



## **WARWICK DISTRICT COUNCIL CODE OF CONDUCT HEARING DECISION NOTICE**

### **Case Reference LSF. 13. 2011**

#### **COMPLAINT**

On 19 April 2012, a meeting was held of the Hearing Sub-Committee of Warwick District Council's Standards Committee consisting of Mr C Purser (Chairman), Councillor R Davies and Councillor J Cooke.

The Sub-Committee were supported by Mr G Leach, the Clerk to the Committee, and Ms J Pollard, Solicitor acting for the Council. Also present were the Monitoring Officer Mr A Jones, the Investigating Officer Mr P Oliver and the respondent Councillor Leeke.

The Hearing Sub-Committee considered a complaint from Mr Norris regarding the conduct of Councillor Graham Leeke of Bishop's Tachbrook Parish Council alleging the failure to declare an interest under the Code of Conduct.

An investigation had been held by Mr P Oliver, on behalf of the Monitoring Officer, with regard to the declaration of interests declared by Councillor Leeke when considering the provision of £50,000 to the PCC as a contribution to the new hall at St Chad's Parish Church.

The investigator had submitted his report and it was determined by a Consideration Sub-Committee in February 2012 that a hearing was required.

The findings of the Investigator's report were that Councillor Leeke had a personal interest, but not prejudicial, which he declared at the Parish Council meeting 21 January 2010 but not the 20 May 2010 meeting. Therefore he failed to comply with the code of conduct on 20 May 2010 meeting.

#### **FINDINGS OF FACT**

On consideration of the investigating officer's report, the Sub Committee made the following findings of fact:

Councillor Graham Leeke was first elected to the Parish Council in May 2003, although he had been a co-opted member of the Council before that date. He has been a member of the Parish Council continuously since that date, being most recently re-elected in May 2011. He was Chairman of the Council from May 2003 until May 2011, and has been vice-chairman since that date.

Councillor Leeke has given a written undertaking to observe the Code of Conduct. He has attended at least two courses for parish councillors run by Warwick District Council and the Warwickshire Association of Local Councils which have included training on the Code of Conduct, and considers that he has a good knowledge of the requirements for Declarations of Interests.

The Parish Council adopted the revised Model Code of conduct without amendment and paragraphs 8, 9 and 10 deal with the requirement to disclose personal and prejudicial interests. Paragraph 9(1) of the Code provides that where a member has a personal interest in any business of the authority, he must disclose the interest and the nature of the interest at any meeting he attends where that business is discussed.

The facts are not in dispute

There is a proposal to construct a new facility ('St. Chad's Centre') within the village of Bishop's Tachbrook. At the present time, the only community facilities in the village are a sports and social club and the school. The proposal is to construct the St Chad's Centre on land belonging to the church close to the church itself and the Parochial Church Council (PCC) were the instigators of the proposal which is now being taken forward by a committee comprising representatives of both the Church and the community. Within the village, there are strong feelings, both for and against the proposal.

Councillor Leeke is not a member of the PCC but his wife became a member of the PCC and its Treasurer on 25 January 2010.

At its meeting on 21 January 2010, the Parish Council considered a request to provide £10,000 per annum over the following five years towards the cost of the St. Chad's Centre. Councillor Leeke was present at that meeting, and chaired the meeting. The minutes record that Councillor Leeke declared personal interests. The minutes do not record the nature of those interests. We accept the explanation of Councillor Leeke that he declared an interest because he was on the church electoral roll.

At its meeting on 20 May 2010, the Parish Council considered the outcome of a Parish Poll relating to the Council's decision to make a financial grant towards the St. Chad's Centre. Again, Councillor Leeke was present and chaired the meeting. Towards the end of consideration of that item of business, a motion was proposed by a member of the Council that the Council should rescind its offer of £50,000. The motion was defeated. The minutes do not record any member as having declared an interest in that item of business, and we find that no interests were declared in relation to that item of business at that meeting.

### **Do the facts amount to a breach of the Code of Conduct?**

Councillor Leeke was on the electoral roll of St. Chad's Church, which would come within the category of declarable interest as a member of a body directed to charitable purposes. We consider that the nature of that interest to be personal rather than prejudicial. We accept the view of the investigating officer that being on the church electoral roll would not lead a member of the public with knowledge of that fact to consider it so significant as to affect his judgement of the public interest. A significant number of people, both within the church and within the village were opposed to the proposal, and hence simple membership of the church was not a dictating factor in an individual's decision about the proposal. Furthermore, the financial position of the PCC was not affected by the decision.

Councillor Leeke quite properly declared a personal interest at the meeting in January 2010. That interest was still in existence at the parish council meeting on 20 May 2010, when he failed to declare it.

We find that Councillor Leeke did not fail to comply with Code of Conduct in respect of the meeting of the Parish Council on 21 January 2010, but that he did fail to comply with the Code of Conduct by not declaring a personal interest at the meeting of the Parish Council on 20 May 2010.

## **DECISION**

We consider this to be a technical breach of the Code which took place in the context of one meeting and that no further action is necessary.

## **REASONS FOR DECISION**

Councillor Leeke is an experienced Parish Councillor. We are satisfied that Councillor Leeke normally declares his interests under the Code of Conduct. The record of the meeting in January 2010 demonstrates that. We also accept the representations of Councillor Leeke, that he would review the items on the agenda, and take advice from the Clerk of the Council as to whether or not he should declare an interest.

The particular motion at the May meeting was not formally on the agenda for the meeting but came up during the course of the debate. This was not something that Councillor Leeke could have prepared for in advance. We accept he did seek the advice of the Clerk and was advised that no declaration was necessary.

## **RIGHT OF APPEAL**

Councillor Leeke, as respondent, may appeal to the President of the First Tier Tribunal against this decision within 21 days of the date of being notified of the decision.

## **TERMS OF REFERENCE**

The Local Government and Public Involvement in Health Act 2007 amended the Local Government Act 2000, which provided for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 make provision for the investigation and determination of such complaints by setting out the framework for the operation of a locally based system for the assessment, referral, investigation and determination of complaints of misconduct by members of authorities.

## **ADDITIONAL HELP**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

**Mr C Purser**  
**Chairman of the Hearing Sub-Committee**  
19 April 2012