

From: Sean

Date: 16 March 2012 09:10:21 GMT

To: "Graham.Leach@warwickdc.gov.uk" <Graham.Leach@warwickdc.gov.uk>

Subject: Code of Conduct - Complaint LSF.13.11AD

Dear Mr Leach

I would be grateful if you would pass on this email to the Standards Committee prior to the hearing.

As current Chair and a long standing member of the Parish Council that it is relevant for me to describe the context of St Chad's Centre project amongst a number of others that the Parish Council has had involvement in over the last ten years. Also relevant is the key role that Councillor Day has had in fundraising for, and delivering these projects which have included:

The meadow makeover master plan 2002
The meadow hedge and tree planting scheme 2004
Installation of 10 benches around the Parish 2005
The Junior play area 2005
Toddler play area 2006
Parish Website 2008
BMX track 2009

Cllr Day, due to his professional fundraising experience was at the forefront of previous projects and all of these projects have delivered a benefit for the wider community.

St Chad's Centre Project had from the first presentation to the PC in approximately 2005, always been described as a facility that would provide a benefit to the whole community. The Parish did not have a village hall and the only meeting spaces available were and still are, the church with its fixed pews, the school and a function room in the local club. The prospect of this new community space was attractive to the PC and a number of Parish groups. The perceived community wide benefit and the support of the PC has led to the creation of an independent charitable trust with the objective to build and operate the Centre for the whole community.

This is important because it demonstrates that nature of this project is not significantly different from the many other community projects delivered in Bishop's Tachbrook over the last 10 years. Given the role of any parish councillor in conceiving and delivering community projects, is it possible that "*a member of the public with knowledge of the facts would reasonably regard the interest as so significant as to be likely to affect his judgement of the public interest*"? Against the history of these other community projects and the well publicised community benefits of this project, I would ask the Standards Committee to consider this unlikely.

I believe that Councillor Day acted with personal integrity in declaring a personal interest on 21st January 2010. This is supported by the attached email recently sent by Simone Bush, the previous Parish Clerk to Bishops Tachbrook. I would draw your attention to the paragraph relating to the meeting in January 2010. This supports Councillor Day's assertion that he had been advised by the professional opinion of the Parish Clerk, who did not believe that Councillor Day's interest was prejudicial.

With regards to the PC meeting in May, no interests were recorded. However all of the councillors who had declared an interest at the January meeting were present. It is possible that no interests were declared but this would seem unlikely, given that all four councillors would have overlooked this duty. It is equally possible that interests were declared but not recorded and it should be noted that the four councillors referred to represented both sides of the debate in equal measure.

I would ask that all of these points be taken into account as the Standards Committee reaches its decision as to whether the spirit of the Code of Conduct was breached.

Finally, in mitigation I would ask that the Committee takes into account the following.

I have known and worked with Councillor Day since becoming a Councillor in 2003. I submitted my nomination for parish councillor only because of the positive role model being demonstrated by Councillor's Day and Leeke. Throughout the intervening period he has worked and continues to work both selflessly and tirelessly for his community, which has benefitted greatly from the projects outlined above. In addition, he is the trustee of a historic local educational trust that has marshalled the release of significant funds into a building project at the local primary school. I have also become aware of situations where he has emotionally supported and counselled local individuals dealing with difficult personal issues. He is a person of great integrity who has always acted in the interests of his community for no personal gain.

Yours sincerely

Sean Deely
Chair
Bishops
Bishop's Tachbrook Parish Council

From: sean
Date: 13 March 2012 07:55:02 GMT
To: "Simone Bush" <[REDACTED]>
Subject: Re: PC meetings 2010
Reply-To: [REDACTED]

Hello Simone. I hope you and your family are well too. Thanks for your thoughts and recollections. We will have a think about how this can be best used in the forthcoming hearings.

Kind regards

Sean

Sent using BlackBerry® from Orange

From: Simone Bush <[REDACTED]>
Date: Mon, 12 Mar 2012 22:25:36 +0000 (GMT)
To: [REDACTED]
ReplyTo: Simone Bush <[REDACTED]>
Subject: PC meetings 2010

Hi Sean

Hope yourself, Susan and the children are well.

Further to my discussion with Graham last week I confirm my recollection of the January 2010 meeting and the May 2010 meeting in relation to the concerns raised.

From the 21st Jan 2010 meeting item 660 in the minutes regarding the St Chads Centre item I do recall that Cllrs Day, Leeke, Brookes and R Warner declared a personal interest. Obviously as you will be aware it is the responsibility of an individual Cllr to decide if they need to declare an interest and also whether it would be a personal or prejudicial / pecuniary interest. As a Clerk I myself at the time any Cllr declares an interest would also consider whether I believe it would be personal or

other interest. I recall this instance and saw no reason at the time to believe that the interest declared by each of the Cllrs would be anything other than a personal interest and can see no reason, with the facts as I am aware, that this would be incorrect.

In relation to the issues arising at the May meeting I have some recollection of the discussion around item 709 St Chads Centre. It is important to note that the agenda for this meeting at Item 12 simply states that the PC would 'receive the parish poll results' and also 'letters received' in relation to the St Chads Centre. It was not on the agenda that any decision would be made or motion proposed arising from the results. Cllrs may therefore have been taken unaware and surprised that a motion was being proposed.

I hope this record of my recollection of the meetings helps, please let me know if you need anything else.

Kind Regards
Simone

