

BOROUGH OF KETTERING

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Report Originator	Martin Hammond (Monitoring Officer)	<i>Fwd Plan Ref No:</i> -	
Wards Affected	n/a	3 rd February 2020	
Title	DESBOROUGH TOWN COUNCIL – INVESTIGATION AND CONCLUSIONS IN RESPECT OF A FAILURE TO DECLARE INTERESTS		

1. **PURPOSE OF REPORT**

To update the Committee on the outcome of this investigation and the response of the Town Council to a recommendation made; and to seek the Committee's advice on next steps.

2. **INFORMATION**

- 2.1 A complaint was received in 2019 that five members of the Town Council should have declared an interest in a matter relating to the future of Desborough Library. The library was amongst those slated for closure by the County Council. A community group has been established locally with the aim of saving the library and five of its executive board were town councillors. The rescue package envisaged the community group purchasing the library and managing it thereafter, to which end capital and revenue grants were sought from the Town Council, amongst others. The five councillors did not declare an interest when this was debated by the Town Council on more than one occasion. The report of the independent investigator is attached as Appendix "A".
- 2.2 At the same time, however, the councillors concerned had sought a dispensation under the Local Government Act, which would allow them to sit and consider library matters, on the basis that this was necessary to avoid changing the political balance of the Town Council should they have been excluded. The Clerk agreed this dispensation at the time.
- 2.3 The investigation found that the five members should have declared their interest. The Monitoring Officer, in conjunction with the Independent Person, Mike Sawford, determined that the proper sanction was for the Town Council to publish the report, and for the five members to publicly apologise for their failure to declare an interest.
- 2.4 The Monitoring Officer also advised the Town Council that they should rescind their dispensations, so as to put beyond debate any continuing suspicion that

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their decision making was impartial. The Monitoring Officer's letter is attached as Appendix "B".

3. **THE TOWN COUNCIL'S RESPONSE**

3.1 The Town Clerk has helpfully provided the following summary of the Town Council's response which is reproduced below.

1. To publish the full report on the Council's next agenda in public session.

My Council complied fully with this recommendation at the September meeting, the report is still available on the Council's website here:- <https://desboroughtowncouncil.gov.uk/wp-content/uploads/2019/08/Desborough-C-of-C-Investigation-Final.pdf> and the covering letter is available here:- <https://desboroughtowncouncil.gov.uk/wp-content/uploads/2019/09/KBC-Letter-Standards.pdf>.

2. The Members named in the report should each apologise for their failure to declare their interests and to declare in a timely manner, and accept that they breached the Code in not so doing.

As you know, before the September meeting one of the original Councillors had resigned his seat. The four remaining Councillors did indeed apologise and these apologies are recorded in the minutes of the September meeting here:- <https://desboroughtowncouncil.gov.uk/wp-content/uploads/2019/10/20190919-Council-minutes-draft.pdf>.

As you are aware one of the original five Councillors (Cllr McIlhinney) resigned as a Councillor for personal reasons before the September meeting. He did, however, also apologise to the Council albeit in a personal capacity.

3. You recommended that the Council should cancel the dispensation provided to members who are library Trustees (Trustees of DLCH) and expect in future that members who are Trustees should withdraw from the meeting when issues concerning the funding or management of the library are to be debated.

Cllr Read has now resigned as a Trustee of DLCH so her dispensation falls. This leaves three of the original Councillors (Burnham, Draycott, and Holmes) and the additional Councillor who became a Trustee after the complaint and who also received a valid dispensation (Cllr James who received hers after I had taken your advice). Cllr Taylor also has a dispensation but she is not a Trustee, merely a Committee member.

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It is my understanding that the recommendation to cancel the dispensations applies only to the remaining three and the "innocent" Cllr James but not to Cllr Taylor.

My Council has discussed this particular recommendation at two consecutive meetings. As you will expect, the matter has generated opinion three basic viewpoints. The upshot is that my Council (all twelve) have discussed the question and your recommendation. The Council has decided to not accept the recommendation to cancel the dispensations for the four Trustees. It was not necessary to put the matter to a vote but there were no voices against the proposal.

4. **MONITORING OFFICER'S VIEWS**

- 4.1 It remains my opinion that to maintain the dispensations undermines the finding that it was not appropriate for the councillors concerned to have involved themselves in the consideration of whether the Town Council should financially support the organisation of which they were trustees.
- 4.2 The councillors concerned were the applicants for public funding and also the decision makers about such an application, which fails the tests of impartiality required by the Code of Conduct.
- 4.3 The argument that the balance of political groupings on the Council would be upset by a dispensation has not been borne out by actual voting patterns and the political balance has anyway changed more than once since the dispensation was originally granted.
- 4.4 The Monitoring Officer cannot require the dispensations to be removed; they were granted properly in terms of the process followed at the time, and only the individuals concerned can withdraw their applications. Nevertheless, it was my opinion that it would draw a line under the incident and the failure to abide by the code. Maintaining the dispensations effectively undermines the apology that the councillors concerned have provided, as there is no change in actual involvement in the issues.

5. **CONCLUSION**

- 5.1 The investigation report reaches a fair and balanced conclusion about the issues and the Town Councillors have not disputed its findings, and have promptly complied with the sanctions. However, the continued involvement of the affected councillors in decision making on the matter of the library undermines their acceptance of the initial failure to comply with the Code.
- 5.2 The view of Standards Committee is sought on whether this matter should be pursued further and the Town Council urged to change its view.

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Background Papers:

Previous Reports/Minutes:

Date:

Contact Officers: Martin Hammond.