

STANDARDS COMMITTEE AGENDA



Tuesday, 24 June 2008

at 4.00 pm

in Committee Room A

MEMBERS: STANDARDS COMMITTEE:

Councillors Coward, Preece, Shaw, Sutheran, Wallace and Wright

Co-opted Members: Barry Gray, 2 vacancies

Parish Councillor 1 vacancy

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 22 April 2008
4. **ITEMS FOR INFORMATION**
 - 4.1 Business Report - *Chief Solicitor*

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

22 April 2008

The meeting commenced at 4.00 p.m. in the Civic Centre, Hartlepool.

Present:

Mr Barry Gray (In the Chair)

Councillors Rob Cook, Pauline Laffey, and Jane Shaw.

Officers: Peter Devlin, Acting Chief Solicitor
David Cosgrove, Principal Democratic Services Officer.

20. Apologies for Absence

Councillors Sheila Griffin and Arthur Preece and Parish Councillor Ray Gilbert.

21. Declarations of interest by members

None.

22. Confirmation of the minutes of the meeting held on 19 February 2008

Confirmed.

23. Setting High Ethical Standards – Audit 2007-08 *(Acting Chief Solicitor)*

The Acting Chief Solicitor submitted for the Committee's consideration the draft Performance Summary Report initiated through the Audit Commission and titled "Setting High Ethical Standards – Hartlepool Borough Council (Audit 2007-08)". The report contained an action plan which the Committee was asked to consider and endorse.

Members considered the action plan in detail and discussed the various recommendations within. Members were somewhat concerned at the comment that the committee had not been seen to be sufficiently proactive. The Chair commented that all Members were aware of the Code of Conduct and, by virtue of the very few complaints that had arisen, were obviously consciously abiding by it. The report seemed to be suggesting further training for the purpose of compliance with the recommendation, rather than any

definable knowledge gap with Members. Members commented that there was also the issue of the relatively poor attendance at all Councillor training events; unless Councillors were required to attend, they probably wouldn't. One Member did highlight that the training provided in this area by IDeA was of a very high quality and the potential for a training event provided by them should be examined further. The Chair and Members did acknowledge that the report was generally very positive.

Specifically in relation to recommendation R6 on Members Register of Interests, the Acting Chief Solicitor commented that all Members had received a letter from him recently in this regard and a similar letter was to be sent to Parish Council representatives as well.

Members did highlight that there was a general reluctance to utilise the whistle-blowing policy for fear of being stigmatised. Perhaps some issues that may have warranted complaint were frequently 'let pass' by individual Councillors. Members commented that some comments were made at meetings that were 'out of order' but these were seldom minuted. A Member raised further concerns about the minuting of meetings and indicated that they had expected a more detailed 'verbatim' record of meetings in local government. It was highlighted that minutes were required to accurately record the decisions made but only to 'reflect' the preceding debate. In light of the Committee's comments and debate, the Chair questioned if this was an issue in which the Committee should become more proactive. Members suggested that some key meetings should be recorded as there was frequently a difference in recollection as to some of the comments made.

Members considered that some of the remarks made by Members at meetings should be followed up, possibly through the issue of warning letters to Members of their future conduct. There were felt to be specific problems in relation to Neighbourhood Forums that may need to be addressed.

The Chair indicated that it was clear that action needed to be proactively taken to instigate training for Councillors on the Code of Conduct specifically in relation to their relationships with each other and officers. The lack of an Officers Code of Conduct was also an issue for Members. The Acting Chief Solicitor stated that this was still awaited from the Standards Board for England and the Government.

Decision

1. That the action plan set out in the Audit Commission report "Setting High Ethical Standards – Hartlepool Borough Council (Audit 2007-08)" be endorsed.
2. That further training be arranged for Members in relation to the Code of Conduct taking on board the comments of Members raised in this meeting.

24. Seventh Annual Assembly of Standards Committees *(Acting Chief Solicitor)*

The Acting Chief Solicitor reported that the 7th Annual Assembly of Standards Committees was to be held on 13th-14th October 2008 at the International Convention Centre, Birmingham under the banner of “Delivering the Goods”. The primary focus will be upon meeting the challenges of the new local standards framework and the ability to deliver effective local assessment of allegations and the conduct of proper and robust investigations. Members highlighted that past conferences had been excellent and provided significant background and information that could be shared amongst other members of the Committee.

Decision

That, subject to reappointment at Annual Meeting, Councillors R Cook and Shaw attend the conference.

25. Standards Board for England – Bulletin 37 *(Acting Chief Solicitor)*

The Acting Chief Solicitor submitted for the Committee's information Bulletin 37 produced by the Standards Board for England.

Decision

That Bulletin 37 be noted.

26. Local Assessment – The Revised Framework *(Acting Chief Solicitor)* *(Acting Chief Solicitor)*

The Acting Chief Solicitor reported at the meeting that the draft regulations relating to the revised framework for Standards had been laid before Parliament on 14 April 2008 with an expectation that they would come into force on 8 May. These regulations would change the composition of the Committee by requiring that two Parish Councillors be made Members; currently there was only one Parish representative. This change would require Council approval and it was reported that a report would be submitted to Council in May to make the required changes to the constitution.

In relation to the appointment of independent Members, the acting Chief Solicitor reported that the two current independent Members' term of office was reaching its end and the positions had been advertised appropriately. It was reported that the advertisement had been undertaken in conjunction with the Fire Authority who were making similar changes. It was highlighted that even if the two current independent members were reappointed, there was still an existing vacancy for an independent person. Any new appointees would be subject to interview by the Committee and approval by full Council.

The Acting Chief Solicitor indicated that he would produce a fuller report on the new regulations for Members next meeting.

Decision

1. That the report be noted and that a further report be submitted to the next meeting of the Committee.
2. That subject to both reapplying for appointment as independent Members of the Standards Committee, Mr Gray and Mr Fisher's reappointment be recommended to Council.
3. That the Acting Chief Solicitor pursue further enquiries in relation to the appointment of Independent Members to achieve the full complement upon the Committee.

CHAIRMAN

STANDARDS COMMITTEE

24th June 2008



Report of: Chief Solicitor

Subject: BUSINESS PAPER

1. LOCAL ASSESSMENT AND DETERMINATION

- 1.1 Members will be aware of the changes brought about to the role and remit of local Standards Committees through the provisions of the Local Government and Public Involvement in Health Act, 2007 as well as applicable regulations and guidance issued through the Standards Board for England. The Chief Solicitor in his capacity as Monitoring Officer has taken steps to publicise the procedure for “making a complaint” which also encompasses the Standards Committee for the Cleveland Fire Authority. The advertisement which is to be circulated generally, is attached at **Appendix 1** of this report, for information purposes. There is also appended herewith at **Appendix 2** the amended guidance as issued by the Borough Council as regards the process involved in making a complaint as to the alleged misconduct of a member or a co-opted member of the authority.
- 1.2 A report was submitted to the extraordinary meeting of full Council on 29th May, 2008, which provided notification as to the change in the composition of the Standards Committee to incorporate an additional Parish Council Representative. Following communication received from Hart Parish Council, a nomination of Councillor Alan Bell, has now been received. Further, at that meeting, the Council approved the appointment of Mr Barry Gray, as an Independent Member for a period of 4 years.
- 1.3 A report has also been tabled to the next ordinary meeting of Council scheduled for 19th June, 2008, seeking the approval of Mr Keith Fisher as an Independent Member of the Standards Committee again for a term of office for a period of 4 years. A report also sought Members to acknowledge and approve, the change to Article 3 of the Council’s Constitution entitled “Local People and the Council” to indicate that complaints which surround alleged breaches of the Code of Conduct was now to be made by way of a complaint to the local Standards Committee as opposed to the Standards Board for England.

2. TRAINING EXERCISE FOR ASSESSING NEW COMPLAINTS

2.1 The Monitoring Officer together with his colleagues in the Tees Valley authorities has sought to commission a training exercise for all of the Standards Committees operating within the Tees Valley region and also incorporating those Standards Committees relating to the Cleveland Police and Cleveland Fire Authorities. An outline of the presentations as submitted through the Improvement and Development Executive Agency ('IDeA') will be formally tabled for Members consideration at their meeting on 24th June, 2008.

2.2 The Standards Board for England as previously indicated, have developed a training exercise in order to assist Member development in their ability to assess the new complaints procedures. The exercises were developed following the findings of local assessment pilots and therefore consist of a range of real, anonymised complaints that the Standards Board has investigated. Each case includes a set of papers submitted by a complainant and a summary of each complaint to help the Standards Committee in arriving at its determination of the appropriate decision in each particular case. Two appeal cases also give the Standards Committee practice at operating the appeal mechanism. The overall aim is for the Standards Committee to decide what action, if any, they would take in relation to the complaint. Accordingly, appended herewith (**Appendix 3**) is the various "complaints" as listed below;

- Case A - Hilton Borough Council – Councillor Peter Citrine
- Case B - Borough of Selchester – Councillor Julie Harty
- Case C - Marnham District Council – Councillor Davies
- Case D - Coketown District Council – Councillors Yeo, Bailey and Malecka
- Case E - Hook Parish Council – Councillor Dr Jon Rouse
- Case F - London Borough of Walford – Councillor Pat Rix
- Case G - Scawthorpe Borough Council – Councillor Lee Kreuz
- Case H - Wessex Council – Councillor Douglas
- Case I - Great Norton Parish Council – Councillor Jameson
- Case J - Nettington Town Council – Councillor Gold
- Case K - Central Barton Urban Parish Council – Councillor Robert Paxton
- Case L - Ansty Metropolitan Borough Council – Councillor Mahmood Khan

2.3 The decisions of the above mentioned cases, will be provided to Members of the Committee, following their initial assessments of the above mentioned cases. In view of the number of cases provided, Members may decide to randomly choose a sample, to provide a representative basis, for training on the local assessment process.

HARTLEPOOL BOROUGH COUNCIL

CLEVELAND FIRE AUTHORITY

**Local Code of Conduct
Complaints Process
Changes to the
complaints procedure**

The responsibility for considering complaints that a member may have breached the Code of Conduct moved to the Standards Committees of Hartlepool Borough Council and Cleveland Fire Authority on 8 May 2008.

What this means to you

If you want to complain about the conduct of a member of any of the authorities detailed above you must submit your complaint to the Chair of the Standards Committee, c/o Peter Devlin, Monitoring Officer, Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool TS24 8AY.

The Standards Committees can only deal with complaints about the behaviour of a member and will not deal with complaints about things that are not covered by the members' Code of Conduct. Your complaint to the Standards Committee must specify why you think a member has not followed the Code of Conduct.

For further information on the local assessment of complaints please visit the Standards Board website at www.standardsboard.gov.uk.

**Peter Devlin
Monitoring Officer
Hartlepool Borough Council
and Cleveland Fire Authority**

Complaints about Elected Members, including the Mayor

(a) Complaints of Breach of the Code of Conduct

Anyone who considers that a Member of the Council may have breached the Code of Conduct may make a complaint through the Standards Committee. In turn, the Standards Committee are required to establish sub-committees to carry out the separate functions involved in the handling of such cases, as follows;

- (i) The initial assessment of the complaint.
- (ii) Any request from a complainant to review a decision to take no action in relation to a complaint.
- (iii) Any subsequent hearing of the Standards Committee to determine whether a member has breached the code and, where appropriate, to impose a sanction on that Member.

Consequently, a complaint should initially be directed to the Chair of the Assessments Sub-Committee who will determine whether or not to refer the matter for investigation or whether other action (for example, training, conciliation, instituting changes to procedures) should be taken or that no action should be taken. The aim is to complete the initial review within an average of 20 working days.

Where it is determined that no action should be taken, then a complainant has a right to request a review of that decision. It should be noted that the Standards Committee can only deal with complaints about the behaviour of a Member in relation to the Code of Conduct. A complainant has a right to request a review within 30 days from the date of the decision. As indicated above, a differently constituted sub-committee to that involved in the original decision will undertake a review and the sub-committee must carry out its review within a maximum of three months of receiving the request. It will then be for the Review sub- committee to determine whether the complaint should be referred to the Council's Monitoring Officer for the purposes of investigation or should be referred to the Standards Board for England.

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.

4 LOCAL ASSESSMENT

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

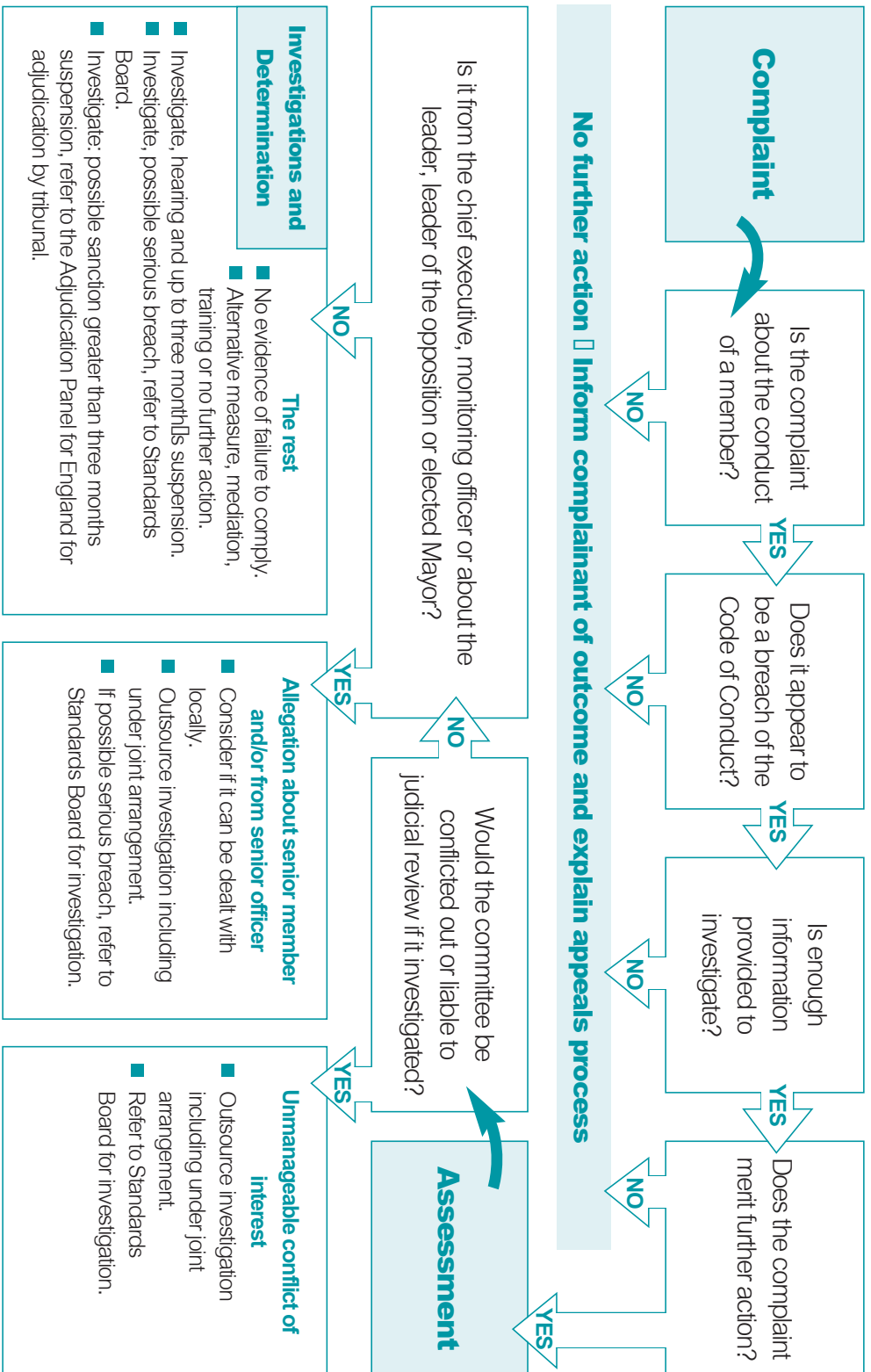
There ought to be a broad set of common expectations for the exercise to succeed:

- 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.

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.

RU
13 JAN 2005
RECEIVED

RECEIVED
13 JAN 2005

Miss Marjorie Dawes
76 Ferry Lane
Hilton
HT2 6KJ

6th 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

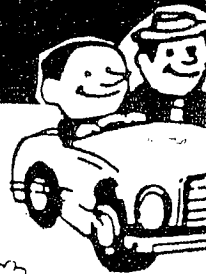
A handwritten signature in cursive script, appearing to read 'M. Dawes'.

Miss Marjorie Dawes

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

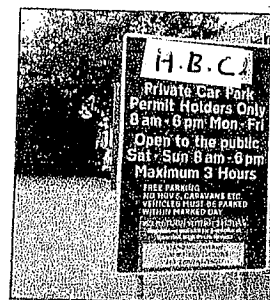
Parking charges only apply in Council-run car parks. On-street parking is still free. You can park for free on any stretch of road not covered by yellow lines. Some roads have a maximum stay of one or two hours. In some roads you can park all day for free. Check the roadside signs for time limits.

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 know

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

PROTEST

- * 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 Cline, **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 Cline 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:

17 NOV 2006

Mr David Prince
Chief Executive
The Standards Board for England
1st 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).



INVESTOR IN PEOPLE



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 *Harley* 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 *Harley*, 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 *Harley'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 *Harley* 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 *Harley* 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 *Harley* had decided that school governors should pay for the CRB checks themselves (see page 17).

On 17 August 2006 Andrew e-mailed Councillor *Harley* 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 *Elliot* 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 *Harley* 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 *Elliot* on 29 August 2006 Councillor *Harley* 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 *Harley* 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 *Harley* 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 *Harley* 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] 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 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 Beags** 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."

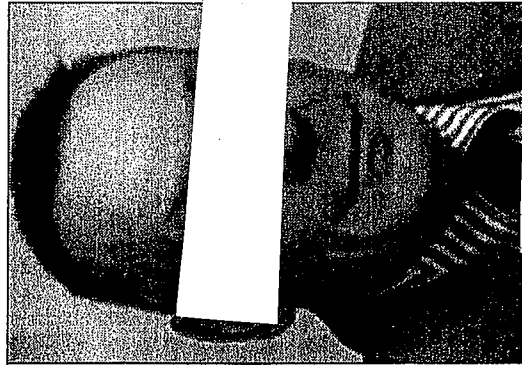
What do you think?

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 Beags** has criticised the £36 charge for checks on governors.

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 *Mr Paul Gibb*

Cabinet member for community and
children's services,
Council

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 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

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 – 12th 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 20th
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

23rd 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 21st 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 ~~Hardy~~.
3. The only minute relating to this matter is the one line extract dated 29th 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.

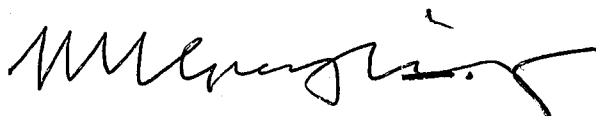
In terms of your additional questions relating to press matters the answers are as follows:-

1. Pippa Roux
2. Councillor ~~Hardy~~ 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). 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 ~~Hardy~~ 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

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 Halliwell. 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: *Harty 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 Hart* (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.

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 Hart~~^{Cllr Hart}, the new Cabinet Member for Education. ~~The~~^{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 Hart~~^{Cllr Hart} order that she is made aware of your concerns.

Yours sincerely

Director of Children's Services



INVESTOR IN PEOPLE



From: Cllr. Harty (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. Harty

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

25th October 2006

Dear Geoff

I have received your letter dated 23rd 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 12th 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 12th September 2006 and again at the Council Meeting on 20th 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 , in the middle of August, well before my statement to Scrutiny on September 12th, 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 30th, 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 8th as 'the fee may be waived.'

I see that I was sent an email on the 14th of August attaching the Education Department Memo in your pack (which did not mention payment or mechanisms) prepared for the meeting on 31st July and the letter that had gone out to governors from Roger (the same letter as the Roger 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 9th August sent to the Head at ' School. I still have no recollection of ever having seen this letter before the Council Meeting. Between July 31st and mid August, there was clearly a breakdown in communication and attention to detail. I was abroad from August 1st to August 14th, my father was very ill during that period (he passed away on August 16th) and I was distracted by personal matters.

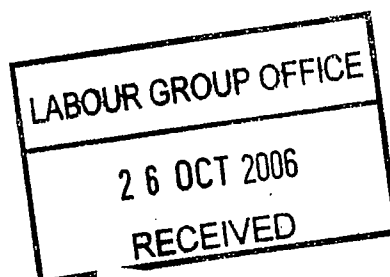
I am sorry if my statement of September 20th was inaccurate, although that was not my intention. I hope that you can see that I was at all times acting in good faith.

Please let me know if you need further information.

Yours Sincerely

Cllr J Harty

cc Cllr 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

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 30th 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 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 ~~Mansham~~ 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.

LEGAL DISCLAIMER

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. However, any views or opinions presented are solely those of the author and do not necessarily represent those of District Council.

If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited.

Communications on or through District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

If you have received this e-mail in error please notify the District Council administrator.

E-mail or phone 785166

This email has been scanned for all viruses by the MessageLabs SkyScan service. For more information on a proactive anti-virus service working around the clock, around the globe, visit <http://www.messagelabs.com>

From: Cllr 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 the Forum and the LGA.

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

LEGAL DISCLAIMER

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. However, any views or opinions presented are solely those of the author and do not necessarily represent those of *Marnham* District Council.

If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited.

Communications on or through *Marnham* District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

If you have received this e-mail in error please notify the District Council administrator.

E-mail or phone 44 85166
Mail-Admin@ .gov.uk

This email has been scanned for all viruses by the MessageLabs SkyScan

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

2

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 where we stand!

LEGAL DISCLAIMER

Communications on or through District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

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 15th 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 16th 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 16th 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 17th 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 17th December 2004:

"I refer to your email of 16th 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.

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 20th 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 12th and 13th 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 12th and 13th April to the Chief Executive and the Chief Executive's response dated 20th 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 web servers 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 that 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, 16th 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, 23rd 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 apprised of this situation which will be reviewed in three months time.

K went to great lengths to satisfy your technical query and P 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, 23rd 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

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 surname GRANT

address 47A GARDEN ROAD, COKETOWN

postcode

daytime telephone 7 851 1 656

evening telephone 9 552 235

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 K.D. Bailey

Cllr L Malecha

Cllr B. Yeo

MR P.W. PLANNING OFFICER

DISTRICT 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.

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 ~~COKE TOWN~~ DISTRICT
COUNCIL OFFICES, ON 21ST
SEPTEMBER 2006

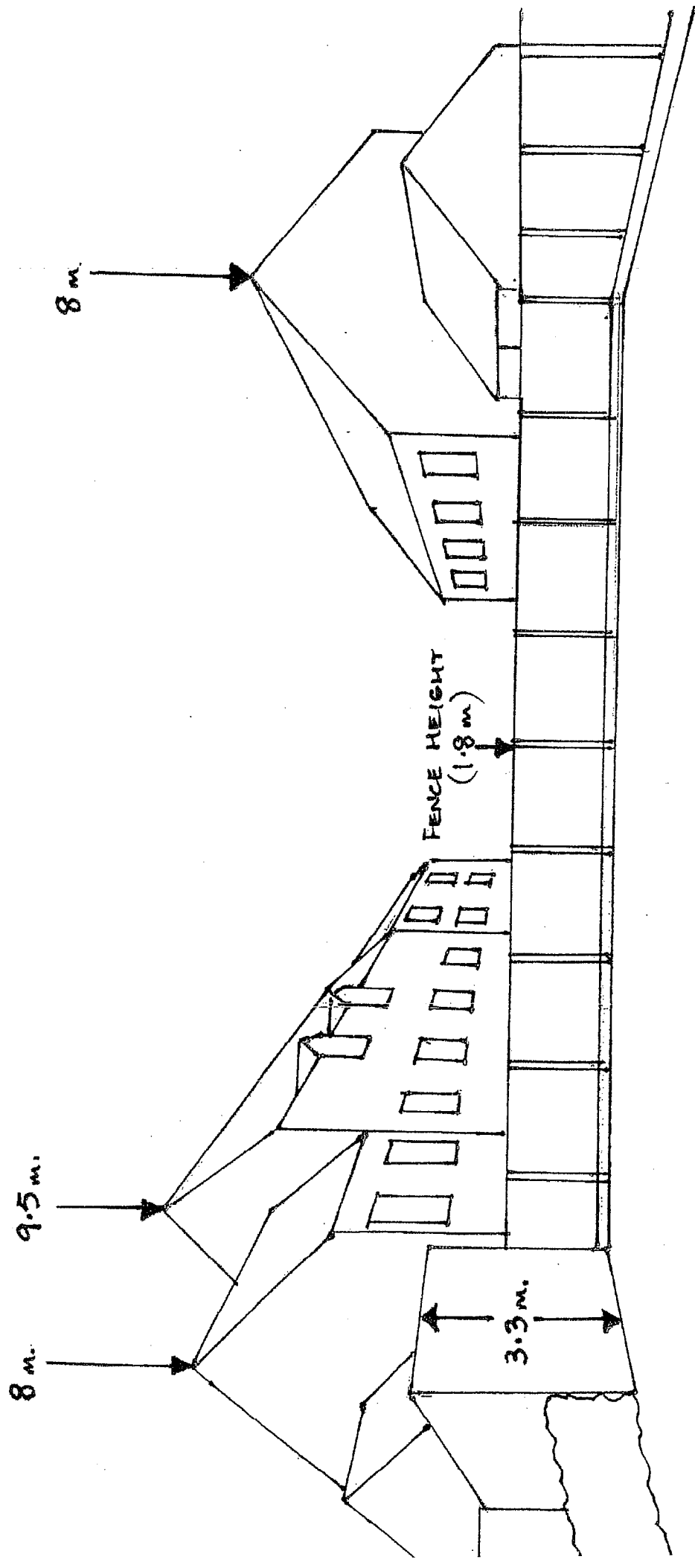
APPLICATION FOR FULL PLANNING CONSENT BY BOVIS HOMES FOR 217
DWELLINGS ON GARDEN ROAD ALLOTMENTS,

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*)

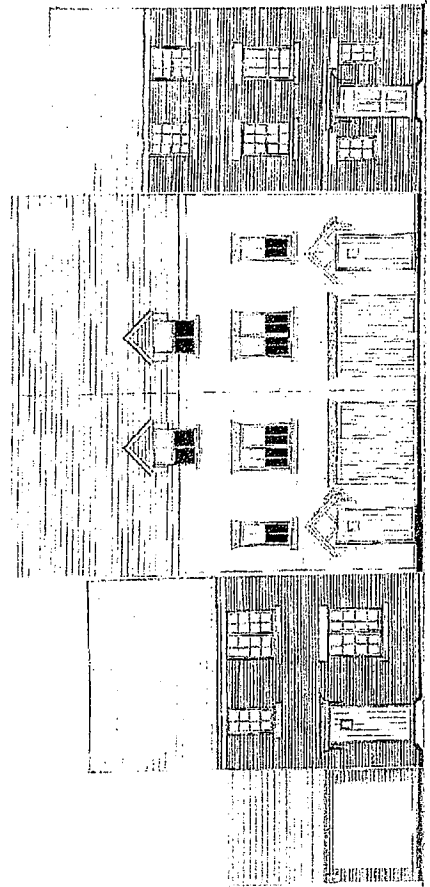
- ❖ Raising housing densities should not lead to a lowering of qualitative **private space** standards (*housing density has increased from 34 to 40 units per hectare an increase of approximately 12%*)
- ❖ To take into account local climatic conditions including natural daylight, sunlight and prevailing 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 21st 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.

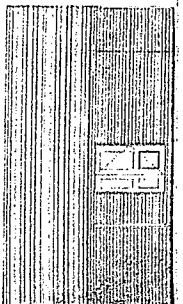
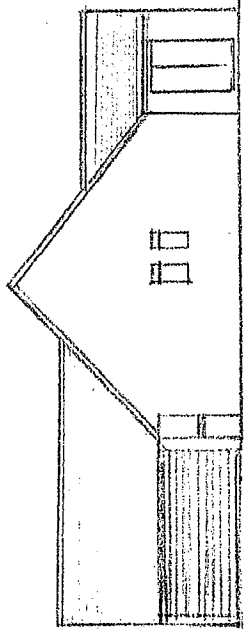


**OUR FUTURE VIEW FROM OUR 3 LIVING ROOMS
WHICH FACE THIS DEVELOPMENT. THE DISTANCE
BETWEEN OUR WINDOWS AND THE REAR FENCE IS A
MERE 11 METRES !**

Side elevation
of proposed
cul-de-sac



Side elevation of
suggested row of
bungalows



4/2/2011 10:00 AM

Sheet 2 of 2

Project Name

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 signature]

[Handwritten signature]

[Handwritten signature]

MR I & MRS I G

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.

complaint form

RU

10 AUG 2005

 the
Standards Board
for England

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

A. 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

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.

8th 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 3rd 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 18th 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 16th May 2005 – his response was as detailed in my letter to him of 20th May 2005.

Item 6 Letter to Cllr. Rouse

and as minuted at 022.05c.

Item 7 Copy of the Minutes dated 16th May 2005

Rouse sent a letter to me on 23rd 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

8th 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

Item 1

**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 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.

7th 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. Blane 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 229th MEETING of the PARISH COUNCIL

Held on Monday 18th 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/DCllr 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 Ogile 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: 29th March and 11th April 2005
b) Amenities Dated: 29th 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 th 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 2nd 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



Item 4

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 11th 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.

Item 5

Jean Blake Todd
Fairytale Cottage
Sea Lane
Hook
Barwell
BW4 2PQ

20th April 2005

Dear Jon

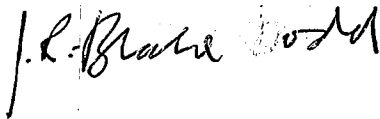
Following the statement by a member of the public at the Council meeting on Monday I feel that things are now much clearer and I think that you owe us all an explanation concerning the events that have been unfolding in the last two weeks. I would like answers to the following questions:-

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 2nd 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



Item 6

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 20th 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 16th 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,

J.B.

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 23rd 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

Item 8

23 May 2005

Cllr Mrs Jean Blake Todd
Fairytale Cottage
Hook

Dear Jean,

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

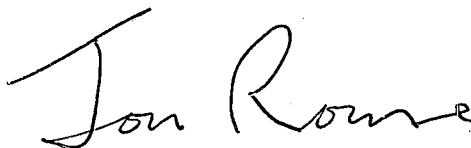
I will not comment on private discussions that may or may not have taken place between Councillors in private, and I am sure that you would not wish to have to disclose all conversations that have taken place between yourself and other Councillors. The same rules must apply to all Councillors without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

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 6 QS

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

date 12/11/06

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

COUNCILLOR PAT RIX

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 signed covering Patrick Kins. 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, Councilor 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.



The London Borough of

Walford

www.walford.gov.uk

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

Legal Department, Town Hall, Walford E19 1BB
DX 7222 WALFORD

Yasmin Begum
23 Ambleside Avenue
London
E19 6QS

Mrs Pat Rix
33 Lordship Lane
Borough Green
London E20 4PZ

11th November 2006,

Dear Madam,

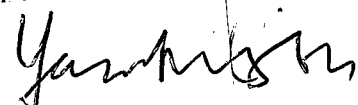
Re: Race Relations Questionnaire RR65 – Dated 9th October 2006

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)

Address

Name of complainant

Address

Give date, approximate
time, place and factual
description of the treat-
ment received and of
the circumstances
leading up to the treat-
ment (see paragraph 10
of the guidance)

Complete if you wish
to give reasons,
otherwise delete the
word "because" (see
paragraphs 11 and 12
of the guidance)

This is the first of
your questions to the
respondent. You are
advised not to alter it

To: Patricia Rix

Of 33 Lordship Lane Borough Green
London E20 4PZ

I Yasmin Begum

Of: 23 Ambleside Avenue
London E19 6QS

consider that you may have discriminated against me contrary to the Race Relations Act 1976.

2 On

*please see attached Grievance
Statement dated the 11th Sept 2006.*

3 I consider that this treatment may have been unlawful ~~because~~

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?

⁶ 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 Byrne

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: Pat Rix

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 14th 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 7th 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 7th 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 13th 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 6th 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 19th 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 7th 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 1st 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 19th 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 31st 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 19th July 2006
32. Please state why you gave instructions to J on your meeting with him on the 14th August 2006, "to kill off the Neighbourhood Management Partnership Board" which was due to meet on the 2nd 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 N
V D 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.



Nith Parish Council

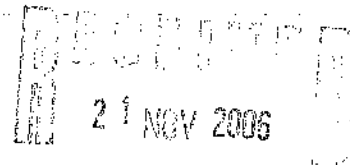
Millennium Hall Main Street
Nith-upon-Brierley Moor
Scawthorpe SP10 5AW Tel 467876

Chair Cllr Alison Stainsby Clerk Frank Law

cc. POC Brown

16th 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 Nith Parish Council and its staff, in an attempt to secure an advantage for themselves.

The facts:

- On 19th September 2006, Nith 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, Seabridge 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

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 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 on 21st 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, 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 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 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 ~~North~~ 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 Parish Councillor leaked the confidential memo to Mr K. 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 19th 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 19th 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)

Net 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 19th 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,

STATEMENT CONCERNING THE MEETING APP4
WITH LEE KREUZ ON 21ST SEPT 06

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 turn the copies to the park before Tom looked 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 myself and not as it has turned out directed to All members of staff.

SIGNED

SINCE I HAVE WORKED WITH THE COUNCIL
I HAVE NEVER BEEN SPOKEN TO LIKE THIS
ESPECIALLY BY A BOROUGH COUNCILLOR, REALLY
UPSETTING TO THE POINT WHERE BOTH
BOB & I THOUGHT OUR JOBS WERE ON THE
LINE.

Mrn Lydon

As an afterthought Lee did say
that he would be coming to see
us on the park as yet he has not
appeared

Jim

Start 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.

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

ATTACHMENTS

RECEIVED

RECEIVED
12 AUG 2005

Letter of Complaint

1. Community Area Forum Agenda for 7th July 2005
Item 4. The petition from the residents
Item 8. allocation of finance for UPVC doors for ~~Tune~~ Avenue confirmed.
2. Copy of petition submitted by hand by Councilor ~~Douglas~~ on 29th 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 ~~Tune~~ 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 24th 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 7th July 2005 having been endorsed by the Chairman, Councillor Douglas.

On Wednesday 29th 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 24th 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 7th 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 29th 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,

A handwritten signature in black ink, appearing to read 'D Smith', with a stylized flourish at the end.

Councillor Darren Smith
Progressive Councillor
Whapton Ward
Wessex Council

Standards Board of England
1st Floor, Cottons Centre
Cottons Lane
LONDON
SE1 1QG

Agenda

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 ~~June~~ Avenue
5. ~~East Wessex~~ 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

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 Bhose (Democratic Support Officer)

8 Members of the Public in attendance

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.

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.

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.

- 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.

3

Petition
received by
hand from
Cllr Douglas
29.6.05

We 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
CHARL	June Ave
ELIZ	June - AVE
DEBORAH	June AVE
JOHN SHARON	June Ave
✓	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."

7th 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

Ward	Scheme	Cost (£)	Date Agreed	Date Ordered	Date Start	Date End	Comment
EW1	June Ave upcv doors	£14,404					

Praise 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,
East Wessex

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 ~~Frinary~~ or ~~Bax~~ 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