

**STANDARDS COMMITTEE
8 MARCH 2010**

Present: Independent members: -
Mr V Kempner (in the Chair) and Mr R Spiring

Councillors Daniel, Martin, Roberts and Soan.

Also in attendance were Mr T Smith, the Investigating Officer, Muhammad Saleem, Legal Services Manager and Chris Barkshire-Jones, Senior Lawyer Enforcement and Litigation.

Apologies for absence were received from Councillors Bird and Fawthrop and Mrs Susan Fellows.

10. MINUTES

RESOLVED – that the minutes of the meeting held on 10 September 2009 be approved and signed by the chair as a correct record.

11. MINUTES OF THE RECRUITMENT SUB-COMMITTEE

RESOLVED – that the minutes of the meetings of the Recruitment Sub-Committee held on 23 November and 30 November 2009 be noted.

12. DECLARATIONS OF INTEREST

The following Councillors declared their interests in the minute indicated: -

Councillor	Minute	Interest
Daniel	13 – Investigation of Complaint SC.001.09	Personal – Member of East Sussex County Council.
Martin	13 – Investigation of Complaint SC.001.09	Personal – Member of the Conservative Group.

13. INVESTIGATION OF COMPLAINT REFERENCE SC.001.09

The Complainant, Councillor Andrew Cartwright, alleged that during the pre- election period running up to the County Council elections on 4 June 2009, Councillor Matthew Lock, Lead Member for Regeneration and Planning, had made improper use of Council staff resources in order to support a candidate or candidates for election.

The facts alleged that, as Lead Member, Regeneration and Planning, Hastings Borough Council, on 19 May 2009 Councillor Lock attended a meeting with police and a Council officer, Matt West, following information passed to him by Simon Corello, the Conservative party candidate, that a constituent had complained about street lighting/community safety issues. Councillor Lock was present at the meeting as was Councillor Cartwright, invited as Ward Councillor by Matt West. On 19 May 2009, Councillor Lock wrote a letter to constituents in Clinton Crescent regarding this matter, on notepaper headed "Hastings and Rye Conservatives" and signed "Cllr Matthew Lock County Council Lead Member Transport and Environment". The full

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contents of the letter were contained in the report but it did refer to Simon Corello as being the person who had brought the matter to his attention and also referring to him as the Conservative candidate.

The Deputy Monitoring Officer summarised the Borough Solicitor's report. The Investigating Officer addressed the Committee and highlighted points from his report. Councillor Lock disputed some of the findings and responded to the investigating officer's report. He stated that at no time had he been involved in police matters on behalf of East Sussex County Council.

Councillor Roberts proposed, seconded by Councillor Daniel, to move to part 2 for private discussion. This was agreed.

The committee retired to consider findings of fact and which sections of the Code of Conduct and Protocol of Relationships between officers and members had been breached (if any). They returned and announced their findings of fact, as follows: -

1. At the time of the events complained of 19 May 2009, Councillor Lock was a member of Hastings Borough Council;
2. At the time of the events complained of Councillor Lock was required to observe the Code of Conduct of Hastings Borough Council;
3. At the time of the events Councillor Lock was acting in his official capacity as a member of Hastings Borough Council;
4. At the time of the events Councillor Lock compromised the impartiality of the staff of Hastings Borough Council; and
5. At the time of the events Councillor Lock used the resources of Hastings Borough Council (staff) and used those resources improperly for political purposes.

The relevant paragraphs of the Code and Protocol that the Committee decided had been breached were as follows: -

6. Paragraph 1(1) – This Code applies to you as a member of an authority;
Paragraph 2(1)(a) – You must comply with this 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); and references to your official capacity are construed accordingly;
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;
Paragraph 6(b)(ii) – You must when using or authorising the use by others of the resources of your authority ensure that such resources are not used improperly for political purposes including party political purposes.
7. The Council's Protocol for Relationships Between Members and Officers had been breached in respect of paragraphs 34,89 and 132;
8. Reasons for the decisions in respect of the breaches of the Code of Conduct were as follows: -

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Councillor Lock is an experienced councillor, having served in that capacity for some 10 years. He did not give Hastings Borough Council officers full information to enable them to be clear that a candidate of his own party was involved and that events complained about occurred during a period of Purdah. In addition, the letter dated May 19th 2009 that Councillor Lock sent to residents implies political motive.

The Investigating Officer addressed the Committee in respect of the appropriate level of sanction. He advised that the sanction should be at the lower end of the scale.

Councillor Daniel proposed, seconded by Councillor Roberts, to move to part 2 for private discussion. This was agreed.

The Committee retired to consider appropriate sanctions. They returned and announced their decision, as follows: -

RESOLVED (unanimously) – that: -

- (1) A Censure to be issued by the Monitoring Officer; and
- (2) Councillor Lock to attend training on the implications of his dual role in being a member of both Hastings Borough Council and East Sussex County Council and the holding of lead responsibilities in both Councils. The training is to be arranged by the Monitoring Officer and undertaken by Councillor Lock by the end of June 2010; and
- (3) Councillor Lock is required to issue written apologies to the three Hastings Borough Council officers involved, as named in the report.

Additionally, the Committee recommended that the Monitoring Officer should issue to all Members and Officers, guidance on the implications of Purdah. This guidance should incorporate the proposal mentioned in the report that during Purdah 'walkabouts' or similar exercises organised by Officers for Councillors, should be avoided.

9. Reasons for sanctions applied:-

The Committee announced that the reasons for their decision was because Councillor Lock breached the Code of Conduct. The Committee took into account the comments made by the investigating officer and points of mitigation raised by Councillor Lock.

The Chair explained that Cllr Lock would receive the committee's decision shortly and that he could appeal to the First-tier Tribunal (Local Government Standards in England) against the decision within 28 days of the date of the notification. A public notice of the decision would be published in the local newspaper.

(The Chair declared the meeting closed at 8.00pm)