

**CONFIDENTIAL**

**FINAL REPORT OF A LOCAL INVESTIGATION FOLLOWING A  
COMPLAINT AGAINST COUNCILLOR MATTHEW LOCK**

**1 BACKGROUND**

1.1. This is my final report into a Local Investigation following a referral of a complaint to the Monitoring Officer at Hastings Borough Council (“the Council”) pursuant to Section 57A(2)(a) of the Local Government Act 2000 (“the 2000 Act”).

1.2 On the 29 June 2009 Jayne Butters Borough Solicitor and Monitoring Officer ( “Monitoring Officer”) received a written allegation dated the 29 June 2009 (“Complaint”) pursuant to Section 57A(1) of the 2000 Act from Councillor Andrew Cartwright, Labour Councillor for the Gensing Ward at the Council ( “the Complainant”) concerning the alleged conduct of Councillor Matthew Lock ( “the Councillor”). The Complaint is attached at Appendix 1.

1.3 The following is a summary of the allegation:

That during the pre election period running up to the East Sussex County Council elections on the 4 June 2009 the Councillor made improper use of Council staff resources in order to support a candidate or candidates for election. It is alleged that, as Lead Member, Regeneration and Planning for the Council, on the 19 May 2009, the Councillor attended a meeting with police and a Council Officer, Matthew West, following information passed to the Councillor by Simon Corello , Conservative Party candidate for the Central St Leonards and Gensing division, that a constituent had complained about street lighting community safety issues in Clinton Crescent which is in the Central St Leonards and Gensing division. It is alleged the Councillor was present at the meeting, as was the Complainant, invited as Ward Borough Councillor by Matthew West. On the 19 May 2009, the Councillor wrote to constituents in Clinton Crescent on note paper headed “Hastings and Rye Conservatives” and signed “Cllr Matthew Lock County Council Lead Member Transport and Environment”. It is further alleged that other staff may have become involved in the preparation of this letter. A copy of this letter is the last document in Appendix 1.

1.4 The Council’s Members’ Code of Conduct was adopted by the Council on the 25 July 2007 (“Code of Conduct”) A copy of that Code of Conduct is attached at Appendix 2.

1.5 On the 5 June 2008 the Standards Committee adopted the processes and procedures for the Local Assessment of Complaints Alleging Breach of the Member Code of Conduct (“Local Assessment Procedure”) pursuant to the Local Government and Public Involvement in Health Act 2007, the Standards Committee Regulations 2008 and supporting guidance issued by the Standards Board for England.

1.6 In accordance with the Local Assessment Procedure a meeting of the Assessment Sub Committee of the Council was held on the 17 August 2009 and they received a report from the Monitoring Officer on the Complaint. It was resolved that the Complaint be referred to the Monitoring Officer for investigation.

1.7 On the 21 August 2009 the Monitoring Officer wrote to the Councillor informing him of the Assessment Sub Committee's decision and paragraphs of the Code of Conduct that may apply to the alleged conduct namely :-

Paragraph 3(2) d

"You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority"

Para 6b.ii

"You must, when using or authorising the use by others of the resources of your authority

ii ensure that such resources are not used improperly for political purposes (including party political purposes)

1.8 On the 25 August 2009 the Monitoring Officer wrote to me appointing me to undertake the investigation pursuant to section 82A of the 2000 Act.

1.9 On the 16 September 2009 I emailed the Councillor informing him that I had been appointed as the Investigating Officer. The email also set out the procedure that would be adopted during the investigation and asked the Councillor, amongst other things, to notify me in writing whether he admitted or denied the alleged breaches of the Code of Conduct.

1.10 The Councillor responded by email on the 20 September 2009 denying the allegations and requesting an interview with myself which took place on the 30 September 2009. A copy of the agreed interview notes with the Councillor is attached at Appendix 3.

1.11 On the 16 September 2009 I also emailed the Complainant informing him that I had been appointed as the Investigating Officer. The email set out the procedure to be adopted and asked the Complainant, amongst other things, to let me have a list of documents he wanted me to take into account and those who he wished me to interview with reasons. A copy of his response on the 24 September 2009 is attached at Appendix 4.

## **2 THE CODE OF CONDUCT**

2.1 A number of the issues raised by the Complainant were, in my view, outside my brief in that they related to election issues affecting another authority and the role of the police in the matter. My role being to investigate alleged breaches of the Code of Conduct by the Councillor in his capacity as a Member of the Council. My assessment being that the Assessment Sub Committee had correctly identified the Sub-Paragraphs of the Code of Conduct that the Councillor may have breached if the

allegations set out in paragraph 1.3 were substantiated. I have, therefore, restricted my enquiries to those documents which and individuals who, I believe, could assist me in assessing whether or not those allegations were well founded or not.

2.2 I consider the paragraphs of the Code of Conduct to be taken into account in respect of this Complaint are Paragraphs 1(1), 2(1) (a), 3(2) d and 6b.ii.

2.3 Paragraph 1(1) of the Code of Conduct says “This Code applies to you as a member of an authority”.

2.4 Paragraph 2(1) (a) of the Code of Conduct says “you must comply with the Code whenever you conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed)”.

2.5 The terms of Paragraphs 3(2) d and 6b.ii of the Code of Conduct are referred to in paragraph 1.7 above.

### **3 FINDINGS OF FACT**

3.1 The Councillor is a Member of the Council who has represented the Council for 10 years and is currently Member for the St Helens Ward and has accepted and is subject to the Code. He is also a County Councillor for the St Helens and Silverhill division, having been the sitting member and candidate for the Conservative party in that division at the time of the allegations leading up to the Complaint.

3.2 The Councillor is the Portfolio Holder at East Sussex County Council for Transport, Environment, Waste and Planning. In addition, at the time of the issue leading to the Complaint he was the Lead Member for Regeneration and Planning at the Council. The Council has recently had a restructure and the Councillor’s title has changed to Lead Member for Community Prosperity. Up until the Annual Council meeting on the 14 May 2008 the Councillor’s portfolio included responsibility for Community Safety but from that date Councillor Robert Cooke, Lead Member for Youth and Community and Young Persons’ Champion became the Council’s representative on the Safer Hastings Partnership. So Councillor Cooke then became the Lead Member responsible for Community Safety.

3.3 The Councillor had originally received an email from Simon Corello (“SC”) on the 14 April 2009 stating that a number of residents in Clinton Crescent had raised concerns with him about the lack of street lighting in their road and asked him to see if extra lamps could be installed. See copy of email at Appendix 5.

3.5 The Councillor has confirmed that he asked Linda Bacon (“LB”), the Personal Assistant to the Director, Transport and Environment Department at East Sussex County Council to contact the Borough Council because he was concerned that there was no money in the County Council budget for extra lamps and wondered whether there could be any funding for this work from the Council’s Crime and Disorder budget.

3.6 Following a telephone conversation between LB and Janet Broughton, the latter being the Personal Assistant to the Corporate Director at the Borough Council with responsibility for Crime & Disorder, Janet Broughton wrote an email on the 29 April 2009 to Mary Denning, the Strategic Manager- Regeneration and Community Services. This email stated that the County Council had no money in the budget and that the Councillor was wondering whether there may be any regeneration/external funding budgets that might be available to provide additional lighting and that attacks on young women in the area had been verified and were not hearsay. See document marked "3d" in the copy emails attached to the Complaint (Appendix 1).

3.7 LB has confirmed that Janet Broughton's email to Mary Denning is an accurate record of her telephone conversation with Janet Broughton. In response to the email she had received Mary Denning wrote back to Janet Broughton on the 29 April 2009 setting out the procedures in cases like this and confirming that it was usual in these cases for her to contact the Priority Area Renewal Officer and their managers. See document marked "3f" in the copy emails attached to the Complaint( Appendix 1)

3.8 That email had been copied to Matthew West, the Priority Area Renewal Officer at the Council, who was responsible for the area covering Clinton Crescent. Accordingly, Matthew West wrote an email to Janet Broughton on the 30 April 2009 requesting details of the Councillor's availability for a walkabout in the Clinton Crescent area over the following couple of weeks. Janet Broughton put Matthew West in touch with LB and consequently available dates were arranged. See documents marked "3g, 3h, 3i and 3j" in the copy emails attached to the Complaint (Appendix 1).

3.9 The walkabout took place on the 19 May 2009 at Clinton Crescent and was attended by the Councillor, the Complainant, Matthew West and Police Constable Nick Bellhouse.

3.10 Following that meeting on the same day Matthew West wrote an email to those present on the walkabout and to Mary Denning about what they had decided they would do. See document marked "4a" in the copy emails attached to the Complaint (Appendix 1)

3.11 The Councillor said in his interview with me that he returned home immediately after the walkabout and drafted a letter to go to local residents about the outcome. His wife, who acted as his election agent, typed the letter on Hastings and Rye Conservatives headed note paper. He said that the letter was sent before he received the email from Matthew West referred to in paragraph 3.10 and that apart from the typing from his wife, he had no assistance in the drafting of the letter. Matthew West has also said that he was not involved in the production of the letter and had not been aware of it until my investigation. That letter apart from setting out what had been agreed at the walkabout, made two references to SC:-

- "It has been brought to my attention by your Conservative candidate, SC, that many residents have concerns over the street lighting in this area...
- ...and I would like to thank SC for bringing your concerns to my attention"

3.12 In her email of the 29 April Janet Broughton said that LB would like to put together a response for the Councillor to send off and Janet wondered whether

officers at the Council might provide a paragraph of text for Linda to put in Matthew's response.

3.13 The Councillor has stated to me that the officer involvement referred to in 3.12 related to the response he sent SC on the 6 May 2009, not the letter he sent out on Hastings & Rye Conservatives headed paper on the 19 May 2009. A copy of the 6 May response to SC is attached at Appendix 6. LB has also confirmed that the penultimate paragraph of that email response was added following Mary Denning's email of the 29 April saying she would make contact with the Priority Area Renewal Officers and their managers.

3.14 The Councillor has stated that when he asked LB to make contact with the Council, he handed to her a copy of the email to him from SC dated the 14 April 2009. He cannot recall whether he told her that SC was the Conservative Party candidate for the Central St Leonards and Gensing division in the forthcoming County Council elections. Although he did tell me that all candidates have to send in forms with 10 signatures to the Returning Officer which is then published and so it is public knowledge who is standing.

3.15 LB says she was not aware that SC was, in fact, the Conservative candidate. She said that the email from SC states he was writing on behalf of a number of residents in Clinton Crescent and that the Councillor receives a number of emails from individuals saying that they are writing on behalf of residents.

3.16 Janet Broughton's email of the 29 April 2009 says that LB has spoken to her about a complaint the Councillor has received from a resident in Clinton Crescent about poor lighting and attacks on young women in the area. LB has confirmed that this is an accurate record of her conversation with Janet Broughton. There is no mention of SC's involvement in this email correspondence.

3.17 Mary Denning has told me that she had no idea who had actually made the complaint to the Councillor and would not have asked. She said the Council received many enquiries from elected members and would not feel it was appropriate to contact that resident directly unless requested to do so by the elected member.

3.18 The Complainant has stated in his Complaint that at the walkabout on the 19 May, the Councillor explained that SC had spoken to a resident whilst canvassing for votes. The resident had complained about serious crimes and had suggested that the street lighting was inadequate and contributing to the crimes.

3.19 Matthew West says that he has no recollection that the Councillor stated who had made the complaint at the walkabout. He says that if he had had knowledge of who the complainant was or had been made aware that the complainant was standing for election he would have sought advice immediately from his Line Manager and the Strategic Manager.

3.20 Mary Denning has also told me that if she had realised that the complaint came from a candidate in the County elections, she would have:

- Taken advice from the Council's Legal and Democratic Services function on how (or if) she should proceed.

- Informed the Head of Service and Director of Regeneration and Planning so that they were aware and understood why she was taking no action until advice had been received
- Advised Janet Broughton she would not be taking any further action until she had guidance from Legal and Democratic Services.
- Provided written instructions to her managers and staff telling them to take no action until she had clarified the matter

3.21 Councillor Trevor Webb, who apart from being a Council member, was also the sitting County Councillor and the Labour Party candidate for the Central St Leonards and Gensing Division at the forthcoming County Council election, told me he recalled receiving a phone call from the Councillor either just before or during the election campaign. The Councillor told him that he had received a complaint from residents concerned about street lighting in the Central St Leonards and Gensing Division. He could not recall whether the Councillor told him that it was his Conservative party opponent, SC, who had received the complaint from residents. In any event, he did not place any particular significance on this conversation and did not, at that time, think it could be a potential election issue. If he had, he says that, as an experienced politician, he would have made a fuss.

3.22 Councillor Webb said he had been told by the Councillor that the Conservatives were not targeting his seat but he knew that they were keen to win it. Although he subsequently held the seat relatively comfortably, it had not necessarily felt like that during the campaign, as the Labour Party was not doing well in the South East. He said that when he subsequently was made aware of the letter sent to residents on the 19 May 2009, that he felt it was a foolish thing to have done. It was probably not sent in any sort of malicious way but was probably down to over excitement during the campaign. In his view organising the meeting with officers and attending that meeting during the election breached the purdah rules, and particularly sending the letter afterwards on Party political headed notepaper. He understood that having received the complaint it was a difficult issue for the Councillor but did not consider that the way that the Councillor handled it was the right way to proceed during an election campaign.

3.23 The Councillor says that it had never been his intention to involve officers in an attempt to scupper Councillor Webb's chances of re-election. He believed the Complainant was reading far too much into the letter of the 19 May 2009 than was intended. He said his genuine concern was supposing that another woman had been attacked and he had taken no action. If that had occurred, he said that the Complainant may have seen it from another point of view. He also said that "during an election candidates of all parties contact the Transport & Environment department and we have a duty to reply and also arrange site meetings at which the candidate is not invited. Mr Corello was not at the site meeting"

3.24 Kevin Boorman, the Council's Head of Marketing and Communications has commented as follows :-

"There is no blanket ban on walkabouts that I am aware of" [This was in response to a question from me that the Complainant had said that he believed that the Council had a ban on walkabouts up to a month before an election] "I do recall that during a

previous local election, I think the one before last, we were asked to arrange a photo call of officers and members on a walkabout before an election, and my advice was that this was not appropriate.

If a public meeting/walkabout was arranged before the election was called then I wouldn't have thought it was an issue if handled sensitively, but I'd be suspicious about a high profile event arranged just before an election and after the date of the election had been called".

3.25 Graham Belchamber, the Council's Scrutiny and Democratic Services Manager, has said :-

" I am not comfortable at all with walkabouts involving officers and elected members during purdah as whatever banner the walkabouts are dressed up under, the elected members will be seeking to gain profile for themselves or their parties and we will be resourcing in effect free election publicity. I suggest that as we approach next year's elections we issue a notice early on to alert officers planning such exercises that they should refrain from organising these during purdah"

3.26 Apart from the requirements in the Code, the political neutrality of officers and inappropriate use of Council resources is also set down in the Council's Protocol for Relationships between Members and Officers ("the Protocol"). Paragraphs 34 and 89 say "members must respect the impartiality of officers and do nothing to compromise it". Also Paragraph 132 of the Protocol says "Members should not put pressure on staff to provide resources or support which officers are not permitted to give". Examples that are referred to in the Protocol as not permitted include business which is solely to do with a political party and electioneering. A copy of the Protocol is attached at Appendix 7.

## **4 REASONING**

### **Paragraph 1(1) of the Code**

4.1 As the Councillor was a Member of the Council and had accepted the Code at the time of the allegations leading to the Complaint then Paragraph 1(1) of the Code is engaged.

### **Paragraph 2(1) (a) of the Code**

4.2 Being both the Portfolio Holder at East Sussex County Council for Transport, Environment, Waste and Planning, and a Borough Councillor at the Council, the Councillor has had a dual role in this matter.

4.3 Initially when he received the email from SC on the 14 April 2009, the Councillor considered the request for extra lamps in his capacity as County Council Portfolio Holder for the relevant function. That is clear from the first three paragraphs of his email of the 6 May 2009 to SC where he makes clear why funding cannot be forthcoming from County Council budgets.

4.4 However, once he had requested LB to approach the Council to see if there was any funding from the Council's Crime and Disorder budget and became involved in

correspondence with SC and attended the meeting on the 19 May 2009, the Councillor was also conducting the business of the Borough Council.

- It is unclear why Councillor Cooke was not also invited to this meeting, as Lead Member for Community Safety, although it may be that the Officers had not realised that the Councillor had relinquished this role in May 2008. However, it is clear from the comments made by the officers at the Borough Council that they would not have invited the Councillor to the meeting, or arranged it to take place before the election, if the Councillor had only been attending the meeting in his capacity as a County Councillor. As they have made it clear, if they had realised that the original complaint had come from a prospective County Councillor, Simon Corello they would not have arranged for the walkabout to have taken place before the election. The same position must be true, if the Councillor had only been acting in his County Council capacity. The Officers would not have invited the Councillor to the meeting, or waited until after the election, because the Councillor was also a prospective County Council candidate.
- No evidence has been forthcoming to suggest that the Councillor was not acting in his capacity as a Borough Councillor when the decisions were made as to the action to be taken by the Borough Council at that meeting, and as recorded in the email sent by Matthew West, to the Councillor and the Complainants's Borough Council email addresses on the 19 May, after that meeting.
- I consider it is also very relevant that the Councillor was a Lead Member at the Borough Council when he asked his personal assistant at the County Council, Linda Bacon, to make contact with the Borough Council. His contact came in through Janet Broughton, who is personal assistant to the Corporate Director of the Directorate for which the Councillor had responsibility. Had he not been a lead member but an "ordinary" borough councillor acting outside his own ward, there is a strong question mark against whether the officers would have acted in the way they did, in organising a very quick meeting. Strong implicit pressure was applied for a quick resolution because of who was making the request.
- Thus the test in paragraph 2(1) (a) has been satisfied, that the Councillor was conducting the business of the Borough Council when he referred the matter to the Borough Council and attended that meeting as a Borough Councillor on the 19 May.

#### **Paragraphs 3(2) d and 6 b (ii) of the Code**

4.5 When the Councillor asked LB to approach the Council, SC's name was on the email that the Councillor handed to her. The Councillor cannot recall whether he told LB that SC was the Conservative party candidate. However, LB was very emphatic in her statement to me that she was not aware that SC was acting



in this capacity and that she thought he was a resident writing on behalf of a number of residents from Clinton Crescent.

4.6 LB did not pass the email from SC to the Borough Council officers involved in this matter. She has also confirmed that Janet Broughton's email of the 29 April which stated that the Councillor had received a complaint from a resident in Clinton Crescent is an accurate record of their conversation. This supports the position that none of the Council officers knew that SC was involved in the complaint and that LB had not been aware that SC was actually the Conservative party candidate, rather than a resident speaking on behalf of a number of residents in Clinton Crescent.

4.7 I have no reason to doubt that the Councillor had a genuine concern about the complaint he had received. He has mentioned to me the spate of attacks that had taken place about two years ago, which he recalled had lasted about 18 months and the perpetrator who had only recently been sentenced and who lived in his St Helens ward. He was right therefore in my view to bring it to the attention of Council officers, to see if any funding might be available, in the absence of funding from East Sussex County Council.

4.8 The Council officers I have spoken to have made it clear that if they had been aware that SC, as the Conservative Party candidate, was involved in the complaint about lighting, they would have taken a different course of action.

4.9 Mary Denning, whose immediate responsibility it was to decide what course of action to follow, has said she would have:-

- Taken advice from the Council's Legal and Democratic Services function on how (or if) she should proceed.
- Informed the Head of Service and Director of Regeneration and Planning so that they were aware and understood why she was taking no action until advice had been received.
- Advised Janet Broughton she would not be taking any further action until she had guidance from Legal and Democratic Services.
- Provided written instructions to her managers and staff telling them to take no action until she had clarified the matter.

4.10 That is a very different course of action than which actually took place with text being prepared for an email response for the Councillor to send to SC and where a relatively speedy meeting was arranged during the election period, with officers unaware of an election candidate's involvement.

4.11 I have also outlined the cautious approach that Kevin Bormann and Graham Belchamber say would be appropriate in the event of officers being requested to carry out a walkabout, following an inquiry prompted by an election candidate.

4.12 Although SC was not involved in the walkabout himself, there were two areas where he benefitted because of officer involvement in the complaint. Firstly he was able, through the Councillor, to get officers to write some text to say that they would investigate whether Council funding would be forthcoming which he could potentially use in his election campaign (i.e. the email of the 6 May). Secondly, he benefitted

from the publicity in the Councillor's letter of the 19 May to residents which referred to him as the Conservative candidate raising the residents concerns and which thanked him for bringing it to the Councillor's attention as Lead Member for Transport and Environment at the County Council.

4.13 It is also worthy of comment that the contents of the Councillor's letter of the 19 May, and by signing it as County Lead Member, gives the impression to local residents, I suggest, that it is totally a County Council matter. Involving an existing County Member, apparently an attending County Officer at the walkabout (the letter says "Today I met with the local police and a council officer and local Borough Councillor....." which to me implies that the officer and the Borough Councillor were not from the same organisation), a County Budget and two prospective County Conservative candidates. There is no reference to the Hastings Borough Council's budget and officer involvement. Whether intentionally or not, the impression is given in the letter of credit to existing Conservative County Council members and candidates, with assistance of County officers and budgets, in seeking to resolve this issue of inadequate lighting. However, as I have mentioned in paragraph 2.1 this is a matter outside the terms of my investigation.

4.14 The point is taken that the Councillor has said that he took no active part in setting up the walkabout. However, as soon as the officers had prepared the text for his response to SC and had arranged the walkabout he should, in my view, have appreciated that he was compromising officer neutrality and using staff resources inappropriately for political purposes.

4.15 Knowing that SC had contacted him with information he had obtained whilst electioneering, it was incumbent on the Councillor, in my view, to ensure that LB and the Council Officers were fully aware of the source of the complaint. Failure to do so would place the officers concerned in considerable danger of compromising their impartiality and of Council resources being used for political purposes, which is what transpired, in my view.

4.16 I have no reason to doubt LB's evidence that she was not aware that SC was the Conservative party candidate and I believe that the Councillor should have done more than just place the email before her. It may be that he had initially made the assumption that LB knew who SC was. However, as soon as the Councillor realised that she was seeking text from officers to put in an email in response to SC and officers at the Council were setting up a walkabout meeting in the pre election period, he should have known that the officers were getting inappropriately involved in the election process on behalf of one of the candidates.

4.17 The Councillor made the point to me that as Lead Member there is a grey area of how involved he should become during an election period. In this particular case, I do not think this argument stands up to scrutiny.

4.18. As I say it was perfectly appropriate and indeed necessary to bring this complaint to the attention of the Council officers. That would have dealt with the Councillor's concern that he had to take some action when he received this serious complaint. However, during the pre election period that, apart from identifying that the complaint had come from an election candidate should, in my view, have been the

sum total of his involvement. The officers could then, knowing that an election candidate was involved, have taken the action outlined by Mary Denning. I have also identified the likely cautious approach that Graham Belchamber and Kevin Boorman would have advocated.

4.19 In view of the Councillor's involvement himself, as an election candidate in the County Council elections and his apparent uncertainty as to his involvement in matters as a Lead Member, I am particularly taken by the comments of Graham Belchamber referred to in paragraph 3.25 above. I would, therefore, recommend that Mr Belchamber's suggestion be considered by the Council. Although as I have said in paragraph 4.18 that I believe the position that the Councillor should have adopted is clear cut, adopting the approach advocated by Mr Belchamber would remove any room for doubt in all cases. It would also remove the problem in this case where officers were not aware of the involvement of an election candidate in this matter.

### **Draft Report**

4.20 On the 24 December 2009 I wrote to the Complainant and the Councillor with copies of my draft report with my provisional findings as indicated above.

4.21 They responded by email with their comments and I gave my replies against the various points they made as identified in bold underlined italics in those replies. See Appendix 8. For the reasons I have identified in my replies I stand by the findings I have made. The Councillor said that he could see what I was saying but could not agree. He said that if a candidate in the up and coming elections tells him that girls are being attacked then he would put their safety before his political future. It would be up to others to decide his future but his conscience was clear.

4.22 As I indicated in the response to the Complainant, I think that his suggestion that procedures should be introduced to make officers more familiar with the names of election candidates, could possibly assist in preventing the impartiality of officers being compromised in the future. So I put that suggestion forward for consideration. See Complainant's comments re para 3.14.

4.23 On originally drafting my report, I had understood that the Councillor was the Lead Member for Community Safety at the Borough Council at the time of the allegations leading to this Complaint. I have subsequently discovered that that is not the case and have adjusted my report accordingly. See paragraphs 3.2 and 4.4. It does not in my view result in any change in my conclusions.

## **5 CONCLUSION**

5.1 For the reasons I have set out in this report at Paragraph 4 I am of the opinion that the Councillor did compromise the impartiality of officers working for the Council contrary to paragraph 3(2) d of the Code and paragraphs 34 & 89 of the Protocol. He also used staff resources improperly for political purposes contrary to paragraph 6(b) (ii) of the Code and paragraph 132 of the Protocol.

5.2 I would recommend that the proposal put forward by the Council's Scrutiny and Democratic Services Manager in paragraph 3.25 for a notice to be issued to officers to refrain from organising walkabouts involving officers and elected members during the pre election "purdah" period for future elections, be considered by the Council. Also the suggestion of the Complainant referred to in paragraph 4.22 should be considered.

Trevor Smith

19 February 2010

[The appendices to this report could not be published on the Council's website. Copies may be obtained from Elaine Wood, Principal Committee Administrator, tel 01424 451717 or email ewood@hastings.gov.uk](#)

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