possible for confidential information to be abused in this manner. Additionally, we would like to know what action is being taken to prevent this happening again.

We spoke to Jane Eagle last Thursday and she promised to get back to us. So far she has not done so.

The problem is urgent!

**R Foster & P Goodwin  
Directors, Grange Road (Freehold) Limited**



petergladwin@msn.com

Printed: 08 December 2006 13:19:46

---

**From :** P Goodwin <@msn.com>  
**Sent :** 06 December 2006 12:33:53  
**To :** M McNamee @ barton.gov.org, tony @englishpartnerships.co.uk  
**Subject :** Mr Robert Paxton

---

**Re:** Robert Paxton

With reference to our recent communications regarding Mr Paxton, I can confirm that at the Annual General Meeting of this company last evening, with 48 members and the company lawyer present, RP confirmed that the documents that he had sent out had been obtained from his attendance at the Place Making Meeting.

This company has now incurred significant legal fees in having to counter RP's assertions.

We would now like an official statement from the Council/English Partnerships regarding RP's actions - to pass on to our members.

We are, of course, more than willing to provide any further information that you require.

P Goodwin  
Director, Grange Rd (Freehold) Limited

Contacts: Tel & Fax \_\_\_\_\_  
e-mail \_\_\_\_\_@msn.com

---

Windows Live™ Messenger has arrived. Click here to download it for free!



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The problem is urgent!

**R Foster & P Goodwin  
Directors, Grange Road (Freehold) Limited**



Printed: 08 December 2006 13:17:06

From : englishpartnerships.co.uk>  
 Sent : 05 December 2006 12:59:15  
 To : P. Goodwin, R. Foster  
 Subject : Grange Rd

Dear Peter

I refer to our telephone conversation of yesterday.

I can confirm that the matter of the additional development at Grange Rd was raised at the ~~Bolton~~ Bolton Board's Placemaking Group on 15th September 2006. The matter was referred to this Group by the ~~Bolton~~ Bolton Technical Group - who had been consulted informally by Bolton Council's development control team. R. Paxton attended the meeting as a Board member and declared an interest in the subject and did not take part in the discussion. The meeting is confidential. It was also noted that EP consent would be required for any development in this location which had not been requested.

Project Director  
 English Partnerships

Tel:

\*\*\*\*\*

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The problem is urgent!

**R Foster & P Goodwin**  
**Directors, Grange Road (Freehold) Limited**

RU

12 DEC 2006

RECEIVED



# complaint form

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RECEIVED  
12 DEC 2006

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### Please note

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- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

### ABOUT YOU

title Mr  Ms  Mrs  Miss  Councillor  Other (please specify)

first name Paul surname Goodwin

address DIRECTOR, ROSEMOUNT PROPERTIES, ABOVE BAR GATE  
SOUTHAMPTON postcode SO2 1FF

daytime telephone \_\_\_\_\_

evening telephone \_\_\_\_\_

email paul.goodwin@rman.com

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature \_\_\_\_\_ date 081206

DIRECTOR, Grange Road (FREEHOLD) LTD.

### YOUR COMPLAINT

#### Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

|                          |  |
|--------------------------|--|
| name of the individual/s | name of their authority/ies  |
| <u>MR R Paxton</u>       | <u>CENTRAL BARTON URBAN PARISH COUNCIL.</u><br><u>BARTON UDC BOARD</u> |
| _____                    | _____  |
| _____                    | _____  |
| _____                    | _____  |

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above



# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

MR PAXTON ATTENDED A MEETING OF BARTON'S PLACE MAKING GROUP ON 15 SEP '06. THE MEETING WAS CONFIDENTIAL.

MR NIX TOOK DOCUMENTS FROM THAT MEETING AND, WITH OTHERS, COPIED THEM. HE SENT THESE COPIES, WITH A LETTER, TO MEMBERS OF GRANGE ROAD (FREEHOLD) LTD.

( ) THE LETTER SOUGHT TO DISCREDIT THE EXISTING DIRECTORS OF GRANGE ROAD (FREEHOLD) LTD AND TO FURTHER MR PAXTON PERSONAL CHANCES OF BEING ELECTED A DIRECTOR OF THE COMPANY.

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

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The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.



Printed: 08 December 2006 13:16:13

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**From :** Paul Goodwin  
**Sent :** 05 December 2006 15:52:31  
**To :** Mr McNamee .gov.uk  
**Subject :** Mr R Paxton

---

■ Attachment :

---

Dear Mr McNamee

**Re: Mr R Paxton**

Following a brief conversation with J Jones yesterday, this company wishes to make a formal complaint about actions taken by R Paxton that have been detrimental to this company. We believe his actions to be improper.

The attached note is a summary that we sent to J Jones and will give you the background.

Please advise us if you require further information.

P Goodwin  
Director, Grange Road (Freehold) Company Limited

Contacts Tel &  
P Goodwin

---

Fed up with spam in your inbox? Find out how to deal with junk e-mail here!

08/12/06

Dear Owners of Grange Road Properties,

**AGM of Grange Road RTM Company Tuesday 5<sup>th</sup> December**

In this letter giving notice of the forthcoming AGM of the JLF Company P Goodwin indicated that he and R Foster intend to resign as Directors. They invited others to put their names forward to become Directors. In response to this request we, P Prentiss, J Green, R Paxton, Clem Pain, Van Webb and Ann Parks, have decided to nominate ourselves as Directors of the JLF Company.

We should like to begin by thanking Paul and Rob for their work in bringing us to this point in the development of both companies. We should also like to urge Paul and Rob to reconsider their decision to resign from the JLF company, and to remain as Directors giving the company the benefit of their combined expertise. This situation now presents us with an opportunity to widen the representation on the Board of Directors and promote greater openness and transparency in the workings of the company.

**Our proposals are:**

- **To elect a larger Board of Directors representing the variety of properties and circumstances of the owners**
- **To provide greater transparency in the Board's decision making**

**AGM of Grange Road (Freehold) Company Tuesday 5<sup>th</sup> December**

We are pleased that Paul Goodwin and Rob Paxton have decided to remain Directors of this company and we propose a similar broadening of representation for the Freehold Company. With this in mind we, J Green, R Paxton, Clem Pain and Van Webbs have nominated ourselves as Directors of the Freehold Company. Just as with the JLF Company, we should like to see a larger Board of Directors and greater transparency in the Board's decision making.

In that spirit of openness and transparency, we should like to inform you of something that has come to our notice and which we feel is of interest to all owners Grange Road properties. Proposals for a development at Grange Road have been presented for consideration to the Planning Department of Barton Council. The proposal contains plans for the development of a 7 storey apartment block building within the Grange Road complex. Copies of the details presented to the Council are attached for your information. As this is potentially a very significant proposal, we feel sure you would like to express an opinion at this initial phase. You can do this by:

- Raising the issue at the forthcoming AGM on 5<sup>th</sup> December
- Emailing your views to the Grange Road website on [admin@grangeroad.co.uk](mailto:admin@grangeroad.co.uk)
- Leaving a message on 07707 311777 (at any time)
- Talking to any one of us

Yours sincerely,

Pam Prentiss, Jo Green, Bob Paxton, Clem Pain, Van Webb and Ann Parks

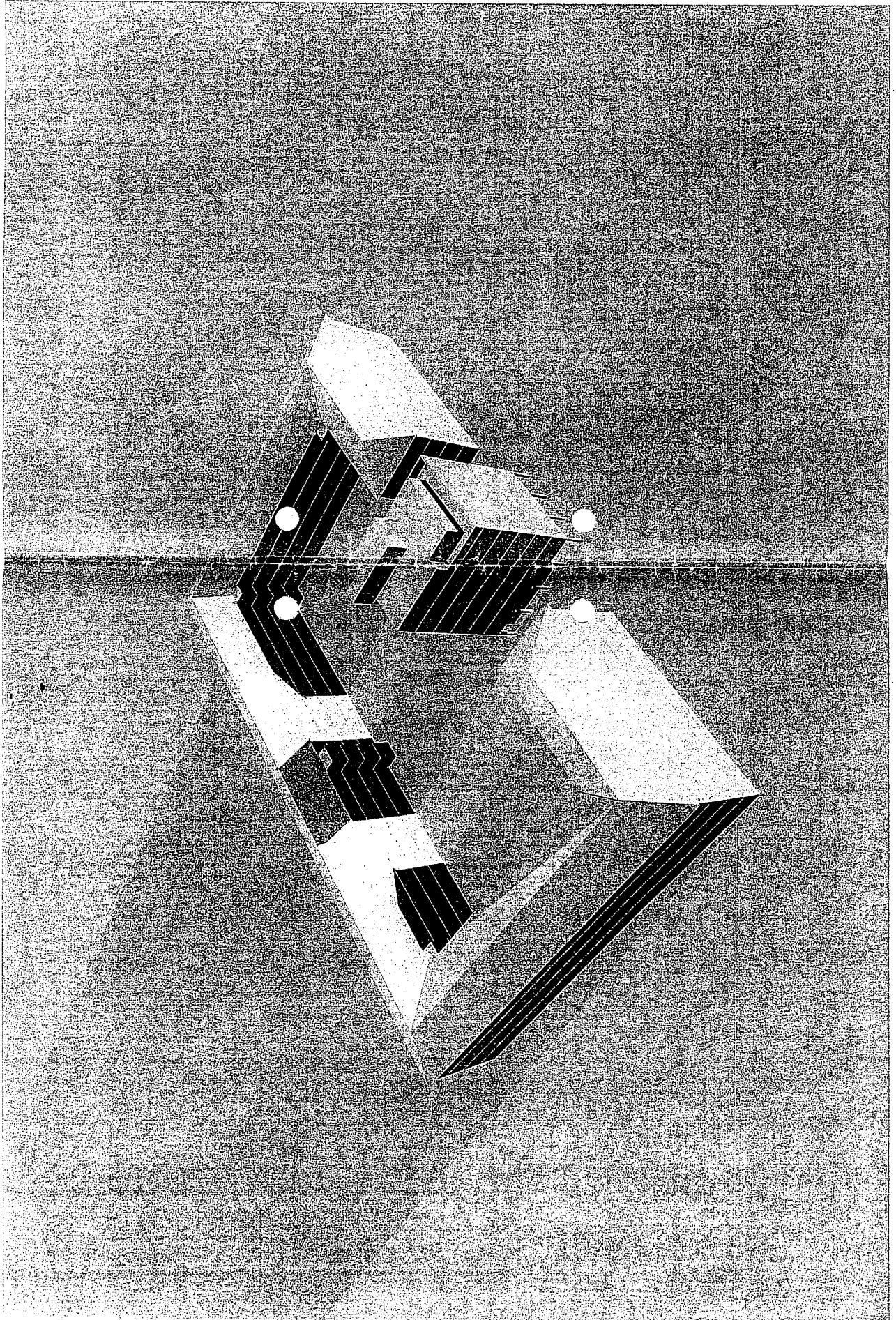
Enc Artist's impression and plans for proposed development at Grange Road

Longitude 0 deg 45' West  
Latitude 52 deg 02' North

9:00 AM  
December 21st

Azimuth : 139.4  
Altitude : 4.9

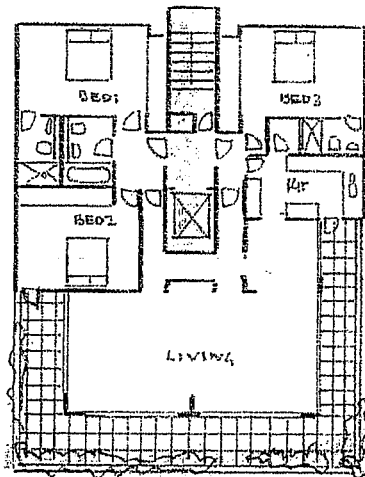
Dec 05



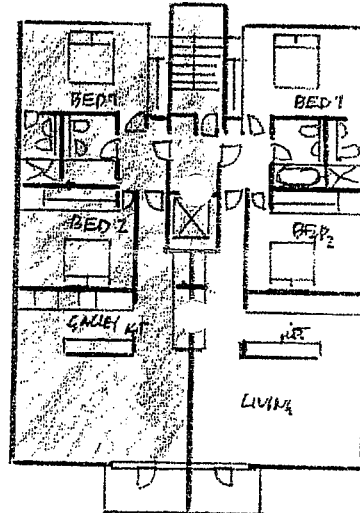
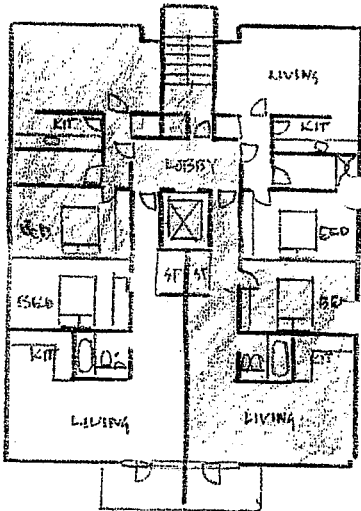


SCHEDULE

|     |            |          |                    |
|-----|------------|----------|--------------------|
| 6   | PENTHOUSE  | 1        | 165 m <sup>2</sup> |
| 5   | 2ND 2 BEDS | 2        | 76 m <sup>2</sup>  |
| 4   | 2ND 2 BEDS | 2        |                    |
| 3   | 2ND 2 BEDS | 2        |                    |
| 2   | 4TH 1 BED  | 4        | 44 m <sup>2</sup>  |
| 1   | 4TH 1 BED  | 4        |                    |
| GRD |            | 15 UNITS |                    |

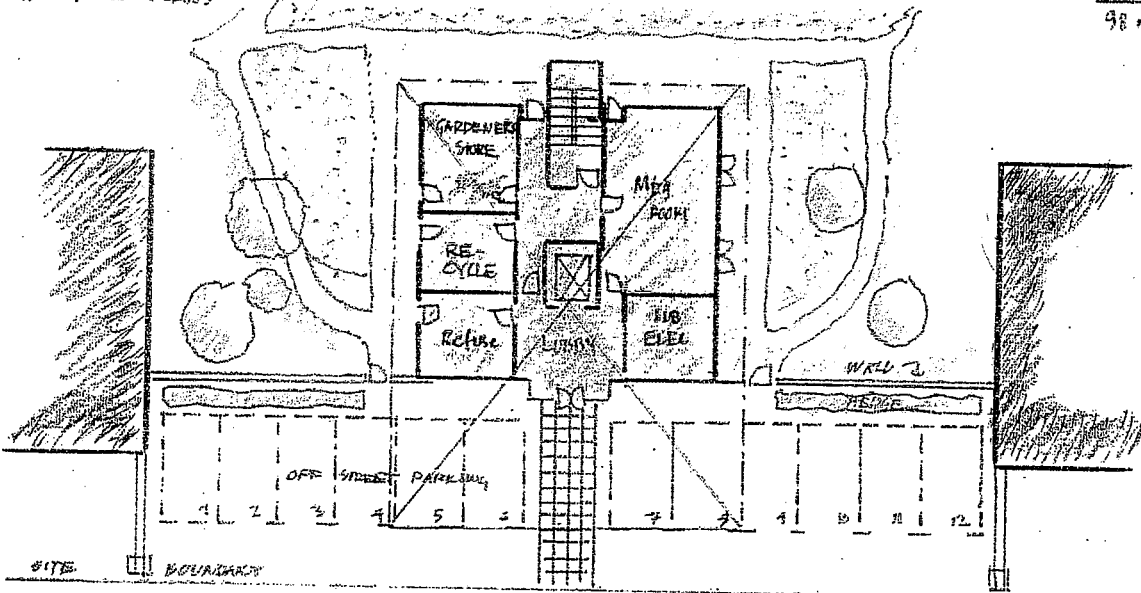


3 BED PENTHOUSE 165 SQ.M APPROX



1<sup>ST</sup> 1 BED APARTMENTS 44 SQ.M  
ALTERNATIVE FLOOR PLANS

2<sup>ND</sup> 2 BED/BATH APARTMENT  
76 m<sup>2</sup>



FOOTPATH

GROUND FLOOR PLAN

PROPOSED TOWER  
BASE

## **CASE L**

### **ANSTY METROPOLITAN BOROUGH COUNCIL – COUNCILLOR MAHMOOD KHAN**

#### **Summary**

The details of the case are summarised in the Standards Board for England's decision notice below. The complainant sought a review of the decision not to refer the matter for investigation. Members were asked to decide, in light of the review request, whether that decision should be overturned or upheld.

RU

RU Review.

23 MAR 2006

RECEIVED

Councillor  
C/O Members Secretariat  
Town Hall

P. 23/3

The Chief Executive  
The Standards Board for England  
1<sup>st</sup> Floor  
Cottons Centre  
Cottons Lane  
London  
SE1 2QG

RECEIVED MARCH 2006  
23 MAR 2006

Dear Sir,

**REF: SBE13 100.06**

With reference to your recent decision with regards to my complaint against Councillor Mahmood Khan I wish to formally ask for a review of the decision not to investigate my complaint.

My original complaint was separated into two areas that I referred to as Part One and Part Two. I am not asking for a review of Part Two.

In Part One, I alleged the following.

1. He is using his own position improperly to his or someone else's advantage.
2. He has failed to register financial or other interests
3. He is taking part in a meeting or making a decision where he has an interest that is so significant that it is likely to affect his judgement.

With reference to (2) above, I accept that Cllr M Khan has now entered a register of interest to the register on 10<sup>th</sup> February 2006. Even though this is the first entry since 2003, and he has had no declared interest for almost 3 years, if the Standards Board does not see this as an issue, then I do not wish to pursue it.

With reference to (3) above, I accept the Standards Board comment that "no information has been provided concerning meetings of the authority at which Councillor Khan was present and failed to declare an interest in the matter" I do not wish to pursue this issue, other than to say I was wrongly assuming a wider definition to the words "meeting" and "decision".

With reference to (1) above, I wish to stand by this allegation, the reasons for which will be explained.

In addition I wish to add the following allegation

- That he is doing something that prevents those who work for the Authority from being unbiased.

I note the Standards Board view that "It is not considered that responding as a ward member to general consultation on the future of the site in the absence of any particular planning application would disclose a potential breach of the Code of Conduct"

It must be noted at this point that the consultation was not "general" as the Standards Board have stated above.

Councillor Khan is a member of the Qadiya Group. No further evidence for this is needed other than Cllr Khan's February 2006 entry on the Members Register of Interests, which the Standards Board has seen. It is also clearly stated that Cllr Khan is a signatory to the groups account(s), a position of (usually) some importance within any voluntary group. It is also noted that Cllr Khan was a member of the Executive of the Anstey Council for Voluntary Service in March 2005. Again, a position of some importance for a voluntary group. Evidence for this was previously provided.

When Councillor Khan was consulted on 1st September 2005 (appendix F in original complaint) by AMBC Corporate Property, the letter clearly states that the group wishing to purchase the land is the Qadiya Group. Cllr Khan responded to the consultation without disclosing his membership of the said group. The letter also clearly states that as this land is recreational, an Executive Meeting for Corporate Resources identified consultation with ward members as being necessary.

I must stress, that contrary to the Standards Board statement of a "general consultation", this was actually the Executive Member specifically seeking the views of the ward members due to the fact that the land is recreational in the AMBC UDP. Sale of and building on any such land would be a departure from the UDP, and therefore an important decision with all of the necessary facts being on the table. The fact that Cllr Khan is a member of the Group trying to purchase the land (where there is an assumption against building) is an important factor that was not disclosed. It is my belief that the Executive Member concerned (Councillor Ryby) did not know that Cllr Khan was a member of Qadiya, when she made her decision to proceed on 15<sup>th</sup> November 2005. It is also my belief that the various officers from Corporate Property, Committee Administration, the legal advisor and senior Directors present at that meeting, did not know that Cllr Khan was member of the group offering to purchase the land.

I believe that Cllr Khan's membership of the group, and his failure to disclose this whilst being consulted on a controversial sale of land, was a breach of the Code of Conduct. It was a breach because his involvement in the group could have caused the officers' report to the Executive Member to be biased.

It should be noted that when the Executive Member next met on the 24<sup>th</sup> January 2006, it was reported that there was "growing concern" in the area. The Executive Member then took an entirely different line to that adopted on 15<sup>th</sup> November 2005, in that she then asked for in-depth consultation to be undertaken. This in effect has temporarily stopped the exclusive negotiations with Qadiya.

Two things had happened between 25<sup>th</sup> November 2005 and 24<sup>th</sup> January 2006 to make the Executive member adopt a new position on the land. Firstly, that contrary to the views of the ward members (including Cllr Khan), a local population of 259 people living immediately in the vicinity of the land voiced their opposition to it being sold. Secondly, ~~Cllr Ryby~~ became aware of Councillor Khan's membership of the Qadiya Group, therefore aware of his non declaration of an interest. (She would have become aware of this at the time of the newspaper article dated December 31<sup>st</sup> 2005)

These two events would put significant doubt into any decision makers mind about the validity of the earlier exclusive consultation with ward members. It could no longer be seen that the consultation was not tainted, and therefore any reasonable person could not have trusted the report written by the appropriate officer as being unbiased.

It could be argued that a ward Member may not necessarily represent the views of his constituents. However if that Councillor was a member of the organisation that a 259 name petition was opposing, a reasonable person could argue that he could have been influenced more by his membership of the organisation rather than the wellbeing of his constituents. It is a reasonable assumption to make that the average person on hearing of Councillor Khan's support for the sale would say "well he would support it; he is a member of the organisation buying it!" Whether this is true or not, it looks wrong and taints the entire decision making process. Therefore it could be argued that he may be using his own position improperly to further somebody else's advantage. In this case, using his position to further the advantage of the Qadiya Group.

I believe that Councillor Khan's non declaration of an interest and his subsequent influence on the exclusive consultation process is so significant that it should be investigated by the Ethical Standards Officer.

I therefore ask that the earlier decision not to investigate be reviewed.

Yours Sincerely



Councillor Andy Hill  
Ansty MBC

26 February 2006



Councillor Andy Hill  
64 Gartside Way  
Geltsdale  
GE3 5ES

1<sup>st</sup> Floor, Cottons Centre  
Cottons Lane  
London  
SE1 2QG  
Direct Line: 020 7378 5101  
Fax: 020 7378 5005

[john.williams@standardsboard.co.uk](mailto:john.williams@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

Dear Councillor Hill

**SBE13100.06**

I refer to the recent allegation of a breach of the Code of Conduct which you made to the Standards Board for England.

Our decision is set out in the attached notice, which also explains the relevant procedures, including your right to seek a review of the decision. If you decide to exercise this right, we must receive your written request by 26 March 2006.

Yours sincerely



John Williams  
Referrals Case Manager

## ***Decision Notice***

**Reference**    **SBE13100.06**

### **The Complaint**

The Standards Board for England recently received a complaint from Councillor Andy Hill concerning the alleged conduct of Councillor Mahmood Khan of Ansty Metropolitan Borough Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

It is reported that Councillor Mahmood Khan has been a member of a voluntary organisation, the Qadiya Group, since before the adoption of the Code of Conduct and his election as a member, and that he was identified in the *Ansty Evening News* in December 2005 as chairman of the group.

The first part of the allegation concerns land at Earl Street, Ansty. It is reported that one of the council's estates surveyors wrote to Councillor Khan as ward councillor in August 2004 to say that a request to buy the land had been received and that he would welcome any opinions members may have on the proposal as ward member for the area. Another surveyor wrote to ward members in September 2005 with a plan of the site to say that it was the subject of a grant in November 2004 to the Qadiya Group of an exclusive arrangement for 12 months to enable details to be prepared for the development of a mosque on the site, and that the group had progressed matters resulting in negotiations for their purchase of the site. On 8 February 2006 a chief officer confirmed to the complainant that on each occasion ward members were consulted, they indicated their support for the disposal of the land.

It is therefore alleged that Councillor Khan has a conflict of interest and should have taken no part in the consultation process due to his close involvement with the Qadiya Group; that he has failed to register his interest, and that he is taking part in a meeting or making a decision where he has an interest that is so significant that it is likely to affect his judgement.

The second part of the allegation concerns a petition handed to the Mayor of Ansty with 259 signatures from the Earl Street community and the Earl Community Group calling upon the council not to sell the land. It is reported that the leader of the council gave the petition to Councillor Idris Khan, another ward councillor. The complainant reports allegations that Councillor Mahmood Khan was visiting the petitioners, and concern that intimidation was occurring. He believes it is reasonable to assume that Councillor Idris Khan gave the petition to Councillor Mahmood Khan. Another member spoke to the leader, Councillor Rigby, and it is reported that she asked Councillor Mahmood Khan to stop what he was doing.

The complainant has provided a newspaper article which refers to different opinions as to what the land should be used for: as a mosque, as a children's play area, or as a small mosque with a play area attached.

### Decision

Standards Board officers have seen copies of the relevant reports to the executive member on 29 November 2004, 15 November 2005 and 24 January 2006. On the first occasion, she agreed that the council discuss the future of the site exclusively with the Qadiya Group for a period of twelve months. In November 2005, officers recommended that terms for the group's purchase of the site be agreed in principle subject to planning permission. The executive member asked for further examination of the scheme. The report listed the trustees of the Qadiya Trust, which did not include Councillor Mahmood Khan. (The January 2006 report noted growing concern about the potential loss of open space in the area, and the executive member asked for an in-depth consultation exercise to be undertaken in the absence of any decision.)

It is noted that an updated version of Councillor Khan's entry in the register of members' interests dated 10 February 2006 (the date the complaint was submitted) appears on the council's website which is different from the one provided by the complainant dated 24 June 2003. To it is appended the following note:

*"There is Qadiya Group in Ansty and this is a musical group and the objective of this group is to provide cultural and artistic opportunities for people in Ansty including lessons on traditional musical instruments.*

*To organise social events outing and leisure activities to reduce isolation and increase the members' social circle, do other such things necessary to the attainment of the said objective.*

*So I am a member of this group since 28 years. The group try to buy land in Earl Street to create a small mosque and medressa for the local children. I am not a trustee, president or any other officer. I am only signing on the cheque, moreover the mosque and medressa is the charity society. Nobody can sell, nobody can buy, nobody has ownership of the building, which are charity.*

*(2) I am trustee of Islam Masjid, Great Central Street, Geltsdale since 1983 up to present. So I have inform my clear cut interest in Earl St land. (Signed) Councillor Mahmood Khan"*

The Charities Commission website does not indicate that the Qadiya Group is a registered charity, and although Councillor Khan states in his declaration that it has a charitable purpose, he adds that he does not hold an official position there but that he is authorised to sign cheques.

With regard to the allegation of intimidation, it is considered that members are entitled to call on their constituents, and no information has been provided to indicate that this involved duress.

No information has been provided concerning meetings of the authority at which Councillor Khan was present and failed to declare an interest in the matter. It is not considered that responding as a ward member to general consultation on the future



use of the site in the absence of any particular planning application would disclose a potential breach of the Code of Conduct.

The Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe that a potential breach of the Code of Conduct is disclosed. We have made no finding of fact.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, and the monitoring officer of the relevant authority.

### Review

At the request of the complainant, the Standards Board's Chief Executive (or, in his absence, another senior officer) can review and change a decision not to refer an allegation for investigation. However, he will generally only do this if he is persuaded that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the Chief Executive to conduct a review has to be made in writing. We must receive the complainant's written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to all the parties mentioned above, notifying them of the outcome.

### Terms of Reference

*The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.*

*The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure.*

*Only the information provided by the complainant is assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.*

### Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice, require large print, or a Braille or taped transcript, or translated version of the information in this letter, we are able to assist you.

Signed .....  ..... Date .....

Head of Referrals (On behalf of the Standards Board for England)

LOCAL GOVERNMENT ACT 2000, s. 81(1)  
The Local Authorities (Model Code of Conduct) (England) Order 2001

**Notification by Member of a Local Authority of  
Financial and Other Interests**

I, (full name)

IBHAI PATEL

a Member of (authority)

COUNCILLOR ANS77 / Council

GIVE NOTICE that I have the following financial interests (please state "None" where appropriate):

(a) [My employment] [Business carried on by me] (delete whichever does not apply)

NONE

(b) [Name(s) of employer(s)] [Name(s) of firm(s) in which I am a partner]  
Name(s) of Company/ies of which I am a remunerated director] (delete whichever do not apply)

NONE

(c) Name(s) of person(s) (other than a relevant authority) who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties

NONE

(d) Name(s) of any corporate body/ies having a place of business or land in the authority's area, and in which I have a beneficial interest in a class of securities of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies

NONE

I further GIVE NOTICE of the following other interests:

(a) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the authority as its representative

None

(b) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature

None

(c) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes

None

(d) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy

None

(e) I am a member or hold a position of general control or management of the following trade union(s) or professional association(s)

None

Date

18-02-2006

Signed...

M K J A N

NOTE - A member must with 28 days of becoming aware of any change to the interests specified above, provide written notification to the authority's monitoring officer of that change (form LGA 3 may be used for this purpose)

PLEASE READ NOTE BACKSIDE OF THIS PAGE AT-C

10-2-2006

DEAR SIR

There is a Muslim group in Bolton and this is a musical group the objective of this group is to provide cultural and artistic opportunities for people in Bolton including lessons in traditional musical instruments

to organise social events outings and leisure activities to reduce isolation and increase the members social circle do other such things as necessary to the attainment of the said objective.

So I am a member of this group since 28 years this group try to <sup>buy</sup> land in ulster so to erect a small mosque & medressa for the local children. I AM NOT A TRUSTEE, PRESIDENT, OR ANY OTHER OFFICER I AM ONLY SIGNING ON THE CHARGE, MOREOVER MOSQUE & MEDRESSA IS <sup>THE</sup> CHARITY SOCIETY NOBODY CAN SELL, NO BODY CAN BUY NO BODY HAS A OWNERSHIP OF THE BUILDINGS WHICH ARE CHARITY

(2) I AM A TRUSTEE OF MASJID AL-ULUM AL-IBRAHIMIAH SINCE 1983. UP TO PRESENT

SO I HAVE INFORM MY CLEAR CUT INTEREST IN THE LAND

THANKING YOU SOBLISE

COMMUNICATOR  
MIRAZIZON KATAY

**John Williams**

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**Subject:** FW: Land at Earl Street

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**From:** John Williams  
**Sent:** 23 February 2006 09:54  
**To:** Paul Gwilym  
**Subject:** FW: Land at Earl Street

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Dear Paul

Thank you for the background information, it is very useful. As I said on the phone, this is only a preliminary inquiry and not an investigation, so I do not have any more questions. I will shortly write to your successor and the members concerned with my decision.

Best wishes for the future

Kind Regards

John Williams

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**From:** Gwilym, Paul [mailto:paul.gwilym@ansty.gov.uk]  
**Sent:** 23 February 2006 09:21  
**To:** John Williams  
**Cc:** Metcalfe, Estelle  
**Subject:** RE: Land at Earl Street

Dear Mr Williams

I have now spoken to Mr Dowling. The 'recent report' referred to in his letter dated 1 September 2005 did not in fact refer to the land at Earl Street. It related to the disposal of an area of land, formerly municipal tennis courts, in a different part of Ansty. When considering the tennis courts site disposal at a meeting on 19 July 2005, the Executive Member and the other members who were present, asked the officers to ensure that the relevant Ward Councillors are consulted about any proposals for the disposal of recreational or open space land. Although all proposed land transactions are notified to all members of the Council in a regular 'property bulletin', so that they can notify officers of any concern, it was felt that the possible disposal of any recreational land was so significant as to justify express consultation with the local councillors.

Although the Earl Street land might have been mentioned at the 19 July meeting (I was present but cannot recall whether it was mentioned) it was not recorded in the minutes.

Mr Dowling wrote to the ward councillors for the Earl Street area as a result of the members' request.

I have not faxed to you the tennis courts report or minute, as they do not refer to the Earl Street land, but will do so if you so wish. I believe that the reports which I faxed to you yesterday are more directly relevant.

Please note that I will be leaving the Council at the end of this week - Estelle Metcalfe has been appointed as Monitoring Officer, pending a permanent appointment. If you require any further information in this case after 24 February, please contact Estelle (tel 01102 331204).

Regards,

Paul Gwilym

21/05/2007

-----Original Message-----

**From:** John Williams [mailto:John.Williams@standardsboard.co.uk]  
**Sent:** 22 February 2006 12:33  
**To:** Gwilym, Paul  
**Subject:** RE: Land at Earl Street

Dear Mr Gwilym

Thank you for your help - the faxes have arrived. I look forward to hearing from you again when you have spoken to Mr Dowling .

Regards

John Williams

-----Original Message-----

**From:** Gwilym, Paul [mailto:Paul.Gwilym@ansty.gov.uk]  
**Sent:** 22 February 2006 12:03  
**To:** John Williams  
**Subject:** RE: Land at Earl Street

Dear Mr Williams

I am sending you by fax copies of three reports about this matter - dated 29 Nov 2004, 15 Nov 2005 and 24 Jan 2006 - with the respective minutes. I believe that there have been no other formal reports on this matter during this period. I am not sure which report Mr Dowling is referring to in his letter dated 1 Sept 2005 - he is out of the office until tomorrow. As soon as I can clarify the position with him I will let you know.

Regards,

Paul Gwilym

-----Original Message-----

**From:** John Williams [mailto:John.Williams@standardsboard.co.uk]  
**Sent:** 22 February 2006 10:06  
**To:** paul.gwilym@ansty.gov.uk  
**Subject:** Land at Earl Street

Dear Mr Gwilym

Following our conversation just now, it would be very useful if I could have site of the report and minutes of the Executive Member for Corporate Resources's proceedings referred to in Mr Dowling's letter of 1 September 2005 (Ref MD/8223).

Many thanks for your help.

Regards

John Williams

Referrals Case Manager  
Standards Board for England  
Cottons Centre  
London SE1 2QG

21/05/2007

Tel: 020 7378 5101  
Fax: 020 7378 5005

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Unless expressly stated to the contrary, any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Ansty MBC.

<http://www.ansty.gov.uk>

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# Fax Message

Our Fax No: 31040

Problems sending or receiving a Fax to this number?  
Phone: 331102/331106 and we will try to help

RU

22 FEB 2006

CENTRAL SERVICES - DIRECTORS' OFFICE, ROOM 106

RECEIVED

Recipient's Fax No: 020 4348 5005

Date: 22 FEB 06

From: PAUL GWILYM

To: (Company Name) STANDARDS BOARD

F.A.O.: JOHN WILLIAMS

No. of pages (including this one): 21

Message:  
Copy reports & minutes re  
land at Earls Street,  
Amey e-mail message  
refers.

The information contained in this fax message is intended to be confidential and only for the person or organisation to whom it is addressed. If you are not the addressee, you should not retain, copy or distribute any part of the message, nor take any action based on its contents.

If you have received this fax in error, please telephone us so that we can arrange for its return.

Please note that Council does not accept service of documents by fax.



Report to: Executive Member for Corporate Resources

Date: 29<sup>th</sup> November 2004

Report of: Director of Central Services  
( Contact Officer ( Ext 8416 )

TITLE OF REPORT:

Land at Earl Street, Anisby

**CONFIDENTIAL:** Paragraph 7&9 (Schedule 12A, Local Government Act 1972)

RECOMMENDATIONS:

The Executive Member is recommended to approve the grant of a 12 month exclusive negotiating period to the *Qandiga* Group as outlined in the attached report.

DECISION

*Agreed*

Signed:

*[Signature]*  
Executive Member

*[Signature]*  
Chief Executive / Chief Officer

Date:

6/12/04

29/11/04

**CONFIDENTIAL****BACKGROUND INFORMATION**

The *Qadiya* Group, a local community group, first applied to use the land shown by black edging on the attached plan as a site for a mosque in December 1999. Although provisional terms were agreed at the time, the application was eventually declined as it was the view that the piece of land made a valuable contribution to the local community as open space.

The site has continued to be of interest to the Group, as well as to individual applicants for residential purposes. The most recent application for the mosque development was in June 2004, when it was decided to review the matter and seek the views of the Commercial Services and Education & Culture Departments. No objections were received to the possibility of disposal, but Commercial Services suggested that a local consultation exercise be undertaken. As a result, the views of the three Ward Members were sought and their support has been received to the mosque proposal.

The site is allocated for recreational purposes under Policy O2 of the current draft UDP. However, the Head of Planning Control has indicated that the community benefits arising from a mosque development, as put forward by the Group, would allow the Planning Department to look favourably upon a planning application for such use. The possibility of a residential development would not be supported as the community benefits that accrue with a mosque scheme would not apply to a housing project.

The site is a former railway cutting which has been filled. There has been no investigation carried out to date to confirm the suitability of the land for development.

**PROPOSAL**

The proposal is supported by the local Ward Members and the Commercial Services Department have no objection to the loss of the open space. However, until a planning application is submitted and further ground investigation work undertaken, it is difficult to agree detailed terms as to the size and cost of the mosque building.

It is therefore proposed that the Council agree a 12 month period when it will not enter into discussions or negotiations with any third parties to enable the *Qadiya* Group to progress these aspects further. This will enable terms to be agreed when the planning position and ground conditions have been clarified.

A further report will be submitted to the Executive Member when such terms have been agreed or at the end of the 12 month period.

29 Nov 2004

**65. LAND AT EARL STREET**

The Director of Central Services submitted a report which detailed a proposal by the Qadiya Group to develop an area of land at Earl Street.

It was explained that until a planning application was submitted and further ground investigation work undertaken it was difficult to agree the terms of the disposal.

Consequently, it was proposed that the Council agree a 12 month period when it would not enter into discussions or negotiations with any third parties to enable the Qadiya Group to progress the proposal further. This would enable terms to be agreed when the planning position and ground conditions had been clarified.

**The Executive Member APPROVED -**

**The grant of a 12 month exclusive negotiating period with the Qadiya Group, as now detailed.**

Report to: Executive Member for Corporate Resources

Date: 15<sup>th</sup> November 2005

Report of: Director of Central Services  
( Contact Officer Ext 8416 )

TITLE OF REPORT:

Land at Earl Street, Ansty

CONFIDENTIAL: Paragraph 7&9 (Schedule 12A, Local Government Act 1972)

RECOMMENDATIONS:

The Executive Member is recommended to approve the transaction as detailed in the report and authorise the Head of Legal Services to complete documentation.

DECISION

~~Defer for  
a  
consideration  
exercise~~

Defer for  
further  
examination +  
consideration  
+  
consultation

Signed:

Executive Member

Chief Executive / Chief Officer

Date:

15/11/05

15/11/05

**CONFIDENTIAL****1.0 SUMMARY OF REPORT**

- 1.1 The site shown by black edging on the attached plan comprises an area of open space amounting to approximately 2,300 sq. yards.
- 1.2 At the meeting of 29<sup>th</sup> November 2004, the Executive Member for Corporate Resources approved the grant of a 12 month exclusive negotiating period with The *Qadiya* Group to progress proposals for a mosque development on the site.
- 1.3 During the exclusive period, The Group commissioned a desk top study into the site. It recommended that a full intrusive survey be carried out, including soil sampling, a land gas survey and borehole investigations. In addition an architect has prepared an initial draft scheme for pre-application discussions with Planning Officers.
- 1.5 Because of the high cost of undertaking the feasibility work, the Group made a request to acquire the site. This would give them sufficient evidence to approach the local community for funding purposes.
- 1.6 Discussions have been progressing between Officers of the Council and representatives of the Group as to how best to achieve this. The Council would wish to ensure that the Group have the necessary resources to carry out the work, whilst not restricting their ability to raise funding from the community.
- 1.7 Terms have therefore been agreed in principle for purchase of the land for an agreed sum, when the Group have obtained planning permission and provided proof that the proposal can be implemented. A Contractual Agreement would be entered into committing the Council to the sale of the site when these conditions have been satisfied. The Agreement would allow a 5 year period for the information to be provided and give the Group security to raise funds.
- 1.8 The Conveyance would incorporate provisions for completion of the mosque within an agreed reasonable period of time.

## 2.0 BACKGROUND INFORMATION

- 2.1 The *Qadiya* Group first applied to use the land as a site for a mosque in December 1999. Although provisional terms were agreed at the time, the application was eventually declined as it was the view that the piece of land made a valuable contribution to the local community as open space.
- 2.2 The current application for the mosque development was first made in June 2004, when it was decided to review the matter and seek the views of the then Commercial Services and Education & Culture Departments. No objections were received to the proposal, but Commercial Services suggested that a local consultation exercise be undertaken.
- 2.3 As a result, the views of the three Ward Members were sought and their support was received to the mosque proposal.
- 2.4 The site is allocated for recreational purposes under Policy O2 of the UDP. However, the Head of Planning Control has indicated that the community benefits arising from a mosque development, as put forward by the Group, would allow the Planning Department to look favourably upon a planning application for such use.
- 2.5 The site is a former railway cutting which has been filled and therefore no guarantee that it is capable of development has been given.
- 2.6 Ward Members have again been directly consulted because of the loss of open space and all support the current initiative.
- 2.7 The loss of the public open space will have to be advertised in the *Ansar* Evening News and any objections raised will be reported to Members for consideration.

## 3.0 FINANCIAL IMPACT

- 3.1 The Director of Finance has examined the proposal and has no objections, as there will be a capital receipt generated when the work is completed.

**4.0 RECOMMENDATION**

4.1 The Executive Member is therefore requested to approve the proposal, based upon the following terms and conditions :

- Site:** As shown by black edging on the plan amounting to 2,300 sq. yds. or thereabouts.
- Tenure:** (1) An Agreement for Sale for 5 years.  
(2) Freehold upon grant of planning permission and evidence that the site can be satisfactorily developed.
- Purchaser:** The Trustees of the *Qadiya* Group, 12 *Grange Street* Ansty QE1 8LX.  
The named Trustees are :  
1. Idi Mehmet Khan, 12 Arbitration Street, Ansty  
2. Imran Patel, 41 Union Street, Ansty  
3. Ali Khanum, 2 Clark Street North, Southwich  
4. Izet Aleef, 14 Earl Street, Ansty
- User :** The land only to be used for a mosque in accordance with planning permission to be obtained.
- Sewer Easement:** The transaction is to be subject to an easement for a sewer over the land shown by black hatching on the plan.
- Price :** £40,000 payable upon transfer of the freehold interest at completion of the sale.
- Costs :** Payment of my Surveyors Fees of £2,000 and reasonable Legal Costs.
- Other Terms:** The Group to construct a mosque and maderrassa in accordance with approved plans within an agreed period of time.

15 Nov 2005

**107. LAND AT EARL STREET, ANSTY**

Further to Minute 65 of the Executive Member for Corporate Resources held on 29th November, 2004, the Director of Central Services submitted a report which put forward the proposed terms and conditions in respect of the sale of an area of land at *Earl Street, Ansty*, as shown edged black on the plan now submitted.

The report outlined the current situation regarding the site and previous discussions regarding its future development.

**The Executive Member AGREED –**

**To defer this item for further examination.**

**108. PARK MUNICIPAL GOLF COURSE, LINKS ROAD,**

The Director of Central Services submitted a report which outlined the various issues surrounding the lease of Park Golf Course and sought approval to amend the rental levels, on the basis now detailed.

**The Executive Member APPROVED –**

**The revised rental level in respect of the Municipal Golf Course, on the basis detailed in the report now submitted.**

**109. LAND AT DERBY STREET,**

A report of the Director of Central Services was submitted which sought approval to vary the lease terms in respect of an area of land at Derby Street, *left*, shown edged black on the map now submitted.



Report to: Executive Member for Corporate Resources

Date: 24<sup>th</sup> January 2006

Report of: Director of Central Services  
( Contact Officer p Ext 8416 )

TITLE OF REPORT:

Land at Earl Street, Ansty

**CONFIDENTIAL:** Paragraph 7&9 (Schedule 12A, Local Government Act 1972)

RECOMMENDATIONS:

The Executive Member is requested to note the contents of the report.

DECISION

*Subject to simplification / acceleration of consultation process + further investigations of other options.*

Signed:

*Joy Rigby*  
Executive Member

*Amunath*  
Chief Executive / Chief Officer  
MONITORING OFFICER

Date:

*24/1/06*

*24/1/06*

**CONFIDENTIAL****1.0 SUMMARY OF REPORT**

- 1.1 The site shown by black edging on the attached plan comprises an area of open space amounting to approximately 2,300 sq. yards.
- 1.2 At the meeting of 15<sup>th</sup> November 2005, approval was sought of the Executive Member for Corporate Resources for a conditional sale of the site to The *Qadiya* Group to progress proposals for a mosque development on the site.
- 1.3 The report was deferred for further examination. Because of the growing concern about the proposal and the loss of open space, a local consultation exercise was requested, so that the results could be taken into consideration as part of the decision making process.
- 1.4 *Ansty* at Home have experience in carrying out resident consultation exercises of a sensitive nature and have therefore been independently commissioned to progress a survey of the community in the vicinity of ~~Earl~~ Street.
- 1.5 The consultation will be undertaken in two stages, these are as follows:
- Desk Top Study – a review of all current data concerning the area will be undertaken this will include information on the following:
    - Age range of local residents
    - No of children below the age of 16
    - Number of places of worship/faith in the area
    - Number of open places/ play areas
    - Any unused /derelict buildings in the vicinity
  - Resident Consultation. Face to face interviews will take place with residents in the area. Community Researchers primarily from the BME community (but also some from the white community) will be trained and paid to undertake the research within the area. All researchers will carry ID and will leave a letter with each person they interview to ensure they are clear about why the interview took place and what will happen to the information they have given.
- 1.6 A questionnaire has been designed to elicit views about the current use of the open land and whether there is support for developing the land either for community use through recreation and play or for an alternative format. A copy is attached to the Report for information.

- 1.7 The questionnaire will be distributed to a proportion of the 600/700 (approximately) households within the immediate vicinity of the open space. It will be undertaken by a group of local community researchers who live within the ( ) borough, some from the local area. The researchers will carry out a door to door survey to ascertain the views of local people as to the most appropriate use for the land. The community researchers, where feasible, will also speak to people in the street, at any local schools and community centres to ensure a diverse and representative sample of the local community is consulted.
- 1.8 The sample will be determined through initial analysis of the demographic profile of the area using census records. This will enable the consultation to ensure an accurate representation of the community is reflected of the following:
- Gender
  - Age
  - Ethnicity
  - Religion/Faith
  - Family structure (dependent children etc)
  - Disability levels (where possible)
- 1.9 The consultation will begin in February 2006 and will end mid February with final analysis and the report of the findings being available by mid March 2006. The report will be available to the public upon request.
- 1.10 The findings will be reported back to the Executive Member at a future date.

## 2.0 BACKGROUND INFORMATION

2.1 The site is a former railway cutting which has been filled and there is therefore no guarantee that it is capable of development.

2.2 Ward Members have been directly consulted because of the loss of open space and all supported the mosque initiative.

2.3 Any loss of the public open space will have to be advertised in the *Ansty* Evening News and any objections raised will be reported to Members for consideration.

## 3.0 RECOMMENDATION

3.1 The Executive Member is therefore requested to note the content of the Report.

7

24 JAN 2006

**132. LAND AT EARL STREET, ANSTY**

Further to Minute 107 of the meeting of the Executive Member for Corporate Resources held on 15th November, 2005, the Director of Central Services submitted a report which provided an update on the current situation regarding the site at Earl Street, Ansty and the consultation exercise that was being undertaken regarding the future development of the site. The findings would be reported back to the Executive Member at a later date.

**The Executive Member NOTED the report and requested that:-**

- (i) **The consultation exercise be modified on the basis now detailed; and**
- (ii) **Further investigations be carried out into whether the independent local consultation exercise on the loss of green space being conducted in Ansty, could be undertaken in the Earl Street area.**

**133. LAND AT THE REAR OF ST PATRICKS' RC PRIMARY SCHOOL,**

The Director of Central Services submitted a report which sought approval to transfer the land at the rear of St. Patrick's RC Primary School to the School Trustees to enable a small classroom extension to be erected.

**The Executive Member APPROVED –**

**The transfer of the site shown contained black on the plan to the Trustees of St. Patrick's RC Primary School on the basis detailed in the report now submitted, and that the Director of Central Services be authorised to complete the legal formalities of the transfer.**

Corporate Property Services  
**Earl** Street Consultation  
 January 2006

As part of our commitment to continuous improvement a review is to be undertaken of the open spaces within the some parts of the borough. To support this review we need to find out what local people think should be done, if anything, about *our* open spaces.

This review enables us to ask local people about open spaces in their area and seek their opinions in terms of redeveloping, changing or leaving open spaces as they are.

This part of the review is focused on the open space adjacent to **Earl** Street, which is currently classified as Recreational Open Space. We would not normally build on this land except in circumstances where it is deemed to have no existing or potential benefit to the community. Several suggestions have been forwarded to the Council for the use of this land and the survey is being undertaken to ascertain what local people would like to see happen to this piece of open space.

We ask that you take the time (about 10 minutes) to give us your thoughts on the open space in **Earl** St and what you think the Council should do with it.

All responses are strictly confidential and no individual will be identified in any way.

|   |  |                    |             |                                     |                                    |              |
|---|--|--------------------|-------------|-------------------------------------|------------------------------------|--------------|
| 1 | How long have you lived in this area?                              | Less than 6 months | 6-18 months | Over 18 month but less than 3 years | Over 3 years but less than 5 years | Over 5 years |
| 2 | How long have you lived in this house?                             | Less than 6 months | 6-18 months | Over 18 month but less than 3 years | Over 3 years but less than 5 years | Over 5 years |
| 3 | Do you have children under the age of 16 living in your household? | Yes                | No          | No Response                         |                                    |              |

~~This section has been removed from the survey. It was intended to be used to collect information about the use of the open land in the community area.~~

~~This section has been removed from the survey. It was intended to be used to collect information about the use of the open land in the community area.~~

Please indicate by circling how strongly you agree or disagree with the following statements.

|    |  |     |    |                |
|----|--|-----|----|----------------|
| 4a | Have you or members of your family made use of the open land on <u>Earl St</u> ? | Yes | No | Not Applicable |
|    |  |     |    |                |

Please answer the next question only if you have made use of the open space in Earl St in any of the following ways

|    |                                     |                 |            |           |        |       |
|----|-------------------------------------|-----------------|------------|-----------|--------|-------|
| 4b |                                     |                 |            |           |        |       |
| a) | Children play area                  | Very Frequently | Frequently | Sometimes | Rarely | Never |
| b) | One off events (fundays/ fairs etc) | Very Frequently | Frequently | Sometimes | Rarely | Never |
| c) | Sports (football/cricket)           | Very Frequently | Frequently | Sometimes | Rarely | Never |
| d) | Walking and dog walking             | Very Frequently | Frequently | Sometimes | Rarely | Never |
| e) | Other (Please state)<br>_____       | Very Frequently | Frequently | Sometimes | Rarely | Never |

|          |  |       |          |                   |         |
|----------|--|-------|----------|-------------------|---------|
| 5        | <u>Earl St</u> Open Space should remain as it is - a recreational area for the community |       |          |                   |         |
|          | Strongly Agree   | Agree | Disagree | Strongly Disagree | Neither |
| Comments |  |       |          |                   |         |

|    |  |                |       |          |                   |         |
|----|--|----------------|-------|----------|-------------------|---------|
| 6  | East St open space would be best used for the following: |                |       |          |                   |         |
| a) | Mosque   | Strongly Agree | Agree | Disagree | Strongly Disagree | Neither |
| b) | Play area for local Children                             | Strongly Agree | Agree | Disagree | Strongly Disagree | Neither |
| c) | Community maintained and managed recreational area       | Strongly Agree | Agree | Disagree | Strongly Disagree | Neither |
| d) | Other (Please state)                                     | Strongly Agree | Agree | Disagree | Strongly Disagree | Neither |

This section asks you about yourself, all information is confidential and will only be used for the purposes of this survey

|   |                            |      |        |             |
|---|----------------------------|------|--------|-------------|
| 7 | Please tell us your gender | Male | Female | No Response |
|---|----------------------------|------|--------|-------------|

8. Please tell us your age range

|          |         |         |         |         |         |
|----------|---------|---------|---------|---------|---------|
| Under 16 | 16 -18  | 19 - 21 | 22 - 25 | 26 - 30 | 31 - 35 |
| 36 - 40  | 41 - 45 | 46 - 50 | 51 - 55 | 56 - 60 | 61 - 65 |
| 66 - 70  | 71 - 75 | 76 plus |         |         |         |

|  |  |
|--|--|
| 9. What is your ethnic group? (Please circle as appropriate) |  |
| White  | British                                    |
|  | Irish                                      |
|  | Other (please state)                       |
| Mixed  | White and Black Caribbean                  |
|  | White and Black African                    |
|  | White and Asian                            |
|  | Any other Mixed background (please state)  |
| Asian or Asian British                                       | Indian                                     |
|  | Pakistani                                  |
|  | Bangladeshi                                |
|  | Any other Asian background, (Please State) |
| Black or Black British                                       | Caribbean                                  |
|  | African                                    |
|  | Somali                                     |
|  | Any other Black background, (please state) |
| Chinese or Other Ethnic Group                                | Chinese                                    |
|  | Iraqi                                      |
|  | Any other group - (Please state)           |

|                                   |             |                        |                        |
|-----------------------------------|-------------|------------------------|------------------------|
| 10. Please indicate your religion |             |                        |                        |
| Muslim                            | Hindu       | Buhdist                | Christian              |
| Jewish                            | No Religion | Other (Please specify) | Do not wish to answer. |



**Disability**

Under the Disability Discrimination Act 1995, a person is considered to have a disability if he/she has a physical or mental impairment which has a substantial and long-term effect on his/her ability to carry out normal day to day activities.

|    |   |     |    |            |
|----|---|-----|----|------------|
| 11 | Do you consider yourself to have a disability | Yes | No | Don't Know |
|----|---|-----|----|------------|

|   |                            |                        |                          |
|---|----------------------------|------------------------|--------------------------|
| 12. If you do have a disability please indicate the main type of disability |                            |                        |                          |
| Visual Impairment   | Hearing Impairment         | Mobility Disability    | Mental Health Disability |
| Learning Disability   | Communication Difficulties | Other (Please specify) |                          |

13. Do you have any other comments you wish to add?

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

Thank you for your time to complete this survey.

The information asked for in this document is for the use of AMBC, to assist in developing and improving the services provided by Corporate Property Services.

However, occasionally we may share information with other partners to influence service delivery across Ansty.

Please indicate if you agree to the sharing of information contained within this document

Yes I agree to the sharing of this information with partners of AMBC

No I do not agree to the sharing of this information with partners of AMBC

RU

14 FEB 2006

RECEIVED



# complaint form

RECEIVED  
14 FEB 2006

If you have any questions or difficulties filling this form in, for example, if English is not your first language or you have a disability, please contact the Referrals Unit on 0800 107 2001.

You can also e-mail them at referrals@standardsboard.co.uk

**Please note**

- > we can only accept complaints in writing;
- > one of our officers may contact you personally to go through the details of your complaint;
- > we are unlikely to be able to keep your identity confidential if you make a complaint.

**ABOUT YOU**

title Mr Ms Mrs Miss Councillor  other (please specify)

first name **ANDY** surname **HILL**

address **64 GARTSIDE WAY**  
**GELTSDALE** postcode **GE3 5ES**

daytime telephone **07** **884305**

evening telephone **01** **459949**

e-mail **Nicholas.peel@ansty.gov.uk**

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

date **1 0 0 2 0 6**

**YOUR COMPLAINT**

**Who are you complaining about?**

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

name of their authority/ies

**COUNCILLOR MAHMOOD KHAN**

**ANSTY M.B.C.**

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above



# complaint form



## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the complaint.

We can only investigate complaints that a member has broken the Code of Conduct (see section 3 of the information leaflet 'How to make a complaint about a councillor'). Continue on a separate sheet if there is not enough space on this form.

PLEASE SEE ATACHED SHEET

## EVIDENCE (if this applies)

Please attach to this form copies of correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

Please send this form to:

The Standards Board for England  
First Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

Your answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

## DETAILS OF THE COMPLAINT

### PART ONE

Councillor Mahmood Khan (for the rest of this complaint, known as MK) was elected to the Council in May 2003.

MK was elected to serve the Town Ward in 2003, which due to boundary changes became the Moor ward in 2004, when he was re-elected.

Evidence exists to show that MK was a member of the Qadiya Group as early as August 2001 (see supporting appendix A) until at least March 2005 (Appendix B) and named in an Evening News Article as the Chairman of said group in December 2005 (see Appendix C)

Appendix B is a printed page from the website of the Council for Voluntary Service 2004/5 Annual Report, dated March 2005. The website can be found at <http://www.anstycvs.org>

MK's Annual Declaration of Interest (2005/6) is dated 24<sup>th</sup> June 2003, and contains a registration of interest in nothing. All of the boxes are marked 'N/A', including Section C. (see Appendix D)

On the 25<sup>th</sup> August 2004, AMBC Corporate Property Services wrote to the 3 Moor Ward Councillors, including MK, with reference to land at Earl Street. The letter from the Surveyor states that a request to buy the land has been received and that he would welcome any opinions you may have on this proposal in your capacity as ward member. (see Appendix E)

On the 1<sup>st</sup> September 2005, a further letter was sent to the 3 Moor Ward Councillors. This letter identifies the Qadiya Group as being the beneficiary of a grant of an exclusive arrangement. The letter also states that the surveyor would appreciate the ward member's comments. (see Appendix F)

I received a letter from Mr Gwilym, Director of Central Services, on 8<sup>th</sup> February 2005, stating that with reference to the 2 consultation letters, all of the ward councillors responded and **all indicated their support** for the disposal of the land. (see Appendix G)

This is clear conflict of interests, from a Member who should have taken no part in the consultation process, due to his close involvement with the Qadiya Group.

My allegations (In Part One) against Councillor Mahmood Khan are that

1. He is using his own position improperly to his own or someone else's advantage
2. He has failed to register financial or other interest
3. He is taking part in a meeting or making a decision where he has an interest that is so significant that is likely to affect his judgement.

**PART TWO**

On the 14<sup>th</sup> December a petition was handed to Mayor, by Mr M Ismail and members of his family on behalf of 259 petitioners from the Earl Street community and The Earl Community Group. This petition called upon AMBC not to sell the Earl Street land. Following receipt of this petition and the resulting publicity the Evening News, AMBC committed itself to holding a full comprehensive consultation with local residents.

MK was on holiday at this time and returned around the end of January 2006. It is my understanding that at this time a copy of the petition came to MK. I also understand that the Leader of the Council, Councillor Joy Rigby gave this petition to the Councillor I Khan, the ward colleague of MK I cite as a witness to this Councillor Gott, who was given this fact by Councillor Rigby.

Allegations have been made within the last week from the date of this complaint that MK was visiting the petitioners. For what purpose can only be speculated on. There was concern that there may be some intimidation occurring therefore Councillor Gott asked Councillor Rigby to speak to MK to ask him to stop what he was doing. It is my understanding that she did this, at or around the 3<sup>rd</sup> February 2006.

I, together with Councillor Mandy Hilton, spoke with Councillor Rigby on the 6<sup>th</sup> February 2006 to emphasise the danger of what had taken place. Councillor Rigby again stated that she had handed over the petition in good faith to a Moor Ward Councillor.

Due to the allegations of MK visiting petitioners, it is reasonable to assume that Councillor I Khan gave this petition to MK.

On the 7<sup>th</sup> February after hearing more rumours that MK was still speaking to petitioners I contacted Mr Paul Gwilym to recommend that the Chief Executive of AMBC speak to MK to warn him that in view of the fact that a complaint was being considered, and in view of the fact that there could be conflict of interest he should stop what he is doing. I do not know if this happened.

The article in the Evening News (Appendix D) goes into some detail about the particular cultural difficulties the petitioners had with their own campaign, which I cannot add to. However, there is a considerable disquiet among that same community that a representative of the group that they had been campaigning against on this issue now has access to their names and addresses.

My allegations (in Part Two) against Councillor Mahmood Khan are that

1. He is doing something that prevents those who work for the authority from being unbiased. (By unduly influencing the consultation process)
2. He is revealing information that was given to him in confidence
3. He is damaging the reputation of his office and of the authority
4. He is using his own position improperly to his or someone else's advantage

**ADDITIONAL INFORMATION**

Further details of Councillor Mahmood Khan's membership of the Qadiya Group can be obtained from the Council for Voluntary Service, who can confirm that stood for the CVS Executive in October 2005.

Councillors Mandy Hilton, Carl Gott, Idris Khan and Joy Rigby are named witnesses in this complaint are all members of MBC.

Although my complaint is about a Member and not AMBC as an Authority, I realise that there may be some points within Part Two that would be better dealt with by the Ombudsman. If this is the case, I give my consent to anything being 'forwarded on'

I also understand that a separate letter of complaint has been sent by Mr Ismail to the The Chief Executive of MBC, Tony Lemon, I do not have this letter at present, however a copy should reach the Standards Board in due course, as I understand that the letter covers many of the same points as this complaint. The letter has apparently been copied to (amongst others) David Prince, Chief Executive Standards Board, Anne Seex, Local Government Ombudsman and Richard Thomas, Information Commissioner.

Councillor Andy Hill (AMBC) 10<sup>th</sup> February 2006

Date: 24<sup>th</sup> August, 2001

Your Ref:

Our Ref:

Enquiries to:

APPENDIX A

Mr. M Khan

Dear Mr. Khan

**VOLUNTARY SECTOR GRANTS SCHEME 2001/2002**

On 21<sup>st</sup> August, 2001 the *Qadiya Group* applied to *the* Council for Grant Aid under the Council's Voluntary Sector Grants Scheme for 2001/2002 of £1,425.00 towards the costs incurred by providing classes in artistic disciplines and staging a musical event.

The Grant Aid is payable subject to the following conditions:

- (a) The grant shall only be used for the purpose of providing classes in artistic disciplines and staging a musical event.
- (b) If the grant is not claimed before 20<sup>th</sup> September, 2002 then the grant shall be forfeited.
- (c) That the grant shall be paid as 50% contribution up to a maximum level of £1,425.00 (whichever is the lower) towards the cost of the project specified above.
- (d) That the grant shall only be payable upon submission of paid invoices which detail the work/items purchased and show clear proof of payment.
- (e) If it transpires before the Council has paid any grant monies for a successful grant application that the grant form contains untrue statements or that the Council has been misled or that information has been withheld by any person providing information to the Council or requested to provide information to the Council in order for the Council to assess the application for a grant, then the Council shall treat that application as withdrawn and shall not consider the application further or pay any money out on the basis of that application. Further the Council shall not consider any future applications from the said organisation unless the organisation satisfies the Council that there has been a material change in the structure of the

organisation since the situation arose which led to the Council treating the grant application as withdrawn.

- (f) That if the equipment acquired with the grant aid is sold or disposed of within five years from the date of this letter, or if the organisation is in breach of any of the terms and conditions of this grant aid then the organisation shall be liable to repay the grant to the Council in full free of any deductions.
- (g) That the grant monies or any part of the grant monies shall not be used to publish material which the Council is prohibited by Section 2 of the Local Government Act 1986 from publishing itself.
- (h) That the grant aid will not be used intentionally to promote homo-sexuality or to publish material with the intention of promoting homo-sexuality contrary to Section 2(a) of the Local Government Act, 1986.
- (i) Subject to any other terms and conditions that the Council's Borough Solicitor considers appropriate for the grant aid.

I shall be obliged if the duly authorised representatives of your organisation would sign and complete the attachment to this letter. I have enclosed two copies, would you please sign both, return one copy at your earliest opportunity and retain the other for your reference. This will certify the group's consent to the terms and conditions of the grant as specified in this letter. Following receipt of the duly completed letter I shall be able to make arrangements for future payment of the grant.

Yours sincerely,

Voluntary Sector Support Officer  
Regeneration and External Funding Team





mosques.

He added: "I am also aware of the lack of open space in the area and I said I would support the proposal with the condition a children's play area also be developed."

But Labour councillor, [redacted] said: "We thought it was not right for the council to be in negotiation with just one group.

"We asked for the discussions to be stopped and for local residents to be consulted first before a decision was made to sell the land and put it out for open tender.

"If there is a need for a mosque then it could be built further up on the land leaving the open space as a play area for the children."

A council spokesman said: "We must emphasise that no decision has yet been made either formally or informally that this piece of land should be sold.

"The issue about the possible development of the land has been around since 1999 but was never progressed. Then, after an approach in 2004, it was decided that the group should be allowed a 12-month period of negotiation.

"Last month a further progress report was drawn up and at this stage a large number of objections to the proposals, including a petition, were received by the council. No decision has been made about this land and people will have a full opportunity to express their comments and views on the proposal.

"We will be conducting a full consultation exercise in the new year with people living in the area."

He added that there are "strict rules laid down" about councillors being involved in issues such as this.

Cllr *Khari* was unavailable for comment and *Quachya* refused to comment on plans to develop the play area.

LOCAL GOVERNMENT ACT 2000, s. 81(1)

The Local Authorities (Model Code of Conduct) (England) Order 2001

### Notification by Member of a Local Authority of Change to Registered Financial and Other Interests

I, (full name)

MATMOOD KHAN

Member of (authority)

COUNCILLOR ANSTY Council

GIVE NOTICE of the following changes to my financial and other interests registered by you. (please state "None" where appropriate)

(a) [My employment] [Business carried on by me] (delete whichever does not apply)

N/A

(b) [Name(s) of my employer(s)] [Name(s) of firm(s) in which I am a partner] [Name(s) of Company/ies of which I am a remunerated director] (delete whichever do not apply)

N/A

(c) Name(s) of person(s) (other than a relevant authority) who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties

None

(d) Name(s) of any corporate body/ies having a place of business or land in the authority's area and in which I have a beneficial interest in a class of securities of that body/those bodies that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body/those bodies

N/A

APPENDIX D

(e) Description of any contract for goods, services or works made between the authority and myself or a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (d) above.

N/A

(f) Address or other description (sufficient to identify the location) of any land in which I have a beneficial interest and which is in the area of the authority

N/A

(g) Address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (d) above.

N/A

(h) Address or other description (sufficient to identify the location) of any land in the authority's area in which I have a licence (alone or jointly with others) to occupy for 28 days or longer.

N/A

I further GIVE NOTICE of the following other interests:

(a) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the authority as its representative

N/A

(b) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature

N/A

(c) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes

N/A

(d) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy

N/A

(e) I am a member or hold a position of general control or management of the following trade union(s) or professional association(s)

N/A

Date 24-06-2003

Signed M. H. A. N.

NOTE: A member must within 28 days of becoming aware of any change to the interests specified above provide written notification to the authority's monitoring officer of that change (a further form LGA 3 may be used for this purpose)

25<sup>th</sup> August 2004

y/r  
o/r

Enquiries to:

Direct Line : 338403

E-mail

Councillor M Khan  
C/o Members Secretariat,  
Town Hall,

Dear Councillor Patel,

Re: Land at Earl Street.

As you are aware I have received a request to buy the land shown edged black on the attached plan No SD7110NE, for the construction of a Mosque.

I am awaiting the results of consultations with other Council Departments and would welcome any opinions you may have on this proposal in your capacity as Ward Member for this area.

Yours sincerely,

Principal Estates Surveyor,  
Corporate Property Services.

CC Councillor I. Khan  
Councillor Gladwin

APPENDIX E

Date: 1<sup>st</sup> September 2005.

Your Ref:

Our Ref:

Enquiries to:

Direct Line

Councillor I. Khan  
C/o Members Secretariat,  
Town Hall.

Dear Councillor Khan

RE: LAND AT EARL STREET

Please find attached a plan showing the above site which was the subject of the grant in November 2004 to the ~~Qadriya~~ Group of an exclusive arrangement for 12 months to enable details to be prepared for development of a mosque on the site. Matters have been progressed by the Group resulting in current negotiations for their purchase of the site.

Following a recent report to the Executive Member for Corporate Resources, it was agreed that any scheme resulting in the loss of recreation space would be submitted to Ward Members for comment prior to seeking approval. As the development proposed will result in the loss of such space in this case, I would appreciate your comments accordingly. These will be included in the report to the Executive Member for Corporate Resources when formal approval of the transaction is sought.

I look forward to hearing from you.

Yours sincerely,

BSc MRICS  
Senior Estates Surveyor

Cc Councillor M Khan  
Councillor Gladwin

APPENDIX F

Date: 8<sup>th</sup> February 2006  
Your Ref:  
Our Ref:  
WP No:

# Council

CENTRAL SERVICES

Councillor A Hill

Dear Councillor Hill

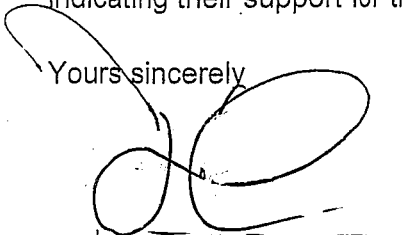
RE: LAND AT EARL STREET ... TON

Thank you for your telephone enquiry concerning consultation with Ward Councillors with respect to the above-mentioned matter.

I enclose for your information copies of consultation letters which were sent to Ward Councillors (Councillors Gladwin, I Khan, and M Khan) on 25<sup>th</sup> August 2004 and 1<sup>st</sup> September 2005.

I confirm that on each occasion all of the Ward Councillors responded to the consultation, indicating their support for the proposed disposal of the land.

Yours sincerely



**PAUL GWILYM**  
**DIRECTOR CENTRAL SERVICES**

APPENDIX 6

1



INVESTOR IN PEOPLE



|                           |  |
|---------------------------|--|
| <b>REPORT TO:</b>         | Standards Committee                    |
| <b>DATE:</b>              | 27 February 2008                       |
| <b>REPORTING OFFICER:</b> | Strategic Director Corporate & Policy  |
| <b>SUBJECT:</b>           | Standards Board Information<br>Roundup |
| <b>WARDS</b>              | N/A                                    |

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To bring Members of the Committee up to date with the latest news from the Standards Board.

## **2.0 RECOMMENDATION**

- 2.1 That the report be noted.

## **3.0 SUPPORTING INFORMATION**

- 3.1 A copy of Bulletin 36, released since the last meeting of the Committee, is attached.

- 3.2 In particular, Members' attention is brought to the abolition of the Independent Adjudicator and the transfer of these duties to the Standards Committee. These duties are:

- To consider applications from local authority employees for exemption from political restriction in respect of their posts.
- Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.
- To give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.

- 3.3 In addition, further advice is provided in respect of suspensions and what a member should and should not do if they are suspended.

## **4.0 POLICY IMPLICATIONS**

- 4.1 None.

## **5.0 OTHER IMPLICATIONS**

- 5.1 None.

**6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and Young People in Halton** – None.

6.2 **Employment, Learning and Skills in Halton** – None.

6.3 **A Healthy Halton** – None.

6.4 **A Safer Halton** – None.

6.5 **Halton's Urban Renewal** – None.

**7.0 RISK ANALYSIS**

7.1 No key issues have been identified which require control measures.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 None.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

## Contents

### Page 2

Amendments to the *Local Government Act 2000*

New regulations – government consultation

Local assessment of complaints: pilot findings

### Page 4

Checklist for local authorities in the run up to April 2008

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Local assessment information now available online

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Stronger action needed on ethical governance

New role for standards committees

### Page 8

Updated advice on suspensions

### Page 9

New Board members required

### Page 10

Statistics

### Contact

Enquiries line: 0845 078 8181

Minicom: 0161 817 5449

[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

email: [bulletin@standardsboard.gov.uk](mailto:bulletin@standardsboard.gov.uk)

### Welcome to Issue 36 of the *Bulletin*.

2007 has been an eventful year for the Standards Board for England, with all the elements of the local standards framework starting to come together. We all have a lot to do in 2008 to ensure its successful implementation.

The *Local Government and Public Involvement in Health Act 2007* is now law and firmly places responsibility for the standards agenda where it belongs, at the heart of local government. Standards committees will have a vital role in ensuring that the Code of Conduct is lived out locally and upheld. We believe that this approach will reinforce the importance of high standards at a local level, helping to demonstrate accountability and developing greater local trust.

The Standards Board continues to develop its functions as a strategic regulator and is working hard to prepare local authorities for their new responsibilities in the ethical framework. We are producing detailed guidance that will be made available to all relevant authorities in the new year, to reflect the regulations issued under the *Local Government and Public Involvement in Health Act 2007*.

In this issue of the *Bulletin* we focus on the findings from the local assessment pilots, and provide a checklist for local authorities in the run-up to April 2008. We also clarify the position of suspended members in relation to conduct outside their official capacity, and look at the Audit Commission's survey on ethical governance.

We have enjoyed a very positive year, with a successful relocation to Manchester and the opportunity to meet many of you at our roadshows and our well-received Annual Assembly.

We look forward to continuing and developing our close relationships with local authorities in the context of the new standards framework from 2008.



**David Prince**  
Chief Executive

## Amendments to the *Local Government Act 2000*

The *Local Government and Public Involvement in Health Act 2007* was passed by Parliament on 30 October 2007 when it received royal assent.

The act includes important amendments to the *Local Government Act 2000*, including:

- 1) The introduction of a locally managed framework of compliance with the Code of Conduct and a new regulatory role for the Standards Board for England.

This will involve local standards committees making initial assessments of misconduct allegations, and most cases being handled locally. The Standards Board will provide supervision, support and guidance for local authorities. The Standards Board will also aim to ensure some degree of consistency in the application of the Code.

It is anticipated that the sections introducing the locally managed framework will commence on 1 April 2008.

- 2) The application of the Code to cover some conduct in a private capacity, where this has led to a criminal conviction.

This second amendment does not take effect immediately as the relevant parts of the act have not yet come into force and, in the meantime, conduct carried out in a member's private capacity cannot be subject to the Code.

## Government consultation on new regulations and orders

Communities and Local Government (CLG) is expected to consult in December 2007 on proposals for the new regulations and orders that flow from the *Local Government and Public Involvement in Health Act 2007*.

The consultation is expected to include proposals for regulations on local assessment of complaints, joint standards committees and an increased range of sanctions for standards committees.

The consultation document will be available in the next couple of weeks from [www.communities.gov.uk](http://www.communities.gov.uk).

## Local assessment of complaints: pilot findings

During the summer, the Standards Board for England piloted the local assessment of complaints with a broad geographical range of authorities of all types, across England. A total of 38 standards committees participated in the pilot, each of which considered 12 real but anonymised cases, including two appeal cases.

The Standards Board collected a range of data and feedback from the pilot, developing an overview of how the local system might work in practice. Detailed analysis of the results and feedback supplied by 30 committees was undertaken. The results are based on 360 allegations considered by standards committees.

Standards committees were asked to record whether they decided to:

- Refer allegations to the Standards Board.
- Refer allegations to the monitoring officer for investigation or alternative action such as mediation or training.
- Not refer them at all.

The average referral rate for standards committees was just over six out of the ten cases (excepting the two appeals) at 66.5%, compared with the Standards Board's referral rate on the same cases of three out of ten, or 30%. However, local standards committees had the further option to consider alternative action such as mediation, training or an apology, which is not available to

the Standards Board, and referrals for alternative action are included in their average.

The average rate of referral for alternative measures was 7.3%. The average non-referral rate for standards committees was low at 33.5% compared with the Standards Board's non-referral rate of 70%.

The Standards Board had originally referred three of the ten allegations given to participating standards committees in the pilot for investigation. Standards committees participating in the pilot largely correlated with the Standards Board in their decisions to refer these allegations.

The majority of referrals by standards committees were made to monitoring officers at an average rate of 40%, ranging between 23% and 66.6%. The rate of referral to the Standards Board for investigation was low, at less than 10%.

Standards committees made decisions which diverged significantly from those of the Standards Board in only 11 of the 360 allegations.

Therefore, participating standards committees took a different view from the Standards Board in less than 4% of cases.

Standards committees were asked to self-assess their collective decision-making for each complaint against the following categories:

- 1) Quick decisions.
- 2) Decisions requiring some deliberation.
- 3) Difficult decisions.
- 4) Not specified (where no decision was reached in the allocated time).

In nearly 40% of cases, standards committees considered that they were able to reach a quick decision, and only in 13% of cases were decisions considered slow and difficult with much deliberation.

Standards committees were also asked to record whether any of their decisions went to the vote. Nearly 14%, or 49 of the total of 360 allegations considered in the pilot, were voted on. A further 11% of the total complaints were undecided, in most cases because a decision was not reached in the time allocated. Therefore, 76% of the decisions taken in total by the participating standards committees were reached through consensus.

Finally, standards committees were also asked to consider a range of additional procedures and resources they considered necessary for managing the local system and making it work in their own authority.

The average number of members from participating authorities serving on their standards committees is nine, and ranges from five to 16. The average number of independent members is nearly four, ranging from two to seven. Some 93% of participating standards committees had an independent chair.

Almost half of participating standards committees considered themselves to be politically balanced in the strict legal sense, that is, in accordance with the political balance requirements of Sections 15-17 of the *Local Government and Housing Act 1989*.

The establishment of a sub-committee was considered to be necessary by 23 of 30 committees, while only a third, ten of 30, considered adding more independent members as necessary.

Of the 13 authorities which stated they would not increase the number of independent members on their standards committee, seven said they would need to increase resources, five were unsure, and only one felt they would not need to increase resources.

## Checklist for local authorities in the run up to April 2008

This article offers a 'checklist' for local authorities of things to consider in the run-up to the implementation of the locally managed framework. Please note that, in some cases, it is subject to Communities and Local Government making appropriate regulations.

### 1) Size of standards committee

Standards committees must have a minimum of:

- Three members (two elected members and one independent member).
- 25% as independent lay members if the committee is more than three people.
- An independent chair (from April 2008).
- One parish or town council member if the authority has responsibilities for those councils.

Effective practice - the Standards Board recommends:

- At least six people as a minimum (three elected members and three independent members).
- Two, or possibly three, parish or town council members if the authority has responsibilities for those councils.
- Consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays or sickness.

### 2) Structure of standards committees

In addition to their role as champion and guardian of the authority's ethical standards, standards committees will now have three separate but distinct roles in relation to complaints about member conduct:

- Receiving and assessing complaints.
- Reviewing local assessment decisions.
- Conducting hearings following investigation.

To avoid perceptions of bias or predetermination, members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested.

Effective practice – the Standards Board recommends:

- A structure of sub-committees or the standards committee acting as a pool of members to deal with the different roles.
- As a minimum, two separate sub-committees, one for taking initial assessment decisions and one for taking decisions on reviews.
- Subject to regulations, any sub-committee should also have an independent chair.
- A member who was involved in an initial assessment decision, or following referral of a complaint back to the standards committee from the monitoring officer or Standards Board for another assessment decision, can be a member of the committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.

### 3) Training

Effective practice – the Standards Board recommends:

- Standards committees are fully trained on the Code of Conduct.

- Standards committees are offered other training to equip them with necessary skills, for example in conducting a hearing.
- Independent chairs and vice-chairs are trained in chairing meetings.
- Any newly-appointed standards committee members receive a comprehensive induction to the role and appropriate training.

#### 4) Local assessment criteria

- Guidance will be available from the Standards Board on developing criteria and the types of issues to be considered when assessing complaints.
- Standards committees will need to develop their own criteria, that reflect local circumstances and priorities, and which are simple, clear, open and ensure fairness.
- Monitoring officers will be able to acquire additional factual information which is readily available about allegations before the assessment process begins. This could be from minutes or the register of interests, for example, if such information about a complaint would assist decision-making. It should not include interviews or investigation.
- A complainant has a right to appeal if a complaint is rejected, so standards committees will be able to invite complainants to submit further information in support of the complaint at the appeal stage in the process.

#### 5) Role of the monitoring officer in the new framework

Effective practice – the Standards Board recommends:

- A pre-meeting with the independent chair.

- Preparing a summary of the allegation for the standards committee.
- Highlighting what the potential Code breaches are which underlie an allegation to the standards committee.
- Allowing case reading time for the monitoring officer and the standards committee.

#### 6) Completing existing investigations

Many authorities will have outstanding investigations and the Standards Board encourages authorities to clear such investigations – particularly long-standing cases – before the new framework comes into effect.

Any authority experiencing difficulties in completing an investigation should seek advice and support from the Standards Board. Please contact Rebecca Strickson, Local Investigations Co-ordinator on **0161 817 5372**, or email [rebecca.strickson@standardsboard.gov.uk](mailto:rebecca.strickson@standardsboard.gov.uk).

#### 7) Local assessment and the corporate complaints process

Effective practice – consider:

- How will the public be informed of the new arrangements?
- Who will receive and log an allegation?
- The production of an individual information leaflet for the local assessment process, possibly combined with the corporate complaints process.

#### 8) Future monitoring by the Standards Board

The Standards Board is consulting a sample of authorities involved in a pilot study on proposals for an online information return system, which will allow authorities to tell us about how local arrangements are working.

This system is being designed based on what standards committees need locally, and to enable authorities to provide information to the Standards Board as simply as possible. Authorities will be able to use the system locally for their own records, to keep standards committees informed of their authority's ethical activities.

Proposals for the system include quarterly online returns on cases, which will be simple and quick to use, and nil returns if there is no activity to report.

### 9) Local assessment guidance

We will help standards committees by providing guidance in 2008 on all aspects of the local assessment process, subject to the passage of the relevant regulations, with a toolkit to include:

- Template notices for publicising the authority's Code of Conduct complaint process.
- Complaint assessment flowcharts.
- A standard complaint form.
- Template letters for each stage in the process.
- Template referral and non-referral decision notices.
- Guidance to assist with drafting criteria and for the authority to define its threshold for referral.
- Template terms of reference for assessment and review committees.

### Local assessment information now available online

The Standards Board for England's website has been updated to feature a new section on local assessment of complaints.

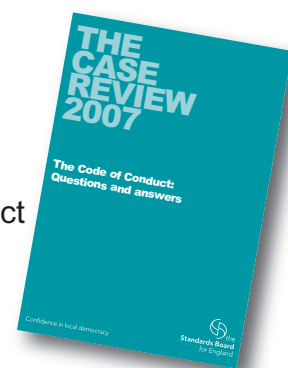
This section, accessible from the main menu, aims to keep you up to date on the new arrangements and what they will mean for local

authorities and the Standards Board's role. You can find out about any new developments in this area in the section's *Latest news* page.

If you have an enquiry about the proposed changes or anything else relating to local assessment, please phone **0845 078 8181** or email [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).

### Case Review 2007

The *Case Review 2007* is a paragraph-by-paragraph analysis of the Code of Conduct and is available to download from our website.



We intend to reissue the *Case Review*, complete with its paragraph-by-paragraph analysis, on an annual basis to reflect the evolving interpretation and developing understanding of the Code.

Issues of the *Case Review 2007* were distributed to delegates at this year's Annual Assembly. Additional hard copies cost £20 and can be ordered by calling **0161 817 5300** or by emailing us at [publications@standardsboard.gov.uk](mailto:publications@standardsboard.gov.uk).

### Satisfaction high for Annual Assembly

Almost 800 delegates attended the Standards Board's Sixth Annual Assembly of Standards Committees held at Birmingham ICC in October 2007. This year's conference was a sell-out event and our feedback suggests it was a resounding success, with a 97% satisfaction rate among delegates.

Called *Down to detail: Making local regulation work*, the conference provided a range of sessions to help build the skills, contacts and resources necessary to meet the challenges of local assessment. And, as the minister Parmjit Dhanda MP said on the opening day, it came at a



crucial time for standards committees, with the *Local Government and Public Involvement in Health Act 2007* having now been passed in Parliament, as discussed on page 2 of this *Bulletin*.

More information on the event is available from our conference website, [www.annualassembly.co.uk](http://www.annualassembly.co.uk), where you can also download materials such as newsletters, speeches, session slides and handouts.

Our next Annual Assembly will be held again at the ICC in Birmingham on 13 and 14 October 2008. For further information, please email: [annualassembly2008@standardsboard.gov.uk](mailto:annualassembly2008@standardsboard.gov.uk)

## Stronger action needed on ethical governance

The latest Audit Commission self-assessment survey reveals that although councils are generally managing the ethical agenda well, there are a number of areas that require stronger action.

### Survey background

The self-assessment survey was created by the Audit Commission in conjunction with the Standards Board for England and the Improvement and Development Agency (IDeA). It is one element of the four-part Ethical Governance Diagnostic Toolkit, which also includes a full diagnostic, a light-touch health check (provided by the IDeA) and workshops.

The survey helps councils assess and then, where necessary, improve their ethical governance procedures by helping them understand the key ethical governance issues they are now facing.

### Key findings

- Members generally demonstrate high standards of behaviour.

- Leaders and chief executives are proving themselves as positive role models in many councils.
- Roles, responsibilities and relationships of members and officers relating to the ethical framework are not always clearly understood.
- Standards committees make a difference, but they don't always explain to other members, officers and the public what they do, the issues they are addressing, and the progress they are making.
- Communication, training, guidance and information are critical areas and often need more of a focus.

The survey has highlighted key areas that councils actively need to address to improve ethical behaviour and to fully meet the ethical agenda.

For further details on these findings or on the Ethical Governance Toolkit, please contact Hannah Pearson on **0161 817 5417** or email [hannah.pearson@standardsboard.gov.uk](mailto:hannah.pearson@standardsboard.gov.uk).

## Independent adjudicator abolished – new role for standards committees

Restrictions on political activities by certain local government staff were introduced under the *Local Government and Housing Act 1989*, which provided for the appointment of an independent adjudicator to grant dispensations for staff to engage in certain political activities.

Under the *Local Government and Public Involvement in Health Act 2007*, the role of independent adjudicator will be abolished and the duties transferred to local authority standards committees.

These duties are:

- To consider applications from local authority employees for exemption from political restriction in respect of their posts.

- Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.
- To give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.

The timing of this transfer of functions from the independent adjudicator is a government matter, but the Standards Board urges authorities to ensure that their standards committees are made aware of the change.

We expect the relevant government department, Communities and Local Government, to issue guidance on this matter. The department may be contacted via [www.communities.gov.uk](http://www.communities.gov.uk) or on 020 7944 4400.

## Updated advice on suspensions

In Issue 21 of the *Bulletin*, the Standards Board outlined what a member should and should not do if they are suspended.

The decision by Collins J in *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 (Admin), has led us to review that guidance.

A member of an authority who is suspended continues to be a member of that authority. They can quite properly refer to themselves as a councillor or as an elected member, although they should also make it clear that they are currently suspended.

However, someone who is fully suspended may not, while they are suspended, exercise any of the functions or responsibilities of membership of the authority. This means that they should not take part in any formal business of the authority, they should not use or have access to council facilities, and they should not receive their council allowances.

A member who is subject to partial suspension may not, during the period of that suspension, exercise the particular functions or responsibilities from which they are suspended. What those functions or responsibilities are will depend on the exact terms of their suspension, and the standards committee needs to describe precisely what particular functions are proscribed.

Under the 2001 Code of Conduct, two paragraphs applied “in any other circumstance” outside the functions or responsibilities of membership of an authority. As such, these provisions still applied to members who were suspended. The *Livingstone* judgment restricted the effect of these provisions.

The position now is that three paragraphs under the revised 2007 Code of Conduct will apply, “at any other time, where that conduct constitutes a criminal offence”.

The three paragraphs will be:

- Paragraph 3(2)(c) – intimidation of certain persons in relation to an allegation under the Code.
- Paragraph 5 – disrepute.
- Paragraph 6(a) – improperly conferring or securing an advantage or disadvantage.

However, this will only occur when amendments to Section 52 of the *Local Government Act 2000* come into effect. Until this time, the 2007 Code of Conduct does not apply to a person who has been suspended in respect of a relevant function of office for a relevant period of time, so long as the member makes it clear that they have been suspended and does not purport to act as a representative of their authority.

As an example, if a member is suspended from appointment to a planning committee for a period of two months, the relevant function is membership of the planning committee and the relevant time period is two months. The Code

does not currently apply to the member in respect of this function for this time period, so long as the member makes it clear they have been suspended. When the amendments to the *Local Government Act 2000* come into force, conduct that constitutes a criminal offence will also be covered in respect of this function during this time period, in relation to the three paragraphs of the Code listed above.

## **New Board members required**

With the end of current members' terms approaching, Communities and Local Government is seeking to recruit a new chair, deputy chair and two new Board members for the Standards Board for England.

Communities and Local Government is particularly seeking applications for the Board member roles from candidates who have experience as an independent member of a local standards committee or as a local authority monitoring officer.

Full details of all the posts, including how to apply, can be found at [www.clgstandards.org](http://www.clgstandards.org).

The closing date for applications for chair is 20 December 2007. For all other roles it is 14 January 2008.

## **The Standards Board at Christmas**

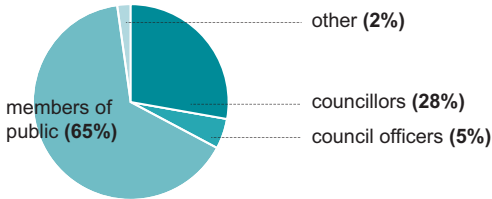
The Standards Board for England's offices will be open during the majority of the festive period, but will be closed on Christmas Day, Boxing Day and New Year's Day. We will endeavour to respond to your enquiries as soon as possible during this time.

Referral and investigation statistics

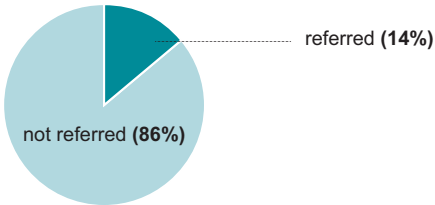
The Standards Board for England received 2,098 allegations between 1 April 2007 and 31 October 2007, compared to 1,996 during the same period in 2006.

The following charts show referral and investigation statistics during the above dates.

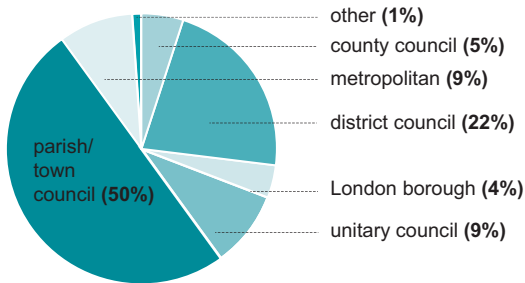
Source of allegations received



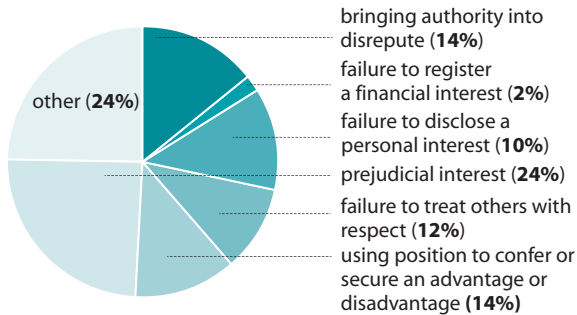
Allegations referred for investigation



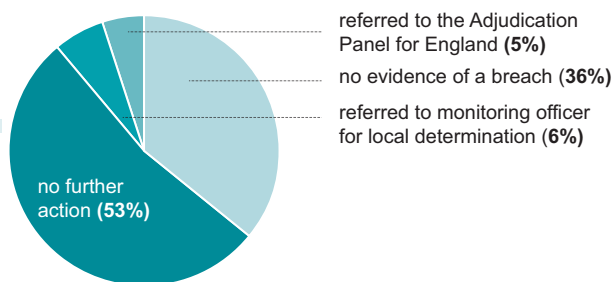
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



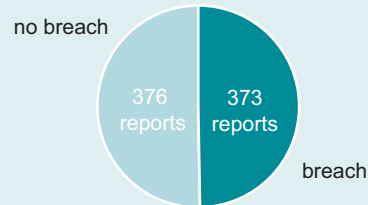
Final findings



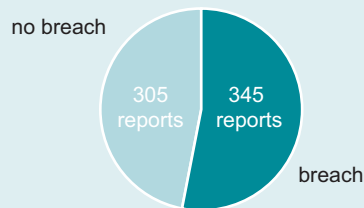
Local investigation statistics

For the period 1 April 2007 to 31 October 2007, ethical standards officers referred 171 cases for local investigation – equivalent to 55% of all cases referred for investigation. Since 1 April 2007 there have been eight appeals to the Adjudication Panel for England following standards committee hearings. Of all cases referred for local investigation since November 2004, we have received a total of 749 reports – please see below for a statistical breakdown of these cases.

Monitoring officers' recommendations following local investigations



Standards committee hearings



Standards committee determinations

