

**MINUTES OF A MEETING OF THE  
ADJUDICATION & REVIEW COMMITTEE (STANDARDS - ASSESSMENT SUB  
COMMITTEE)**

**18 October 2012 (7.25 - 8.15 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Barry Oddy

**Residents' Group** John Mylod

**Labour Group** Denis O'Flynn

The Chairman reminded Members of the action to be taken in an emergency.

**6 EXCLUSION OF THE PUBLIC**

The Panel resolved that the public should now be excluded from the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during these items there would be disclosure to them of exempt information within the meaning of paragraph 1 of Schedule 12A to the Local Government Act 1972; and it was therefore decided to exclude the public on these grounds.

**7 CONSIDERATION OF A REPORT INTO AN ALLEGATION OF BREACH OF THE MEMBERS' CODE OF CONDUCT**

The Panel considered the report of the investigating officer into several complaints made against Councillor A. The report followed the referral, by an Initial Assessment Panel on 29 March 2012, of the matter to the Monitoring Officer for investigation. The complaints were that Councillor A:

- a. Was not qualified to stand as a councillor in the 2010 local elections as he had not resided within the borough for 12 months prior to 8 April 2010 (being the final date for nomination to stand in the election).
- b. For the period 29 January 2010 to 12 September 2010 wrongly claimed a student disregard allowance for Council Tax purposes, thereby benefitting a relative at whose address within the borough he had stated that he lived.

- c. Committed an offence (were he living at an address in the borough) under the Vehicle Excise & Registration Act 1994 by having his car falsely registered to another address (outside the borough).

During discussion, the Panel noted the view of the investigating officer that, for all three of the allegations, Councillor A was not acting in an official capacity at the time and the Code of Conduct did not therefore apply.

As regards the first allegation, the investigating officer advised that any challenge to the validity of an election had to be made within 21 days of the poll. As this had not been challenged within the timeframe, the election result remained valid.

The second complaint concerned a declaration for Council Tax Benefit received by a relative with whom Councillor A was living. This declaration had been made before the election at which Councillor A joined the Council and therefore was not made during any period when Councillor A was acting in an official capacity.

On the third complaint, it was accepted by the investigating officer that Councillor A may have incorrectly registered his car at an address outside Havering but there was no evidence that the vehicle in question had been used for official Council business and the Code of Conduct did not therefore apply.

Councillor A added that he had been subject to these allegations almost since being first elected and was pleased that the investigation was now concluding. Councillor A had made a complaint about his interview with a senior member of the Internal Audit section as he felt the officer conducting the interview had already come to a conclusion before the interview had taken place. Councillor A was also unhappy that he was not allowed to confer with the independent person supporting him at the interview.

As regards the Council Tax benefit issue, Councillor A apologised for this oversight which was as a result of letting his university studies slip and had offered to reimburse the Council for any amount owed by his relative for Council Tax.

The Panel felt that Councillor A had been fairly treated during his interview and the investigation as a whole. The Monitoring Officer clarified that travel to or from the town hall alone did not constitute business travel and hence the Code of Conduct did not apply to the complaint concerning the registration of Councillor A's vehicle. The Panel remained uncomfortable with Councillor A's actions concerning his car insurance but accepted that, as he was not acting in an official capacity, they did not bring the Council into disrepute.

The Panel was reminded that it was required to make one of the following three decisions in relation to the case:

- That Councillor A had not failed to comply with the Members' Code of Conduct.
- That Councillor A had failed to comply with the Members' Code of Conduct but no action needed to be taken in respect of the matters that were considered at the hearing.
- That Councillor A had failed to comply with the Members' Code of Conduct and that full Council should be recommended to impose a sanction.

### **Decision**

The Panel found that Councillor A had not breached the Members' Code of Conduct in any of the matters investigated. The Panel asked the Monitoring Officer to confirm that the transcript of the interview with Councillor A had been passed to the Police. The Panel also advised Councillor A that he should put his affairs in order for the future protection of his interests.

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**Chairman**