

DECLARATION AND REGISTRATION OF INTERESTS

Thornaby 330

Councillor was criticised in an Employment Tribunal report which found that the clerk had been unfairly dismissed. Councillor had been subject of outstanding grievance lodged by the clerk but he seconded a motion to dismiss the clerk and said he would resign if the clerk was reinstated. Tribunal considered that the councillor had failed to understand the seriousness of his actions and that there was little prospect of his adopting a different approach to public life.

Decision - 2 year disqualification.

Middlesbrough 329

Councillor had attended two meetings in a non-voting capacity but had failed to declare a personal and prejudicial interest. Although she had received clear advice from officers, she had received an invitation to attend from the chairman of one of the meetings who was an experienced councillor and did not believe the invited member was prevented from attending. There had been no face to face training for members on the Code although the authority's written advice had been excellent. The member had declared interests appropriately since the two incidents.

Decision - No sanction, although the Tribunal recorded that councillor should be in no doubt that it deprecated her behaviour.

Recommendation - Training on Code be offered to all members.

Kingshurst 313

Councillor has sought personal gain by attempting to obtain approval of the use of council money to obtain legal representation against an individual member of the public with whom he was in conflict and failed to declare prejudicial interest. Had also without authority used council money to instruct solicitors to cancel a public meeting.

Decision - 15 months' disqualification

Recommendation - The relevant metropolitan council should ensure that councillors and relevant officers of the parish council have received and continue to receive training and guidance on the code, standing orders and the obligation not to use public office for private gain.

Kingshurst 275

Councillor used office to secure personal advantage for himself by drafting letter for parish council chairman to sign. The letter sought to expedite the councillor's renovation grant application to the metropolitan council and falsely stated that the parish council was concerned about the matter. Councillor also compromised impartiality of clerk by persuading clerk to retype letter containing false statements about parish council business and to sign it on behalf of chairman.

- Decision - 6 months' disqualification
- Recommendation - The relevant metropolitan council should ensure that councillors and relevant officers of the parish council have received and continue to receive training and guidance on the code, standing orders and the obligation not to use public office for private gain.
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Landersednach 314, 315, 316

Three councillors had failed to declare interests on several occasions. Tribunal accepted that their economic interests were not their sole motivation and took into account several character references provided.

- Decision - 9 months' suspension
- Recommendation - (1) Councillors should undertake training on Code and its effect.
(2) Monitoring officer should
- undertake review of parish council's procedures and consider extent to which training and guidance is required by all members
 - consider way in which minutes are prepared and approved and how approval and amendment to the minutes are recorded.
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Lamerton 311

Councillor failed to declare personal and prejudicial interest re village hall development next to her home on several occasions over a period of eight months.

- Decision - 5 months' disqualification.
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North Dorset 310

Councillor had failed to declare interest in planning application for substantial development close to his home. Had shown contrition.

- Decision - Reprimand

- Recommendation - Strong recommendation to district council that it carries out thorough review of training needs of members and officers on Code and keeps them under regular review. Tribunal expressed concern that letters of support for the councillor from other councillors indicated a widespread misunderstanding of the Code on their part; that no officers or the committee chairman had expressed concern about the councillor's interest; that the view of the county council monitoring officer was wrong.
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Thorne Moorends 308

Councillor had deliberately sought personal gain for himself and others at the public's expense by exploiting his membership of an external body on which he represented the council. Councillor showed no sign of appreciating the gravity of his actions.

- Decision - 12 months' disqualification
- Recommendation - Training should be provided by the metropolitan council for all four councillors in the district.
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North Norfolk 321

Councillor had a personal and prejudicial interest in a planning application made by company of which he was managing director. Councillor announced at committee that he would be speaking in a private capacity on behalf of the applicant and then spoke after the committee had heard the officer's advice that he should not. Tribunal took into account that neither chairman nor any other members of the committee attempted to ask the councillor to stop and that the evidence indicated that the monitoring officer had not provided the councillor with a detailed explanation of why the councillor should not speak in spite of the councillor's request for such an explanation.

- Decision - 12 months' suspension
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Cumbria 292

Councillor failed to declare any interest at a number of meetings concerning road scheme affecting the road in which he lived contrary to paragraph 12 and carried out a door to door survey in the road in a way which breached paragraph 4.

- Decision - 9 months' disqualification.
- Recommendation - County Council might wish to consider a greater consistency in procedure at all its relevant meetings to ensure that the identity, status and roles of attendees is recorded and that appropriate opportunities are provided for declaration of interest.
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Norton Canes 290/291

Two councillors had failed to declare personal interests and the nature of those interests relating to development of a church hall site. Part of the case revolves around the application of the well –being test. Tribunal took into account that they were elected only fairly recently and had not received much training in the Code and that their evidence showed an unsatisfactory understanding of the Code and its application to personal interests. Tribunal took into account that much had been done since the complaints to improve the situation.

- Decision - Reprimand.
- Recommendation - Respondents should be provided with training from the Monitoring Officer and the Monitoring Officer should be requested to meet with the Parish clerk and others to review and give guidance and support as necessary on general governance issues.
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Berwick 278

Councillor failed to declare at several meetings any interest in council land the subject of a development proposal. His daughter lived in close proximity to the land, used it regularly for recreation and had lodged an objection to the development proposals. Councillor continued to attend meetings without declaring an interest even after being put on notice that he should consider his position.

- Decision - 1 year suspension
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Hungerford 268/269

Case involved alleged breaches of 2c, 4, 5a, 10a and 10b and concerned Town Council's observations to District Council on planning applications, site visits, planning application by Town Clerk who was close personal friend of Council Chairman, failing to declare a prejudicial interest in a grant application from a body of which the respondent was the Chairman.

- Decision - 12 months' suspension from Council's Planning and Finance Committees.
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Southsea 266

A former councillor had failed to disclose membership of certain organisations in the register as required under 13(c) of the Code. He had also refused to confirm whether or not he was a member of the Freemasons and was, as a result, held to be in breach of paragraph 4.

- Decision - Disqualification for one year for breach of paragraph 4 but no sanction for breach of 13(c) because of the individual circumstances.
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Lyme Regis

Councillor accused of a large number of breaches, mostly relating to declaration of interest provisions and contained in over 600 pages considered by the Tribunal. Tribunal took into account councillor's long service, willingness to apologise to the Council and length of time since events complained of.

- Decision - 6 months' disqualification.
- Recommendation - In view of large number of concerns revealed about the conduct of some aspects of the Town Council's business, the District Council was recommended to review, identify and provide any training that would assist the Town Council with the discharge of its functions, and in particular Code of Conduct training required by the Town Council members.
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Keelby 244

Case involves aspects of a former Parish Councillor living near to a planning application site for development proposed by the Parish Council, membership of a lobby group, seeking advice from the Monitoring Officer and Parish Councils Association and objection to application lodged by spouse. Councillor had resigned

- Decision - 3 months' disqualification
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West Somerset 223

Councillor breached 5 (a), 9 and 12 of Code by not declaring a prejudicial interest in proposes to relocate the Council's offices. Tribunal emphasised that decision on whether councillor has a personal and prejudicial interest is one for individual councillor to make and not one that can be off-loaded onto officers. Tribunal concerned at lack of knowledge of Code displayed by some councillors called as witnesses.

- Decision - 12 months' suspension.
- Recommendation - Council should review, probably with external assistance, level of understanding of members of the Code, arrange training, and keep records of member attendance at training events.
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Kettering and Northamptonshire 228

Case concerned a Councillor who ran a franchise restaurant and whose wife's positions included president of the local Chamber of Trade. He declared only a personal interest in a debate about proposed changes to the local parking scheme. It was also claimed that he sought, improperly, to influence officers' reports and behaved improperly towards the Monitoring Officer.

- Decision - 9 months' disqualification. Tribunal recorded its deep concern at the councillor's behaviour towards the Monitoring Officer.
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Tandridge 235

Councillor had personal and prejudicial interest in a planning application and had been advised of this by Monitoring Officer. He declared his interests at a number of meetings but stayed and spoke and then reported himself to the Monitoring Officer. Tribunal found breach of 13(a) and 13(b).

Decision - 18 months' disqualification.

Bedford 184

Councillor ran an architectural design service on his own account. Complaints related to representations he made to the Planning Committee as agent for clients and his initiation and participation in a committee debate about an amendment to a planning policy. Tribunal found that paras 9 and 12 had been breached.

Decision - 1 year disqualification.

Recommendation - Advice to members on Code should be given in writing; current advice to members re attendance at meetings and 'right to speak' should be reviewed.

Macclesfield 171

Councillor did not comply fully with paragraphs 8 and 10 re planning application but had undergone training and apologised for his omissions.

Decision - 6 months' suspension from discussions or decisions relating to planning matters.

Recommendation - Authority's procedures and practices relating to advice to members on probity and conduct should be reviewed and role and responsibilities of Monitoring Officer and deputy should be clearly defined and promulgated.

Macclesfield 164

Councillor named in an Ombudsman report participated in a Council debate on the matter. Tribunal considered arguments re human rights and natural justice in relation to wording of code; found that he had sought to improperly influence decision.

Decision - 1 year suspension

Recommendation - Authority should review its procedures in giving detailed and timely advice to members on matters of compliance with aspects of the Code, including those concerned with human rights and natural justice.

Bridgnorth

Several breaches but Tribunal took into account that they mainly all stemmed from same fact, namely that Councillor had not considered she had a prejudice interest in relation to the planning application; that she had been mistaken and misguided but not motivated by personal gain; that she had long period of public service and had received considerable support.

Decision - 3 month suspension

North Pemberton 192

Councillors entries in the register pertaining to his occupation and interests in land were not sufficiently clear and he had refused to comply with requests to amplify them.

Decision - 1 year disqualification

South Somercote 160, 161, 162

Three councillors living in close proximity to the site of a planning application were advised by the monitoring officer that they had a personal and prejudicial interest but remained in the room and voted. They also signed a letter as parish councillors to the district council, opposing the development.

Decision - 2 months' suspension for 2 councillors still on council and 2 months' disqualification for 3rd councillor who was no longer on council.

Recommendation - Parish council should review its induction and training arrangements for councillors with the monitoring officer.

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