



Havering

L O N D O N B O R O U G H

**ADJUDICATION AND REVIEW COMMITTEE
(MEMBERS' CODE OF CONDUCT)
ADJUDICATION AND REVIEW ASSESSMENT
PANEL
(RECONVENED MEETING)
AGENDA**

4.00 pm	Thursday 15 October 2020	VIRTUAL MEETING
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Members 3: Quorum 2

COUNCILLORS:

**Conservative Group
(2)**

Matt Sutton (Chairman)
Ray Best

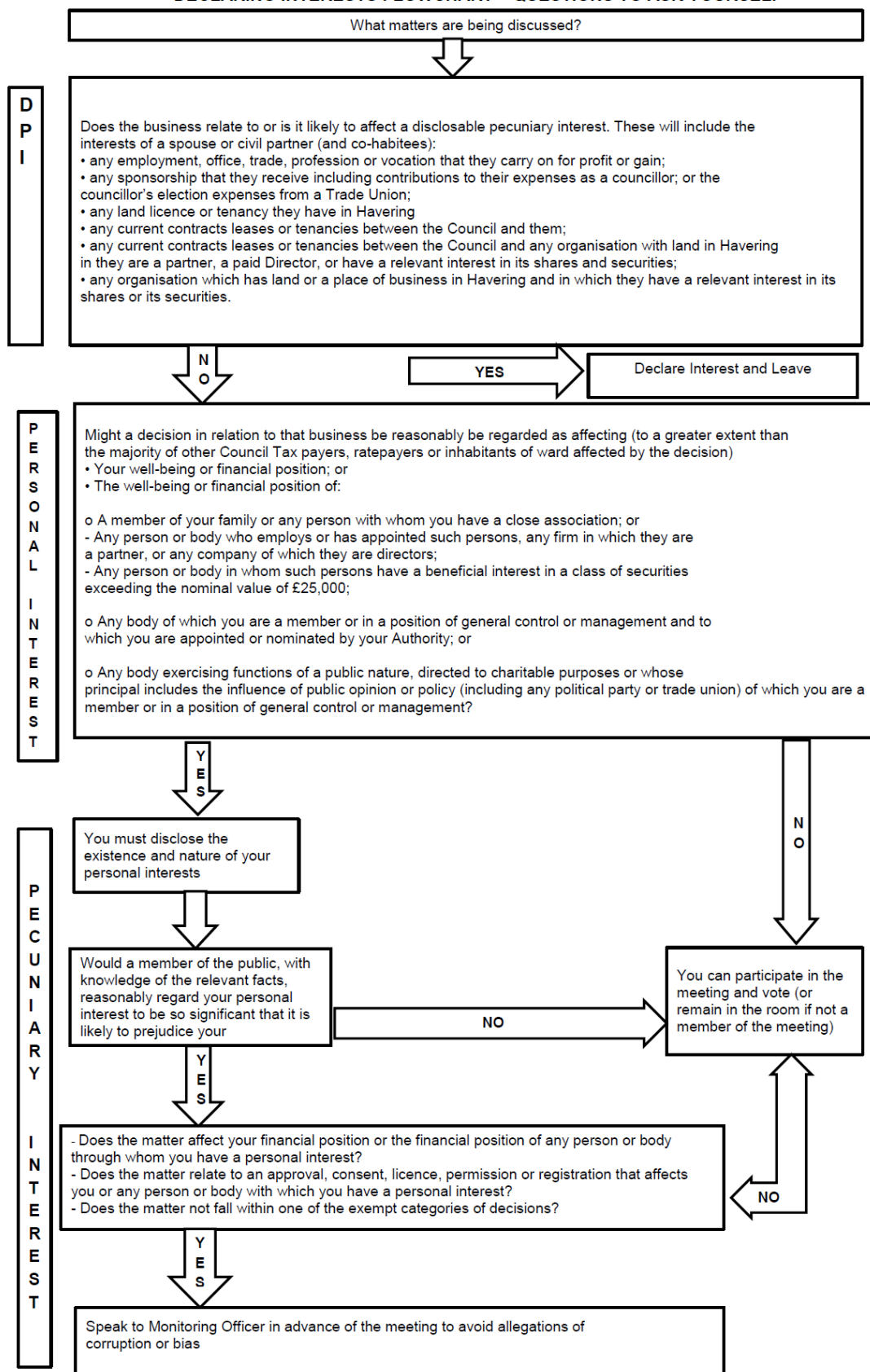
**Upminster & Cranham
Residents' Group
(1)**

Linda Van den Hende

Also present: Keith Mitchell
(independent person)

**For information about the meeting please contact:
Anthony Clements Tel: 01708 433065
E-mail: anthony.clements@onesource.co.uk**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements for the conduct of the meeting.

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(if any) – receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interests in any of the items on the agenda at this point of the meeting. Members may still disclose an interest in an item at any time prior to the consideration of the matter.

4 EXCLUSION OF THE PUBLIC

To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is 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 those 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, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

5 CONSIDERATION OF A COMPLAINT SUBMITTED BY A MEMBER AGAINST ANOTHER MEMBER (Pages 1 - 68)

To consider the report of the Monitoring Officer (attached).

Andrew Beesley
Head of Democratic Services

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ADJUDICATION AND REVIEW COMMITTEE

(Members' Code of Conduct)

Adjudication & Review Assessment Panel

1st October 2020

Subject Heading:

Initial Assessment of Code of Conduct
Complaints against Cllr Damian White

CMT Lead:

Daniel Fenwick, Deputy Monitoring Officer
/ Director of Legal & Governance

Report Author and contact details:

daniel.fenwick@onesource.co.uk

Policy context:

Consideration of complaints under the
Code of Conduct for Councillors against
Cllr Damian White

Financial summary:

Costs are budgeted for.

SUMMARY

The Council has a duty to promote and maintain high standards of conduct by its elected and co-opted members under s.27 of the Localism Act 2011 (hereafter the "2011 Act"). The Council's Code of Conduct is established to comply with the mandatory requirements of s.27 and s.28 of the 2011 Act (**see Appendix 1 / Part 5.1 of the Council's Constitution**, hereafter "the Code").

This report seeks the Adjudication & Review Assessment Panel's (hereafter the "Panel") decision as to whether the two complaints against Cllr Damian White should be investigated further or dismissed in accordance with Section 4 of the Council's procedures for the consideration of Code of Conduct complaints (**see Appendix 2 / Part 5.2 of the Constitution**, hereafter the "Complaints Procedure").

I was appointed by John Jones, the Monitoring Officer to have conduct of the consideration and determination of the two complaints by the Council. It is noted

that, since my appointment, Abdus Choudhury has been appointed by full Council in September 2020 as Monitoring Officer.

RECOMMENDATIONS

For the reasons set out in this report:

- (1) the Panel is recommended to agree to investigate both complaints under the Code of Conduct against Cllr Damian White.
- (2) if (a) is agreed, the Panel is asked to note that:
 - a) an external independent investigator will be appointed on behalf of the Deputy Monitoring Officer and their report and findings will be referred back to the Panel for the final determination of the complaints.
 - b) this recommendation and the Panel's decision is not a determination of the merits of the complaint

REPORT DETAIL

1. Two complaints under the Code of Conduct against Cllr Damian White were received as set out below:
 - a) Cllrs Ford and Morgan and three others (as the Havering Residents Association or HRA) dated 21 July 2020 (hereafter the HRA complaint) at **Appendix 3 (with attachments¹)**;
 - b) John Cruddas MP in letter dated 17 July 2020 (hereafter the Cruddas complaint) at **Appendix 4**;
2. The complaints were received or referred to John Jones, the then Monitoring Officer (MO) for the Council. The MO has responsibility for handling of complaints under the Members Conduct under the procedure in Section 5.2 of the Council's Constitution. As Mr Jones was involved in the development of the Council's Boundary Review ward pattern submissions, he has excused himself from participation in the complaints and delegated his functions to me as Deputy Monitoring Officer.
3. The Panel is referred to the complaints. The HRA and Cruddas complaints are substantively the same. They allege that Cllr Damian White sought to gain party political advantage for the Conservative Party through the Council's submission to the Local Government Boundary Commission for England (the Boundary Commission). The complaints allege that Cllr White influenced or sought to influence officers to put forward proposals to full Council for approval, which were to the electoral benefit of the Conservative Party.
4. The complaints rely on a recording of a Conservative political group meeting on 3 February 2020 by a former member of the Conservative group, Cllr

¹ With the exception of the tape recording due its format but is available for playback at the Panel hearing, if the Panel wishes to hear it.

Bob Perry. A transcript of the recording is attached to this report at **Appendix 3** and the tape is available to be played in the meeting if required. The Panel should note that the transcript has been prepared by the complainants but my advice is that it is a sufficiently accurate transcription of the tape for the purposes of their decision, i.e. whether or not an investigation is required. The accuracy or otherwise of the transcript can be a matter for the investigator to examine.

5. The Panel is asked to note that the highlights and comments on the transcript are made by the HRA as part of their complaint and are not part of my submissions in this report. The Panel should also note that Cllr White has objected to the admission of the tape as evidence and this is referred to in more detail below.

Monitoring Officer Assessment

6. Under paragraphs 4.1 to 4.6 of the Complaints Process, all complaints should be assessed by the Monitoring Officer and referred to a Panel for decision, unless the Monitoring Officer considers that the allegations may be dismissed under paragraph 4.4 of the Complaints Process.
7. On behalf of the Monitoring Officer, I have reviewed the allegation and consider that it is not appropriate to dismiss on the grounds set out in paragraph 4.4 for the following reasons. Addressing the criteria in 4.4, my rationale is as follows.

Do the allegations demonstrate a potential breach of the Code – 4.4 (c)

8. It is my decision the allegations in the complaints a potential breach under the Code of Conduct. There are two issues of note here..

Was Cllr White acting in his Official Capacity as a councillor?

9. A complaint under the Code of Conduct may only be considered where the member is acting in their official capacity at the time of the matter complained of. This is broadly defined as covering situations where a councillor is undertaking official duties and excludes matters in their private life.
10. It is my view for the purposes of this assessment that Cllr White was acting in his official capacity for the following reasons:
 - a) The core allegation in the complaint is that Cllr White used his position as Leader to influence the Council's submissions to the Boundary Commission. These allegations are alleged to have taken place in meetings and / or conversations with officers prior to the 3 February Group meeting, where Cllr White was acting in his role as Leader in the alleged meetings and / or other communications with officers.
 - b) The statements made by Cllr White in the Conservative Group meeting on 3 February are primarily significant as evidence of the alleged improper influence that took place before the meeting, as set out in a. above.

11. Therefore, my assessment is that Cllr White was acting in his official capacity at the time of the allegations in the complaint and so this complaint should not be dismissed on this basis.

Do the matters complained of fall within the Code of Conduct?

12. A complaint under the Code of Conduct should only be investigated where it the matters complained of could, if proven, fall within the provision of the Code of Conduct. The relevant provisions are set out in the Council's Code of Conduct at **Appendix 1** under the headings "Principles of conduct in public office" (also known as the Nolan Principles) and "Personal conduct".
13. It is my assessment that the allegations fall within the provisions of the Code of Conduct, including the obligations to make decisions on merit; acting solely in the public interest; and ensuring that a member does not use facilities provided by the Council for improper purposes, including "party political purposes".
14. At the risk of repetition, my assessment that the allegations fall within the remit of the Code is not a finding there has been a breach of the Code and the Panel is not being asked to make that assessment either. My assessment is simply that the complaint should not be dismissed under paragraph 4.4 as conduct falling outside of the Code of Conduct. Further, the obligations identified in the preceding paragraph are not intended as an exhaustive list and an investigation may consider all of the provisions of the Code and is not bound in any way by my assessment.

Informal Resolution - 4.4 (i)

15. In accordance with the Complaints Procedure, I asked Cllr White and the complainants whether they would consider informal resolution of the complaint. Cllr White and Mr Cruddas indicated that they would consider this but the HRA complainants did not agree. There is no obligation under the Complaints Procedure to agree to explore information resolution but, without consensus, it is not possible to do so. This option remains open to all parties, however.

Is the complaint out of time? 4.4 (g)

16. Under the Complaints Process, a complaint may not be considered for investigation where the dates of the matters complained of took place more than 3 months before the date of receipt of the complaint and there are no exceptional circumstances which justify an investigation or it is otherwise appropriate to investigate the allegation. A purpose of this provision is to prevent "stale" matters being raised but also to ensure that matters are considered fairly and before memories have faded and other evidence is at risk of being deleted or lost.
17. The complaint was submitted in mid to late July about matters that took place before 3 February and the substance of the allegations were known to Cllr Perry on or about 3 February. It is a legitimate concern that the matter was not raised at that time by Cllr Perry with the Council so it could have been considered and addressed before the Governance Committee and Council meetings took place. However, the primary issue is whether the complaint against Cllr White can be considered despite the late submission of the complaint.

18. Both complainants have been asked about this issue and their responses are at **Appendix 5**. Mr Cruddas in his email states that he was not aware of the allegations until the newspaper reports in mid-July 2020 and submitted his complaint a few days later and so without delay. The HRA set out in their response in more detail and the Panel are referred to their letter.
19. It is a discretion whether or not to dismiss a complaint that is more than 3 months old. It is my assessment that the allegations are sufficiently serious to justify an investigation notwithstanding the delay and it is in the wider interests of the Council and its legal duty to uphold the Nolan Principles that an investigation takes place. It is my view that the matter can still be investigated, though noting that there is a risk that the delay has had a prejudicial impact. It is better in my view that the investigator determines, when all the relevant evidence has been collated from Cllr White and the complainants, however, and it does not need to be decided at this assessment stage. **Appendix 6** contains further evidence submitted at this stage by the HRA.
20. It is my assessment that paragraphs 4.4 (a), (b), (d), (e), (f) and (h) are not applicable or relevant to the determination of whether an investigation should take place in this complaint.
21. It is also my view that the investigation is a proportionate response to the issues raised and likely outcomes, as required by paragraph 4.3 of the Complaints Process. The requirement that an investigation is proportionate is primarily intended in my view to avoid the use of excessive time and public resources on, for example, minor or trivial “tit for tat” complaints or issues that could be resolved by alternative resolution. An investigation is a proportionate response in my view as the allegations in this complaint are serious in nature, involve the Leader of the Council and have a significant public profile in the local newspapers. This also allow both sides to the allegation to state their case in full.

Reliance on the Tape Recording & Transcript

22. The complaints rely on the statements of Cllr White in a recording of the Conservative Group meeting on 3 February. It is not disputed that the covertly recorded by Cllr Perry, was made without the consent of Cllr White (and very probably others at the meeting) and that the meeting was private.
23. The recording, however, contains relevant evidence supportive of the allegation that Cllr White breached the Code of Conduct at a time prior to the meeting on 3 February. There is recent Supreme Court authority that covertly recorded evidence obtained by private persons can be used in legal proceedings (*Sutherland v HM Advocate* (2020) UKSC, paras 64-72) and it is my view that the recording and transcript can be used as evidence to determine this assessment and the complaint.
24. It should be noted, however, that the primary allegation in my assessment relates to the alleged interaction between Cllr White and officers prior to the meeting and not what was said in the meeting.
25. As this matter was raised during the course of preparing this report, I wrote to Cllr White and both complainants to give them the opportunity to make any submissions on this issue that could be considered as part of the

assessment process. I did not receive any responses but, if this complaint is to proceed, it remains open to any party to raise this issue with the investigator.

The Panel's Determination

26. As my decision is not to dismiss the complaints under paragraph 4.4, under the Complaints Process, I am required by paragraph 4.6 of the Complaints Process to refer the complaints to the Panel. The Panel must determine what action to take in respect of the complaints. The relevant powers of the Panel are set out for convenience below:

4.7 Where the Monitoring Officer refers an allegation to an Adjudication and Review Assessment Panel for consideration, the Panel shall determine whether the allegation:

- (a) Merits no further investigation and is dismissed; or*
- (b) Merits further investigation*

4.8 An Adjudication and Review Assessment Panel may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 4.4 above and to the following additional criteria:

- (a) The allegation is not considered sufficiently serious to warrant investigation; or*
- (b) The allegation appears to be motivated by malice or is "tit-for-tat";*

or

- (c) The allegation appears to be politically motivated*

4.9 Where an Adjudication and Review Assessment Panel considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation. The meeting of the Panel shall adjourn and reconvene when the Investigation Report is available.

27. The Panel's power to determine whether or not to investigate the complaints is discretionary. Whilst the decision may be based on "whatever reasons it thinks fit", the decision must be a rational decision based on the evidence before the Panel and taking into account the criteria above. In making its decisions, the Panel should take into account that the courts have held that it is a local authority's duty to ensure observance of the Nolan Principles and to secure the public interest in maintaining confidence in local government. Reasons should be given for any decision.
28. I have set out my advice on the criteria in paragraph 4.4 of the Code and it is my advice and assessment that, on balance, the complaints should be investigated.
29. In respect of the additional criteria at 4.8, it is my advice to the Panel:
- a) For the reasons set out in this report, the complaint is sufficiently serious to warrant investigation.
 - b) There is no evidence at this stage that the allegations are motivated by malice or are "tit for tat", i.e. in response to an earlier allegation.
 - c) Whilst the complainants are political "opponents", this should not automatically lead to a conclusion that the complaint should be dismissed as politically motivated. The substance of the complaint

as a whole must be considered, as set out in the report as well as the importance of the Council's duty to ensure observance with the Nolan Principles.

30. In reaching their decision, the Panel may also take advice from the Independent Person for LB Havering who will attend the meeting, who may particularly assist on the public perception of these complaints.
31. If the Panel decides an investigation is necessary, I will appoint an independent external investigator who will then contact the parties and any necessary witnesses before reporting back to me. The investigator's report will be submitted to the Panel to determine next steps. There is no right of appeal against a decision to investigate a complaint.
32. If the Panel decides not to agree to an investigation, there is no right of appeal against this decision under the Complaints Process.

IMPLICATIONS AND RISKS

Financial implications and risks:

Code of Conduct investigations are an unbudgeted financial burden on the Members budget. Contingency funding will be available for the investigation and hearing process of this complaint.

Legal implications and risks:

See the body of the report.

Human Resources implications and risks:

Any allegations in the original complaints against officers have been stayed until the outcome of this complaint. The Assessment Panel has no delegated powers to consider these matters.

Equalities implications and risks:

There are no equalities implications to the decisions sought.

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MEMBERS' CODE OF CONDUCT

Members or co-opted members of the Council of the London Borough of Havering have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

Principles of conduct in public office

In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member, they are committed to behaving in a manner that is consistent with the following principles to achieve best value for the Borough's residents and to maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Personal conduct

Accordingly, Members must act solely in the public interest and:

- Never improperly confer an advantage or a disadvantage or seek financial or other material benefits for family members, friends or close associates
- Never place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties
- Make all decisions on merit alone
- Are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate to their office
- Be open as possible about their decisions and actions, and those of the Council, be prepared to explain the reasons for those decisions and actions
- Disclose any private interests, pecuniary or non-pecuniary, that relate to their public duties and take steps to resolve any conflicts of interest that arise, including registering and declaring interests in accordance with the Council's agreed procedures
- Ensure that they do not use, nor authorise the use by others of, facilities provided by the Council for any purpose that would be improper, including for party political purposes, and must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986
- Promote and support high standards of conduct when serving in their public post, in particular as characterised by the requirements of this Code, by leadership and by example

As a Member of the Council, each Member will in particular address the statutory principles of the code of conduct by:

- Championing the needs of all residents and putting those interests first.
- Dealing with representations or enquiries from residents, members of local communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including their own financial interests or those of others connected to them, to deter them from pursuing constituents' casework, the interests of the Borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising their position by placing themselves under obligations to outside individuals or organisations

who might seek to influence the way they perform their duties as members/co-opted members of the Council.

- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for their decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Council's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those they work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

Members will be expected to comply with the Council's policies on Equality in Employment, Equality in Service Provision and Harassment and Bullying at Work.

Interests

¹Disclosable pecuniary interests

This section explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

1. Notification of disclosable pecuniary interests

¹ The provisions concerning DPIs have been moved to the start of the interests section as these are the statutory provisions and have potential criminal consequences and it is important that they are at the front of member's minds when considering their interests.

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. You must within 28 days of becoming aware of any new disclosable pecuniary interest or a change to a disclosable pecuniary interest which is not included in the council's Register of Interests notify the Monitoring Officer.

A 'disclosable pecuniary interest' is an interest of yourself or an interest of which you are aware of your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

Subject	Prescribed description
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>

Subject	Prescribed description
Securities	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

- A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
 - 1. You may not participate in any discussion of the matter at the meeting.
 - 2. You may not participate in any vote taken on the matter at the meeting.
 - 3. If the interest is not registered, you must disclose the interest to the meeting.
 - 4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

You must leave the room where the meeting is held while any discussion or voting takes place.

- B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. Such applications should be made to the Monitoring Officer.

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Other types of Interest that must be disclosed and may be registered

Note: the provisions in respect of Disclosable Pecuniary Interests above take precedence over the provisions below about other interests.

7 Personal Interests

- (1) You have a personal interest in any business of your authority where you do not have a disclosable personal interest and
 - (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—

- (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- (2) You must, within 28 days of becoming a member or co-opted member, or becoming aware of any new personal interest or change to any personal interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

8 Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 7(1) above or as set out in paragraph (2A) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) (A) You have a personal interest in any business of your authority
- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- (B) In sub-paragraph (2)(A), a *relevant person* is—
- (i) a member of your family or any person with whom you have a close association; or
 - (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (iv) any body of a type described in paragraph 7(1)(a)(i) or (ii).

- (3) Where you have a personal interest but, by virtue of paragraph 3, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (4) Where you have a personal interest that is not a disclosable pecuniary interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9 Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
 - (a) affects your financial position or the financial position of a person or body described in paragraphs 7(1) or 8(2) ;or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—
 - (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

You must leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, and it is not a disclosable pecuniary interest, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and

you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that is not a disclosable pecuniary interest that relates to the functions of your authority in respect of—
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest that is not a disclosable pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

10 Interests arising in relation to the Overview and Scrutiny Board or Sub-Committees

In any business before the Overview and Scrutiny Board or relevant Sub-Committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

You may only attend a meeting of the Overview and Scrutiny Board or relevant Sub-Committee for the purpose of answering questions or giving evidence relating to the

business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

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Arrangements for dealing with allegations that a Member or a Co-opted member of the London Borough of Havering has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected Member or Co-opted Member of the London Borough Havering has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the Member/Co-opted Member against whom an allegation has been made. The arrangements fulfil the Council's statutory obligations.
- 1.3 In these arrangements a number of terms are used which have the following meanings.

Member	An elected Councillor
Co-opted Member	A person who is not an elected Member of the Council but has been appointed to a committee or sub-committee of the Council
Monitoring Officer	An officer of the Council designated under Section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its Members and Officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a Register of Interests of Members and Co-opted Members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011 whose views are sought and taken into account before decisions upon allegations against Members/Co-opted Members are taken and who may be consulted by a Member/Co-opted Member who is the subject of allegations or by the Council generally.

Member	An elected Councillor
Adjudication and Review Assessment Panel	An ad hoc Panel of three Members taken from the membership of the Adjudication and Review Committee established to decide whether allegations against Members/Co-opted Members are worthy of investigation.
Adjudication and Review Hearing Panel	An ad hoc Panel of three Members taken from the membership of the Adjudication and Review Committee established to conduct Hearings into allegations of breaches by Members/Co-opted Members of the Members' Code of Conduct

2. The Members' Code of Conduct

- 2.1 The Council has adopted a members' Code of Conduct which is available on the Council's website and on request from the Monitoring Officer.
<https://www.havering.gov.uk/Pages/Category/Councillors.aspx?l1=90001>

3. Making an allegation

- 3.1 Allegations concerning possible breaches of the Code of conduct should be made in writing to:

Monitoring Officer
London Borough of Havering
Town Hall,
Main Road,
Romford RM1 3BD
Tel: 01708 432484

Or by email to monitoringofficer@havering.gov.uk marked for the attention of the Monitoring Officer.

- 3.2 It is preferable that allegations are made on the form available on the Council's website:
- 3.3 It is important that a person making an allegation provides his/her name and a contact address or email address so that the Monitoring Officer can acknowledge receipt of the allegation and keep the person informed of its progress.
- 3.4 The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests. The Monitoring Officer has to balance the rights of the Member/Co-opted Member to understand who is making an allegation against them, against the rights of the person making the allegation who

will have to provide reasons why their name and/or address ought to remain confidential

- 3.5 If the Monitoring Officer accepts the reasons for maintaining anonymity and the name and/or address of the person making the allegation will not be disclosed to the Member/Co-opted Member without prior consent.
- 3.6 If the Monitoring Office does not consider those reasons justify anonymity, the person making the allegation will be given the opportunity to withdraw the allegation if they do not wish to proceed without anonymity.
- 3.7 Even where anonymity is agreed at the outset it may not always be possible to maintain that anonymity throughout the entirety of the process. For example, the person making the allegation may be requested to give evidence at a Hearing. If anonymity cannot be maintained the Monitoring Officer will liaise with the person making the allegation to establish whether the person wishes to continue with the allegation or withdraw it.
- 3.8 The Council does not normally investigate anonymous allegations unless there is a clear public interest in so doing.
- 3.9 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 3.10 The Monitoring Officer will inform the Member/Co-opted Member against whom an allegation has been made and will give details of the allegation and the remedy sought by the person making the allegation. In exceptional circumstances the Monitoring Office has discretion not to inform the Member/Co-opted Member if in his/her opinion to do so would risk an investigation being frustrated or prejudiced in some way.

4. Assessment of allegation

- 4.1 The Monitoring Officer will review every allegation received and may consult the Independent Person before taking a decision as to whether or not the allegation merits reference to an Adjudication and Review Assessment Panel.
- 4.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the Member/Co-opted Member against whom the allegation is directed. If the person making the allegation fails to provide the additional information requested, the allegation may be dismissed by the Monitoring Officer pursuant to Paragraph 4.4(a), below.

- 4.3 The Monitoring Officer will use a number of criteria for assessing allegations and may consult the Independent Person and if necessary the appropriate political Group Leaders. The decision whether to submit the allegation to an Adjudication and Review Assessment Panel will be a proportionate response to the issues raised and likely outcomes.
- 4.4 The Monitoring Officer may determine that an allegation does not merit any further action where:
- (a) There is insufficient information upon which to base a decision and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently; or
 - (b) The allegation is about someone who is no longer a Member/Co-opted Member of the Council; or
 - (c) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example the allegation relates to matters whilst the Member/Co-opted Member was not acting in his/her official capacity but rather relates to their private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service; or
 - (d) The same or a similar allegation has been investigated and determined; or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Members' Code of Conduct; or
 - (f) The allegation is considered to be frivolous or vexatious; or
 - (g) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation; or
 - (h) The Member/Co-opted Member about whom the allegation is made has admitted making an error and/or has apologised and the matter would not warrant a more serious sanction; or
 - (i) The Monitoring Office facilitates an informal resolution. This may involve the Member/Co-opted Member accepting that his/her conduct was inappropriate or otherwise unacceptable and offering an apology and/or taking other remedial action. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Adjudication and Review Panel for consideration.

- 4.5 If the allegation is dealt with under Paragraph 4.4 above, the Monitoring Officer shall notify the person making the allegation and the Member/Co-opted Member of the outcome giving reasons for the decision. Normally such notification shall be given within 20 clear working days of receipt of the allegation.
- 4.6 Except as provided for in Paragraph 4.4 above, the Monitoring Officer shall refer all allegations to an Adjudication and Review Assessment Panel for consideration which normally shall meet within 20 clear working days from receipt of the allegation.
- 4.7 Where the Monitoring Officer refers an allegation to an Adjudication and Review Assessment Panel for consideration, the Panel shall determine whether the allegation:
- (a) Merits no further investigation and is dismissed; or
 - (b) Merits further investigation
- 4.8 An Adjudication and Review Assessment Panel may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 4.4 above and to the following additional criteria:
- (a) The allegation is not considered sufficiently serious to warrant investigation; or
 - (b) The allegation appears to be motivated by malice or is “tit-for-tat”; or
 - (c) The allegation appears to be politically motivated
- 4.9 Where an Adjudication and Review Assessment Panel considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation. The meeting of the Panel shall adjourn and reconvene when the Investigation Report is available.
- 4.10 The Monitoring Officer will inform the person making the allegation and the Member/Co-opted Member of an Adjudication and Review Assessment Panel’s decision and if the allegation is to be investigated will provide an indication of the timescale for the investigation. The Monitoring Officer will keep the person making the allegation and the Member/Co-opted Member informed if the initial timetable changes substantially.

5. The Investigation

- 5.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Authority, or an external investigator.

- 5.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 5.3 The Monitoring Officer/Investigating Officer will normally write to the Member/Co-opted Member against whom the allegation is made and provide him/her with a copy of the allegation and ask the Member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 5.4 Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the pages given to the Member/Co-opted Member. Where disclosure of details of the allegation to the Member/Co-opted Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member/Co-opted Member until the investigation has progressed sufficiently.
- 5.5 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer shall produce as appropriate a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the Member/Co-opted Member concerned to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 5.6 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or Member/Co-opted member have made on the draft report, the Investigating Officer will send his/her final report (The Investigation Report) to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 5.7 Where the Monitoring Officer is satisfied with the Investigation Report, and where the conclusion in the Investigation Report is that there is evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, where appropriate he/she may seek to achieve an informal resolution. The Monitoring Officer will consult the Independent Person and the person making the allegation and seek to

agree what the person making the allegation considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member/Co-opted Member accepting that his/her conduct was inappropriate or otherwise unacceptable and offering an apology and/or taking other remedial action. If the Member/Co-opted Member complies with the suggested resolution, the Monitoring Officer will report the matter to an Adjudication and Review Assessment Panel which will note the outcome and formally resolve that the allegation is determined by way of informal resolution, the details of which will be published.

- 5.8 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the Member/Co-opted Member has made on the draft report and, where appropriate having sought to achieve an informal resolution pursuant to Paragraph 5.7 above, the Monitoring Officer shall produce the Investigation Report.

6. Consideration of the Investigation Report

- 6.1 When the Monitoring Officer is satisfied with the Investigation Report and an informal resolution is either inappropriate or incapable of achievement, the Monitoring Officer will refer the Investigation Report to an Adjudication and Review Assessment Panel and the Independent Person. Normally this will be within 30 clear working days of an Adjudication and Review Assessment Panel having determined that the allegation merits further investigation.
- 6.2 Where the conclusion of the Investigation Report is that there is no evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, an Adjudication and Review Assessment Panel may:
- (a) Accept the conclusion, resolve that no further action is required and dismiss the allegation; or
 - (b) Remit the report to the Monitoring Officer for further consideration; or
 - (c) Remit the allegation to an Adjudication and Review Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.
- 6.3 Prior to making a determination under Paragraph 6.2(a) above an Adjudication and Review Assessment panel shall seek and take into account the views of the Independent Person.
- 6.4 Where the conclusion of the Investigation Report is that there is evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member and where an informal resolution pursuant to

Paragraph 5.7 above is either inappropriate or incapable of achievement, an Adjudication and Review Assessment Panel may:

- (a) Remit the report to the Monitoring Officer for further consideration; or
- (b) Remit the allegation to an Adjudication and Review Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

6.5 Where the Adjudication and Review Assessment Panel remits the Investigation Report to the Monitoring Officer for further consideration under Paragraph 6.2(b) or 6.4(a) the meeting of the Panel shall adjourn and reconvene when the Monitoring Officer has reconsidered.

7. The pre-hearing process

7.1 The Monitoring Officer (and/or his/her nominees) shall:

- (a) Agree a date for the hearing with all relevant parties
- (b) Provide a timetable for the person making the allegation, the Member/Co-opted Member (hereinafter called 'the parties') to provide details about whether they wish to give evidence (and whether orally or in writing) at the Hearing and any witnesses they intend to call and additional papers they may wish to provide in time for inclusion in the Committee papers;
- (c) Establish whether the parties will be represented or accompanied at the Hearing;
- (d) Establish whether the parties wish any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private and the reasons for this.
- (e) Provide information about the procedure to be used at the Hearing.
- (f) Establish whether the parties disagree with any of the findings of fact in the Investigation Report.
- (g) Establish whether the Investigating Officer intends to call any witnesses.

7.2 Normally Hearings conducted by an Adjudication and Review Hearing Panel shall take place within 20 clear working days of the referral by the Adjudication and Review Assessment Committee to the Adjudication and Review Hearing Panel.

8. The hearing

8.1 A hearing of the Adjudication and Review Hearing Panel shall take place in public unless a resolution is passed to exclude the public and the press due to exempt material which may be disclosed in the course of the proceedings.

8.2 Where a resolution to exclude the public and the press has been passed, the following persons only may remain in attendance:

- (a) Members of the Panel
- (b) Officers supporting/advising the Panel
- (c) The Independent Person
- (d) The Monitoring Officer and/or The Investigating Officer
- (e) The Member/Co-opted Member against whom the allegation is made together with a single representative, if any
- (f) The person making the allegation together with a single representative, if any.
- (g) Witnesses to be called by any party
- (h) Members of the Council who are not Members of the Panel

8.3 When the Panel reaches the point of deliberation upon the allegation or the sanction/penalty, the following persons only may remain in attendance:

- (a) Members of the Panel
- (b) Officers supporting/advising the Panel
- (c) The Independent Person
- (d) The Monitoring Officer but only where the Monitoring Officer is present to support/advise the Panel and not where the Monitoring Officer has presented the Investigation Report.

The Chairman shall invite all other persons present to withdraw to enable the Panel to deliberate upon the allegation, and any such persons shall withdraw.

8.4 Normally an Adjudication and Review Hearing Panel will conduct the Hearing in an inquisitorial manner.

- 8.5 The Monitoring Officer/Investigating Officer will make an opening statement with reference to the Investigation Report. The parties will then make opening statements in relation to the allegation and to the Investigation Report. Each party may have a single representative who may participate on behalf of the relevant party. Participation may be by the party or the party's representative but not by both.
- 8.6 Following the opening statements, the Adjudication and Review Hearing Panel may ask questions of the Monitoring Officer/Investigating Officer and/or the parties by way of inquiry into the matters the subject of the allegation and/or the Investigation Report.
- 8.7 The Monitoring Officer/Investigating Officer and the parties will be afforded the opportunity to make closing statements.
- 8.8 If the Member/Co-opted Member fails to attend the Hearing, an Adjudication and Review Hearing Panel may decide to proceed in the Member's/Co-opted Member's absence and make a determination, or to adjourn the Hearing to a later date.
- 8.9 Full details of the process to be undertaken at the Hearing are contained in the Hearings Procedure note comprising Appendix A to these arrangements.
- 8.10 An Adjudication and Review Hearings Panel having sought and taken into account the views of the Independent Person may conclude:
- (a) That the Member/Co-opted Member did not fail to comply with the Members' Code of Conduct and dismiss the allegation; or
 - (b) That the Member/Co-opted Member did fail to comply with the Members' Code of Conduct.
- 8.11 In the event of a finding under Paragraph 8.7(b) above, the Chairman will inform the Member/Co-opted Member of this finding and an Adjudication and Review Hearing Panel will then consider what action, if any, it should take as a result of the Member's/Co-opted Member's failure to comply with the Members' Code of Conduct.
- 8.12 An Adjudication and Review Hearing Panel will give the Member/Co-opted Member an opportunity to make representations to the Panel as to whether any action should be taken and what form any action should take.
- 8.13 An Adjudication and Review Hearing Panel will seek and take into account the views of the Independent Person, following which it will decide what action, if any, to take in respect of the matter.

9. Action which may be taken when a member/co-opted member has failed to comply with the Members' Code of Conduct

9.1 Having determined that the Member/Co-opted Member has failed to comply with the Members Code of Conduct, an Adjudication and Review Hearing Panel may:

- (a) Publish its findings in respect of the Member's/Co-opted Member's conduct.
- (b) Reports its findings to Council for information;
- (c) Issue the Member/Co-opted Member with a formal censure or reprimand, a report of which may be submitted to Council.
- (d) Recommend to the Member's Group Leader (or in the case of ungrouped Members/Co-opted Members recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-committees of the Council;
- (e) Recommend to the Council that the Member/Co-opted Member be replaced as Chairman or Vice-Chairman of any Committee.
- (f) Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular portfolio responsibilities;
- (g) Instruct the Monitoring Officer to arrange training for the Member/Co-opted Member.
- (h) Recommend the Council or Cabinet, as appropriate, that the Member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet.
- (i) Withdraw facilities provided to the Member/Co-opted Member by the Council such as a computer, website and/or email and internet access;
- (j) Exclude the Member/Co-opted Member from Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-committee meetings;
- (k) Take no further action;
- (l) Any other appropriate sanction which may be available to an Adjudication and Review Hearing Panel;

- 9.2 An Adjudication and Review Hearing Panel has no power to suspend or disqualify a Member or to withdraw Members' or special responsibility allowances;
- 9.3 At the end of the Hearing the Chairman shall state the decision of the Adjudication and Review Hearing Panel as to whether the Member/Co-opted Member failed to comply with the Members' Code of Conduct and as to any action which the Panel has resolved to take.
- 9.4 Within 10 working days following the Hearing, the Monitoring Officer shall prepare a formal decision notice, after consultation with the Chairman of the Adjudication and Review Hearing Panel and send a copy to the person making the allegation and to the Member/Co-opted Member concerned. The Monitoring Officer shall make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Appeals

- 10.1 There is no right of appeal for either the person making the allegation or for the Member/Co-opted Member against whom the allegation is made against a decision of the Monitoring Officer, an Adjudication and Review Assessment Panel or an Adjudication and Review Hearing Panel.

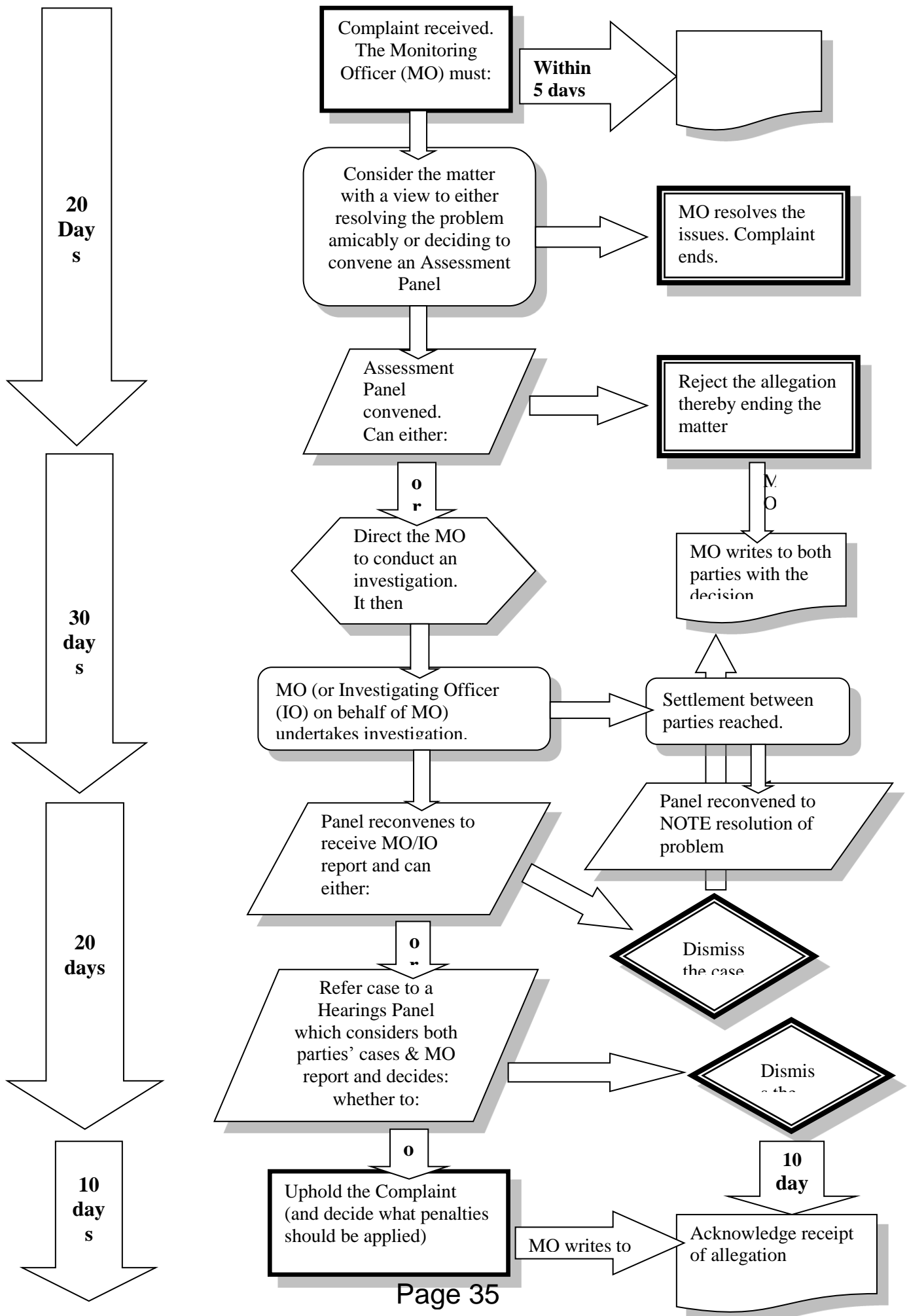
HEARING PROCEDURE

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be affected at the discretion of the Adjudication and Review Hearing Panel and advised to the Parties.

1. The Chairman shall facilitate introductions and explain the procedure for the Hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to make an opening statement with reference to the Investigation Report.
3. The person making the allegation and the Member/Co-opted Member or their representatives (hereinafter called 'the Parties') shall be invited to make opening statements with reference to the allegation and/or the Investigation Report.
4. Members of the Adjudication and Review Hearing Panel may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report.
5. Members of the Adjudication and Review Hearing Panel may question the Parties upon the allegation and/or with reference to the Investigation Report.
6. The Monitoring Officer/Investigating Officer may make a closing statement.
7. The Parties or their representatives may make closing statement.
8. The Chairman shall invite the persons who may not be present during the Panel's deliberation upon the allegation to withdraw to enable the Panel to deliberate upon the allegation. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
9. The Monitoring Officer/Investigating Officer and the Parties shall be invited to return and the Chairman shall announce the Panel's decision in the following terms:
 - (a) The Panel has determined that the Member/Co-opted member has failed to comply with the Members' Code of Conduct; or
 - (b) The Panel has determined that the Member/Co-opted Member has not failed to comply with the Members' Code of Conduct and the allegation is dismissed.

The Panel will give reasons for its decision. If the Panel has determined that the Member/Co-opted Member has failed to comply with the Members' Code of Conduct it shall consider any representations from the Member/Co-opted Member or his/her representative as to whether any action should be taken and what form any action should take.

10. The Chairman shall invite the persons who may not be present during the Panel's deliberation upon the allegation to withdraw to enable the Panel to deliberate upon what action, if any, should be taken. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
11. In addition to any action upon the current matter, the Panel shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members/Co-opted Members.
12. The Monitoring Officer/Investigating Officer and the Parties shall be invited to return and the Chairman shall announce the Panel's decision.
13. A full written decision shall be issued to the person making the allegation and the Member/Co-opted Member within 10 clear working days following the Hearing and shall be published.



21st July 2020

Dear John William Jones,

As Chair of Havering's Residents Associations, I am writing on behalf of our members to register an official complaint. This is in relation to the process undertaken, prior to Havering's submission to the Local Government Boundary Commission of England as part of the ward boundary review.

It has come to our attention that there has been a clear case of political manipulation 'gerrymandering' by the Leader of Havering Council, Councillor Damian White, with the support of Romford MP Andrew Rosindell and suggested complicity on the part of Havering's Chief Executive Andrew Blake-Herbert and unnamed council officers, with regard to the official local authority submission to the review.

You will find attached an audio recording of a Conservative Party Group meeting of their councillors held in February 2020 (prior to the local authority submission), a full transcript of the meeting (including a key) with highlighted areas of significance, a separate information sheet to contextualise the comments in relation to Havering Councils submission to the Boundary Commission and can confirm we have submitted a letter of complaint to the LGBCE asking for Havering Councils submission to be considered "null and void".

The recording was shared with us by a Councillor Bob Perry, who has subsequently resigned from the Conservative Group.

There are concerns throughout the audio recording however we have highlighted a number of key areas as follows:

- Open discussion by the Leader of Havering Council on the best ways to manipulate the process in a way that would be '**politically advantageous**' for the Conservatives. (Page 2, 6,9,9)
- Open admission by the Leader of Havering Council that what they were doing was not allowed under Boundary Commission rules. (Page 9)
- Suggestion of complicity by Havering's Chief Executive to change the process of selection of the official option to be put forward to the Boundary Commission in the Conservative Group's favour, by putting the four options proposed by Havering Council officers to a Governance Meeting, where a Conservative Group (amended) option was put forward and accepted by the Conservative majority on the committee. This meant that none of the original options proposed by council officers were able to be voted upon by members at the Full Council meeting held on 04 March 2020. This effectively ensured that the Conservative Group's own option was the one submitted by Havering Council. (Page 2)
- Irregularity of a Cabinet Member Councillor Joshua Chapman's cousin being a 'council' officer in charge of the boroughs ward mapping process. (Page 3)
- Suggestion of complicity by Havering's Chief Executive by allowing one of the boroughs MP's Andrew Rosindell to influence the boroughs proposal. (Page 2)
- Advice taken from Conservative Central Office in the attempted manipulation of the process. (Page 4)
- The suggestion that the Conservative proposal of 56 Councillors (rather than the 54 proposed by the first part of the LGBCE review) would be advantageous to the Conservative Group and the local MP Andrew Rosindell's constituency. (Page 2, 3)
- The manipulation of ward boundaries to ensure major new residential developments in the Romford area fall into wards the Conservatives could sustain. (Page 3)

- The manipulation of the proposals for the wards in the south of the borough (where the Conservatives traditionally struggle to win seats) by creating one/two member wards, so the Conservatives could pick the best bits and target them. (Page 3,4)
- Following the manipulation of what went forward to the Boundary Commission, the assumption that the Boundary Commission would be unlikely to put any effort into considering other options. (Page 2)
- Suggestion of complicity by other officers in delivering Havering's proposal. (Page 9)

In addition to the points made above, and in stark contrast to the support clearly afforded to the Conservative Party by council officers (who did full calculations of projected elector numbers for their submission, in advance), Opposition members were given restricted access to information. When preparing alternative submissions to the council and LGBCE. The Head of Democratic Services for Havering, Andrew Beesley, advised one of our members in an email (available if required) that they would not do the calculations of projected elector numbers for the group, stating that would be the same for all groups. This clearly was not true. Opposition Members therefore had to use the public websites to access information and only received official calculations seven days after the Full Council meeting. This led to the submission of official calculations for an opposition submission being sent to the LGBCE in a separate e-mail, well after the closing date for submissions.

The Boundary Commission makes it clear that "As independent and **politically** impartial bodies, the Boundary Commission do not take into account patterns of voting or the results of elections when reviewing constituency boundaries. Nor do the **political** parties' views on where boundaries should be have any more weight than those of members of the public".

This is a blatant abuse of Public Office and not in the public's best interest. Due to the serious nature and extent of the Council Leader's political manipulation, the influence of one of the boroughs MPs, Conservative Central Office input, and the Chief Executive's dereliction of duty in failing to ensure a non-partisan process in the development of Havering Councils submission to the LGBCE, we would ask that a review be undertaken into the practices taking place in Havering Council, as a result of the unethical Leadership of Councillor Damian White with the support of MP Andrew Rosindell.

We look forward to hearing from you as to what actions will be taken. Please feel free to contact Councillor Gillian Ford if you require any further information; contact details can be found above.

Kind regards

Chair of H.R.A - Councillor Gillian Ford

Deputy Chair of the H.R.A - Councillor Graham Williamson

Leader of the Residents Association - Councillor Ray Morgon

Leader of the Upminster & Cranham Residents Association - Councillor Linda Hawthorn

Deputy Leader of the Upminster & Cranham Residents Association - Councillor Chris Wilkins



**Residents' Association
of Emerson Park**



**Hornchurch
Residents' Association**



**The Pettits Residents
Association**



**South Hornchurch
Residents Association**



**Upminster & Cranham
Residents' Association**

Transcript of Conservative Group (London Borough of Havering) meeting held at Havering Town Hall on 03 February 2020

Speakers (in order of first speaking) - All Conservative councillors

Cllr Damian White	(DW)
Cllr Joshua Chapman	(JC)
Cllr Robert Benham	(RobB)
Cllr Bob Perry	(BP)
Cllr Timothy Ryan	(TR)
Cllr Roger Ramsey	(RR)
Cllr Ray Best	(RayB)
Cllr Christine Vickery	(CV)

Other persons mentioned in audio (in order of first mention)

Andrew Blake-Herbert (Chief Executive, London Borough of Havering)	(AB-H)
Andrew Rosindell MP (Conservative MP for Romford)	(AR)
Cllr Darren Wise (North Havering Residents Group)	(D Wise)
Cllr Brian Eagling (North Havering Residents Group)	(BE)
Julia Lopez MP (Conservative MP for Hornchurch and Upminster)	(JL)
Andrew Boff (Conservative Party - London Assembly Assembly Member)	(ABoff)

Time on audio (mm:ss)

(Paragraph breaks in text are for easier reading purposes only)

Audio starts.

00:00 - 02:53 DW - "One is with the 52 councillors....**(00:03 - 00:05 Inaudible)**
.....basically the parameters that we need. And all need to be different aspects of the Boundary Commission's technical guidance. Instead of submitting those four to the Full Council when we decide which ones we want subject, er, us doing the amendments, Andrew **(AB-H)** has now agreed that we can have a Governance Committee meeting to, um, discuss the four options, pick which one we like, make any amend, recommendations and changes to it and that then goes on to Full Council as an administration amendment or a motion, so the previous one gives the officers..... **(00:39 - 00:47 mostly inaudible)**
.....the option of going forward.

The reason why that is so important is because had, er, Andrew's **(AB-H)** approach, we followed Andrew's **(AB-H)** approach, all four would go to Full Council. We'd pick one, we'd make amendments on the night and submit it. 'A' we would have no, em, certainty that the amendments that we would be putting forward with the movable boundaries, would meet the requirements to be plus or minus their five percent of the population in five years time. And also there would be, em. What we need is the ward boundaries, er, justification for each ward and why those boundaries are being proposed.

That wouldn't meet those requirement but when it comes to the Boundary Commission, they would look at the submission the council has picked, but they then would then look at the other options that were available to us at the time. So in a way there's a little bit, erm, though you can see why those four options being a disaster, er, being considered by the Boundary Commission. By changing it and having Governance Committee's filter we can argue that there's, er, there's cross party involvement in the boundary proposals we have brought forward.

Officers will make sure that what we are proposing meets the technical elements of the requirements. So the plus or minus within ten percent, mostly to, erm, I think about five percent and the ward names blah de blah de blah. Then when the one recommendation goes to Full Council, when the boundaries can then go along to the Boundary Commission, when they look at it apparently they only look at what was discussed and debated at a Full Council meeting. So there will only be one option from the council. There won't be, instead of four there will be one and that one.

So they won't have any others to compare and they'll won't look at the locally dis, options that went to the Governance Committee. Apparently they could do if they want but they only have five members of staff and highly unlikely they'll put the effort in to do that. They just want the debate that is held at the end of the Full Council meeting. So tomorrow at, erm, five o'clock er."

02:54 - 02:57 *(Inaudible speaking from another person, possibly Cllr Roger Ramsey)*

02:57 - 02:59 DW - "So the opposition will go.... *(several inaudible words)*."

02:59 - 03:01 *(Question from another person, possibly Cllr Roger Ramsey)* - "So can they put in any amendments as well?"

03:01 - 06:14 DW - "So what is going to happen is that, erm, there is going to be an extensive discussion.... **(03:06 - 03:10 inaudible due to coughing)**twentieth of February, at, er, twentieth of February, at seven, seven thirty, we'll have a special Governance Meeting. That means the paperwork needs to be published on the twelfth of this month, giving the required time. So tomorrow, um, the op, the Opposition, all group leaders have been invited to meet Andrew Blake-Herbert to look at the four options we have come up with, um. He'd. For, for, um, these four walls, I've been able to, only recently he has agreed for some reason to allow me to influence the proposals and, erm, I've been able to.

Andrew Rosindell has come in and looked at them and then checked them and out of the four options, if I'm honest, what they were proposing, some of them were disastrous. Erm, if we, they would be included, we would never ever win ever again. Um, they will just. Some, I mean for instance, one of them, one for Romford Town, Squirrels Heath, um, what, you know, large chunks of Harold Hill into Pettits. I mean they would just. Some of them we'd just lose but, um, but we've come up with, umm we've, we've come up with a set of proposals that I think are really politically advantageous for us.

They are based on 56 councillors. Um. The Boundary Commission, so they've accepted that there'll be 54 councillors for Havering. They're willing to allow, unofficially, Andrew Blake-Herbert said to them, to go up by two councillors. Er. They will not, they will not accept anything above 56. So what we have got to accept 54. We have come up with proposals that are pretty advantageous of 56. Um. And what so I hope effectively works

on, um, Andrew's **(AR)** constituency and then we'll be maximising our councillors in the areas we can win, um.

So within the confines of Andrew's **(AR)** constituency we go from 21 to 24 seats, um. And there's, er, effectively of the town come Squirrels Heath wards erm, there's a new ward, new ward, two new wards created. A Rush Green Ward and a, erm, Hylands is split into two, um. And you get, end up like with like an Albany ward. And then you get, erm, from Romford Town going, Hylands going right into Romford Town, um, then some of that development. Cos the main aim is to make sure all that development that is coming forward to Romford town centre is split in different wards. The last thing we want is to have, er, Romford Town ward which has all, all one ward has all of the development, because that would become very difficult for us to sustain.

So Andrew **(AB-H)** has kindly agreed. Funnily enough the one officer that is able to use the computer program is, um, Joshua's **(JC)** cousin, erm. He's the **(laughter in background)**, he's the chap who's been able to govern the boundaries and what not. And Andrew **(AB-H)** is very worried to let him sit in a room with, um, us, because of course he knows his political leanings. But I think it is fair to say your cousin's um."

06:15 - 06:23 JC - "Clearly. I don't know, I just want to put it out there and for the record he's, he's a very professional young man and he's, he's very neutral..... **(Ends with several inaudible words, as talked over by next speaker)**"

06:21 - 06:23 (Unknown speaker) - "Quite right. Quite right. Quite right."

06:23 - 06:44 DW - "I think the issue, the concern was, um. That the big concern was that um, by sh-sharing these things with me, that we might have officers do things that are not.... **(06:34 sentence ends with single inaudible word)**. Ex-party member obviously, so that we can share.... **(06:37 - several inaudible words)**. I don't think that's going to happen.... **(06:37 - 06:40 several inaudible words)**be very fair minded, which is important. So effectively you get."

06:44 - 06:56 RobB - " **(Starts with several inaudible words)**the opposition parties get one look into it...."

06:56 - 06:58 - (Unknown speaker) "I think the key generally is just, you know, don't talk about it."

06:59 - (Unknown speaker) "Yeah."

07:00 - 07:01 (Unknown speaker) "You know, um."

07:02 - 07:34 DW - "Not an issue..... **(07:03 - 07:05 several inaudible words)**Basically we get a situation where, um, we have 24 councillors in Romford. Um, I think that is the best situation we can, best resolution we can get. Um, we've tried to break up, er, the south, er, the south of the borough into smaller, two member wards where possible, so that we can then pick the best bits and target them. **(07:25 - 07:27 several inaudible words)**two member wards but a big chunk of it gets carved off and goes into the new South Hornchurch ward. South Hornchurch and Airfield's estate."

07:34 - 08:06 DW - **(Mostly inaudible due to background noise)**

08:06 - 12:13 DW - "...one and two member wards and we can then say, we can make gains in those areas because erm, because we, we can do a monthly newsletter. We can do fifteen hundred or seventeen hundred houses rather than five and a half thousand to have to deliver and to get each. You see if we have to deliver them all just to get one councilor elected. So I really think these are a good set of proposals and they all meet the threshold of requirements.

They are going to be published tomorrow. Andrew **(AB-H)** won't let me have a copy of them until they are published. So I suggest, um, we do need to meet once they are out to send, send them to all members straight away. Um, what I was going to suggest maybe, um, we can have a meeting at some point, at the end of the day we can go through it all or prepare a sub committee of the whole group to go through what's being proposed and make final recommendations. Connect what's being proposed and then we can, um, then we can take everything, um, submit those recommendations to the Governance Committee and have that amended. All support the Conservative, er, amendments that can on the Full Council and then, um, on to the local Boundary Commission.

I met with the North Havering Residents' Association. We will need their support. Um. They've change their view a bit, a little bit. They, they wanted to have the Harold Hill bit removed from Harold Wood. Um, down in the, er, the Emerson Park bit of Harold Wood which that's what most of these options been built, made up on. But now subsequently they've changed their view. They want the Harold Wood bit of, at the Emerson Park bit of Harold Wood. And they don't want the Harold Hill bit but they want Darren **(DWise)** want, the house where Darren Wise lives that's in Harold Hill, just over the road, the A12 in, um, in Harold Wood. Um. **(09:58 - 10:02 laughter in background)**.

Brian **(BE)** has spoken to me. You know, it's difficult to do, um,.... **(10:04 - 10:10 More laughter and other voices in background as DW continues to speak)**It's a difficult decision but um, um, I think they're comfortable or they will implement... **(10:14 single inaudible word)**if we go through it again. I think they'll be comfortable with what we propose, which basically keeps Harold Wood hemmed in by the A12 and the A127, so there'll be a chunk, um.

The trouble, that makes Harold Hill make. What I've tried to do is make sure all Conservative wards are slightly below the average but all non, current non-Conservative wards are over the average. So what they do is in five years time the population X, the number of councillors Y, we come to an average of voters per councillor. What I've tried to do is make sure those seats that are unlikely to vote Conservative have more than the average. So, for instance, Gooshays by five or ten percent over. Whereas Squirrels Heath will have five to ten under. The reason being if we.... **(10:57 - 10:58 several inaudible words)**turn them around, the boundaries we want to keep, you know, grouped together.

I've taken advice from central office on some of the proposals and their advice is to have a greater number of smaller wards in areas we are never going to win, so with one or two members. It's difficult to have one member wards. I've gone through all the, um, the boundaries, um, the reports for all of London where they've done them and there's only a handful of single member wards that have been created across London. There have been some but very few. So it seems.... **(11:29 single inaudible word)**easier to justify two member wards than it is single member wards.

So we tried to adopt for, go for two member wards in areas where it's unlike, um, Upminster for instance, and Rainham and South Hornchurch, rather than three members because we need less of a resource for us to market. Um. So what I will do is I will try and bring a few of us together and go through them, to go through the proposals once they've been published tomorrow and try to connect it and check it. Send it to associations and to, um, to any other interested parties, then when we have our, our next group meeting we can then look at the amendments and see what they are and I will send you all regular updates from, um, the proposals for update."

12:14 - 12:16 - (Unknown speaker - Inaudible)

12:16 - 12:27 BP - "Thank you. Um. Excuse my ignorance of this cos I don't understand how it all this works. Um, but the reason it would go to associations. So, associations. So Julia (*JL*) would have to be in agreement with these proposals?"

12:27 - 14:12 DW - "No. So what, so what we, we have got in the Conservative, um, the Conservative council's proposals. So it will be the Conservative group. So our separate proposal we will need to vote from a.... **(12:40 single inaudible word)**group. Council have to make a sub, well they don't have to. Um. Councils very strongly advised to make a submission to Local Government Boundary Commission. And those submission, that submission usually be followed thereabouts, um. But so what we need to do is put four options. Gonna try and come up with and refine one of them, um, to make it reasonably advantageous. So in the next week us, the ones we've put has been published and I can send it to everyone and members of the group and try and get comments from people to what amendments they might like to make and what's feasible.

Trouble is, I sat there for a couple of hours earlier today and those of you who would want one road from one ward to another, changes the balance in between those two wards. It also changes the balancing ratios of all other wards as well. So just, you know, for instance Gooshays massively over and Heaton was massively under. So you would assume the logical thing was to cut a bit of Gooshays and put it into Heaton. Though you cut a bit of Gooshays and put it into Heaton, one goes down, one goes up but then the average number of voters per councillor changes and it has an impact in all of the rest of the borough. So certain things which may look sensible, they, em, they are not really doable. What I will do is I will get those up to date proposals published, once they've been published and sent to everyone and ask for comments and I will create a smaller working party of us to go through them and make a final set recommendations that, um, have probably the best, most easily advantageous to the group."

14:12 - 14:18 BP - "But surely if there's an impact on say Emerson Park or Hornchurch and Upminster, surely we've got some kind of say in this?"

14:18 - 14:34 DW - "You do. So your, em, so you, your, your association certainly can put, anyone can put in amendments to the, um, Boundary Commission. Um. Your here, so you can certainly make your voice known, um, as to what you want to see. I mean on the."

14:34 - 14:36 BP - "Well I haven't seen the proposals yet. So."

14:36 - 14:49 DW - "Um, I mean the proposals have gone. The proposals.... **(14:38 - Unknown person speaks several words at same time as DW "There is more... (ends with one or two inaudible words)")**is, um, is to actually for Emerson Park to go down

by two. To go to two councillors than three. Um. And that's one of them. That's one of the proposals. So there are differences."

14:49 - 14:50 BP - "Can I ask why on that?"

14:50 - 16:06 DW - "It's because of population growth. Um. And the question becomes. What we've tried to do as much as possible is respect the current constituency boundary. So tried to avoid, um, situation where, you know, a big chunk of Romford and constituency.... **(15:06 single inaudible word)**Hornchurch and Upminster and vice versa. So that severely restricts how, um. Squirrels Heath over, er, Emerson Park under. You then get this, well why, erm? It becomes really difficult if you're trying to respect those boundaries. We're not trying to respect those boundaries just because, um, we didn't just want to mix them up. The reason why we prefer to be separate is there are natural boundaries that tick what, what is proposed between the two. So for instance, like, postcodes or rivers or so and so forth. So the reason why those constituency boundaries are tried to be, er, try, sought to be respected is because they fit in the guidance that the Local Government Boundary Commission have issued. And going over them will undermine, weaken the submission. Cos for instance, um, so, um, one of the suggestions that the officers came up with is to put a big chunk of Heaton in with Pettits. So you end up with a Rise Park and, um, Heaton Grange wards? Is it called Heaton Grange?"

16:06 - Unknown speaker - "Yes."

16:07 - 17:15 DW - "Rise Park, Heaton Grange. Well the Boundary Commission. You may think that makes sense.... **(16:11 Single inaudible word due to someone coughing)**better, when you look at the map. Well the, the, you know, they are.... **(16:15 single inaudible word)**next to each other and, er, golf course in the middle. You may think that might make sense. But on the, if you look, cross reference it to the technical, um, guidance from the Boundary Commission, they think that, erm, are now putting a lot of emphasis on community identity and Heaton doesn't have anything to do with, er, Rise Park. So they wouldn't accept that for the simple reason if you, there would probably be a lot of people in Rise Park that would object and a lot of people in Heaton would object. And that's the one thing they do not want is lots of objections from local people. They want the blandest set of proposals that meet the technical criteria. Um. So that's why the advice is to do it like that.

So the alternative is you could, you can.... **(16:57 single unclear word sounding like 'watch')**you can.... **(16:58 single unclear word sounding like 'whack')**Emerson Park up. But the only way you can do it is by putting a big chunk of either Upminster or Cranham into it. And the question becomes - Is that politically advantageous to maintain three councillors when you're taking a massive chunk of an RA ward and putting it into Emerson Park? And that, that then becomes the, the difficulty."

17:15 - 17:18 BP - "Yeah. So when do we see the proposals? Tomorrow are they out?"

17:18 - 17:32 DW - "Published tomorrow at six o'clock. So once the meeting finishes I will e-mail everyone and let the group know what they are. Ask for comments. Refer it to the sub-committee, um. Then we can take it from there and have a group meeting as soon as we can finalise our position."

17:32 - 17:34 (TR) - "Do we get a plan, so we can look at?"

17:34 - 17:46 DW - "Yeah. So what I'll do is um.... **(17:35 - 17:40 several inaudible words due to coughing)**And then what we've got is a technical group, sub-committee and go through it and have, um, advice."

17:46 - 17:49 Unknown speaker - "Is there going to be one big map showing all of the wards or will it be.... **(ends with several inaudible words)**?"

17:49 - 17:54 DW - "So it's four different maps. Four different maps. Each map means a different boundary commission scenario."

17:55 - 18:01 Unknown speaker - "Er, OK. **(Followed by several seconds of inaudible speaking in the background)**"

18:01 - 18:02 DW - "For the local gov."

18:02 - 18:04 Unknown speaker, possibly RR - "For the Local Government Association."

18:04 - 18:06 DW - "Erm. The, the councils?"

18:06 - 18:08 Unknown speaker, possibly RR - "No, cos when the Boundary Commission."

18:08 - 18:11 DW - "No, no. So what happens, they don't have a, a public enquiry."

18:11 - 18:13 Unknown speaker, possibly RR - "They're constantly **(18:12 single inaudible word)**in?"

18:13 - 18:14 DW - "They do. They do not have."

18:14 - 18:16 (Unknown speaker - Inaudible)

18:16 - 19:29 DW - "So they do not have, um, er. There's no. So when the parliamentary boundaries, we have a current set of proposals you have a public enquiry. It was here funnily enough for Havering. Actually I think... **(18:26 - 18:28 Several inaudible words)** London was here. Um, um. You don't have that Boundary Commission. What happens is the council submits its recommendations. All members of the public have until the second of March to submit their recommendations. The council have got special dispensation. So we can submit ours by the ninth of March. We submit ours. The Boundary Commission will look at what's been submitted and then look at all of the alternatives. So look at the council's, look at the alternatives. Unlikely that anyone will, apart from the council, will have a full submission that's within the technical guidance.

So that's the, that's the council's has to be in the technical guidance and that becomes the baseline then that they measure everything. Anyone else can make suggestions but they don't have to be in the guidance. You may say, um. Just say we've adopted, you know, Emerson Park as two member. You might want to say *'Well I don't agree with that. I think Emerson Park should be three members'*, and put that representation in. And what if.... **(19:21 Two inaudible words)**say *'Right, I'm going to take this big chunk of Cranham to go with Emerson Park to subsidise it.'* Or *'I'm going to take all of Heath Park and put it into Emerson Park.'*

19:29 - 19:30 (Unknown speaker - First few words inaudible) "...of those two options."

19:30 - 21:47 DW - "They will then. You don't have to do the numbers, um, to put that submission in. The Boundary Commission will look at it and say 'Does that meet with the requirements, yes or no?' Um. Is that something that's sensible, sensible community boundary? Um. Does it support the effective discharge of councillors duties? Um. Yes or no? And then they will make the decision. Apparently what they do is they come out and they drive. So they will have like 20 recommendations from the public, basically from the baseline and they will go out and they will just for one day, they drive around and they come to a conclusion themselves.

They'll say *'Oh this bit of Heath Park. Oh, I think this is close enough to Emerson Park station. I support it going into Emerson Park ward.'* Or they may say *'This is, this is clearly nothing to do with Emerson Park. This stays into Squirrels'* or Romford Town or wherever it may be. So that, that's how they do it. There's no public enquiry. What there is, is once they, we have put in our submission, say that's one accepted and they then consult on that, there will be an opportunity for people across the borough to put in supporting statements on that. So that is the next stage.

If our council's are the, prime one becomes the council's submission, the coun, the Boundary Commission consult on it, we'll need to make sure we put in a lot of supporting evidence in these wards, for people to say to people *'This is a good. I support this bit of this change to Rainham. I live in Rainham and I think it's a good idea.'* *'I live in Gidea Park and I support this.'* *'And I live in Havering Park or Collier Row and I think that's a good thing and I.'*

And all they need then is the public viewpoint in each ward to say good things on what the council is proposing, for them to be able to say that any other submission that comes in, and one of them will be from the Labour party to say Harold Hill should have seven ward councillors rather than six or Harold Hill should be, you know, bigger. We, we're trying to, we're trying to.... **(21:28 single inaudible word)**push down and.... **(21:29 single inaudible word)**from push out. So as long as there's justification, the Boundary Commission will say, oh, we've, we've, the Labour party have put in their submission but we've got a counter to it which makes sense and the technical guidance, so there, so that's what we need to do, have a co, coherent, um, approach, to be able to support it once it's been published."

21:47 - 21:49 (Silence)

21:49 - 22:17 (Speaker - Believed to be RayB) "Have they ever had a situation whereby when the council put in their recommendation. Obviously you're gonna got to put the recommendation in which is the most suitable for the Conservative Party. Have they ever had to, erm, the Boundary Commission ever modified it with the residents, erm, submissions which has overruled and taken, er, the place of some of the of the, the recommendations by the council?"

22:17 - 23:18 DW - "Yes. So, um."

22:18 - 22:19 (Speaker - Believed to be RayB) "So it can happen?"

22:19 - 22:21 DW - "It happens all the time."

22:21 (Speaker - Believed to be RayB) "Does it?"

22:21 - 23:11 DW - "Now, the first thing they have to say is do not try to come up with ward boundaries that are going to be political, um, a politically advantageous, er sort of advantage. Because all that would happen, because the reason why they say that is cos when you, cos if we were to design the boundaries and try and say what's good for us, you'd create wards that don't come from communities and they look odd. And they say they can spot them a mile away and that's not what they want. They want boundaries that reflect proper communities and are not all higgledy-piggledy and then cause them the least amount of work.

Some council's, um, they have sub, sub, like Newham have put forward a set of proposals and the Boundary Commission completely re wrote them. Um, er, Andrew Boff (**ABoff**), who apparently advised.... **(23:04 single inaudible word)**to have a look this. They would do, they would do the same for Hackney. So it does happen across, erm. You put your hand up as well?"

23:11 - 23:13 (Unknown speaker) - "No, no, no, no, no."

23:13 - 24:39 DW - "But there to be fair it does happen. That's why we need to make sure that that set of proposals that we have that are politically advantageous to the Conservatives are within the technical guidance, so, and there's strong justification for each ward. So, for instance, if we were to create, um.... **(23:30 - 23:31 Several inaudible words)**create a, an Oldchurch ward or a Rush Green ward, whatever you call it, um, there's a strong reason why we're doing that, along Rush Green Road going across into Romford, taking one of the developments. Um. You've got like.... **(23:44 single inaudible word)**ward that goes.

You've got strong routes saying this is a proper community and it meets the numbers, and it's, er, you know, it's identifiable. Um, you don't end up with um. One suggestion Andrew Rosindell (**AR**) put forward which, you know, erm, might undermine it is that Havering Park takes, takes, Havering Park takes all of the, um, you know the Noak Hill Road? They take all of the bit above Noak Hill Road. So taking all of the farmland for instance. And Andrew (**AR**) said that... **(24:12 single inaudible word)**like that. That creates a ward that's about, you know, fifteen percent of the size of the borough, um, but for no benefits. Cos no-one lives in that area.

So the officers have strongly said '*Don't do that.*' Because if you do that it suddenly becomes quite easy for the Boundary Commission to.... **(24:29 - 24:30 Several inaudible words)**that looks strange and then it undermine, then they look at it again and change it. So the proposals won't then be very political, they need to be deliverable as well."

24:39 - 24:40 (Unknown speaker) - "And justifiable."

24:40 - 24:41 DW - "And justifiable."

24:41 - 24:42 (Unknown speaker) - "As opposed to.... (Ends with several inaudible words)"

24:43 - 24:44 (Inaudible speaking in background)

24:44 - 24:53 CV - "Can you just tell me what's happening on. I know where they're all sort of going and things but I couldn't quite understand about Squirrels ward? I'm only asking because I live there you see, round... **(Ends with two inaudible words)**"

24:53 - 25:05 DW - "So one of the proposals is to um, with Squirrels Heath. I mean, nobody can tell. It's just one of the options you will, um. It's probably easier to wait till tomorrow when I send it out and you will see on the map."

25:05 - 25:12 CV - "I just wanted to know. Cos it just sounds like part of Romford Town's going into Squirrels and then, just that I didn't know where it was going?"

25:12 - 25:49 DW - "So, so the aim is to take a chunk of Squirrels Heath and put into Romford Town, to, to, to, um a chunk into, um Hylands and I think a chunk into Pettits to try and bolster it all up. So it's trying to, you know, erm, carve it up in that way to support some of these smaller. Because if anything Romford town has got a huge amount of development to come forward in Brooklands, You know like 20,000 people live there. And we need to make sure they live in areas that are, like Romford Town does at the moment. If.... **(25:40 single inaudible word)**Gidea Park in effect subsidising the.... **(25:43 single inaudible word)**bits and other bits of Romford. But I'll send everything down tomorrow....**(Last few words inaudible)**."

25:49 - 25:55 (Unknown speaker) - "Sorry, just for clarity, clarity Damian are you saying that there won't be a Squirrels Heath ward after this?"

25:55 - 25:58 DW - "No, I think there will be. There will be more wards. They'll just be in different shapes."

25:59 - 26:00 (Unknown speaker) - "OK, thank you. Thank you"

26:01 - 26:08 (Inaudible talking in background)

26:08 - 26:10 (Unknown speaker) - "You say within the next ten days but."

26:10 - 26:24 DW - "What I will do is I will set up, so I will set up a, um, a working party for us to go through it all and for us to consult people who have got.... **(26:18 single inaudible word)**interested. Andrew. And then we'll probably from, need to send out the e-mails and you can reply."

26:25 - Meeting ends.

26:25 - 32:02 (Post meeting conversations between various people. Not transcribed as not of relevance.)

Relationship of recording comments, to Havering's Boundary Commission Submission

A. The Conservatives wanted to break up the wards in the south of the borough into smaller one and two member wards, as they would be easier to target - See transcript pages 3-4 (07:02-07:34 section and 08:06-12:13 section (First paragraph))

In Havering Council's submission, of the nine proposed wards either wholly or largely located to the south of the Hornchurch Road, five would be two member wards and one a single member ward. Only three would be three member wards.

B. The Conservatives wanted to ensure that the wards that they were least likely to win had the highest number of voters per councillor, and the ones they were most likely to win had the fewest number of voters per councillor, so that they could gain the most seats from the fewest total votes - See transcript page 4 (08:06-12:13 section (Paragraphs 5-7))

In Havering Council's submission, of the five proposed wards with the largest voter numbers per councillor, if the 2018 election results were to be replicated, three would be won by Residents' Association candidates, one by Labour and only one by the Conservative Party.

Of the five proposed wards with the smallest voter numbers per councillor, if the 2018 election results were to be replicated, four would be won by Conservative Party candidates and only one by the Residents' Association.

C. The Conservatives needed the support of the three North Havering Residents Group (NHRG) councillors (who have consistently voted with the current Conservative Administration). The NHRG wanted to keep a small part of Harold Wood Ward (north of the A12) in their ward, as one of their councillors lived there - See transcript page 4 (08:06-12:13 section (Paragraphs 3-4))

In Havering Council's submission, the home address of Cllr Darren Wise (NHRG) has been retained in a reconfigured section of Harold Wood Ward, north of the A12.



HAROLD HILL
INDEPENDENT



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HOUSE OF COMMONS

LONDON SW1A 0AA

FAO: John William Jones
Monitoring Officer and
Deputy Director of Legal and Governance
London Borough of Havering,
Town Hall, Main Road,
Romford - RM1 3BB

17.07.2020

Dear John

I am writing to you today in urgent response to the recent revelations pertaining to the Local Government Boundary Commission, and the potential implications on Havering Council. The 32-minute recording of the Council Leader speaking at a Conservative Group meeting has raised serious concerns surrounding the misconduct of elected representatives.

Having seen the full transcript of the Conservative Group meeting which took place on 3rd February 2020, I am urging an immediate investigation into the alarming practices and allegations of corruption that have now been brought to the fore by the local and national media.

Cllr White's flippant remarks during the meeting, and the lack of conscientious intervention implies that the entire Conservative Group are complicit in acts to subvert the democratic process by gerrymandering. I am requesting a full investigation into this matter, which if true requires action.

The contents of the recording includes Cllr White expressing that the Chief Executive has allowed him to manipulate the process for political gain stating; **"he has agreed for some reason to allow me to influence the proposals and I've been able to."** He also goes on to insinuate that the MP for Romford has also been allowed to influence the proposals alleging that he had met with the MP to check which option would deliver the largest political win. He explained to the Conservative Group that **"we've come up with a set of proposals that I think are really politically advantageous for us."**

The Leader also alleges that the Chief Executive has aided him in covering his tracks, by allowing the Governance Committee to 'filter' the options so that only the Conservative Group's preferred option is discussed at Full Council.

"[The Chief Executive] has now agreed that we can have a Governance Committee Meeting to discuss the four options, pick which one we like, make any recommendations and changes to it and that then goes on to Full Council as an administration amendment or a motion... By changing it and having Governance Committee filter, we can argue that there's cross-party involvement in the boundary proposals we have brought forward."



HOUSE OF COMMONS

LONDON SW1A 0AA

There are also suggestions that council officers overseeing the boundary change process have been colluding with the Conservative Group. It is alleged in the meeting by the Council Leader that **"the one officer that is able to use the computer programme is Joshua's [Councillor Chapman] cousin."** On the recording the Conservative Group laugh at this as Cllr White continues; **"he's the chap who's been able to govern the boundaries and what not."**

I am sure in your capacity as Monitoring Officer you are aware of The Seven Principles of Public Life which consist of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It is my belief that if the recording is accurate and the allegations are found to be true pending a full investigation, the Leader of the Council should be found unfit to hold public office.

Similarly, the allegations against those directly employed by the council such as the Chief Executive and officers working specifically on the boundary change submission, have the potential to destabilise public trust in local government's ability to operate in a fair and transparent manner.

This is a concern which I urge you to look into. It is of the utmost importance that Havering Council carry out a full internal investigation into the allegations raised in this letter and by the wider media.

I await your response on this important issue.

Yours sincerely

Jon Cruddas MP

Member of Parliament for Dagenham and Rainham
Incorporating South Hornchurch and Elm Park

EMAIL JOHN CRUDDAS TO DANIEL FENWICK 22 SEPTEMBER 2019

Dear Daniel Fenwick

Thank you for your two letters of 18 September. As you correctly anticipate in the response to mine dated 5 August 2020, there are several points that I find unsatisfactory. However, my purpose now is to turn to your second letter.

The issue under consideration I believe is nothing less than trust in a senior local politician, the Leader of the Council, and whether he sought to subvert democratic processes to secure party political advantage. Given the seriousness and the nature of the complaint, I must say that I am very concerned at the content and tone of your letter which is focussed on timing.

If I might pursue this, would it be the case at the 1 October Assessment Panel session that the meeting is likely in noting your report simply to conclude that the complaint is “timed out” and therefore, there is nothing to consider. Should that be the case I would think that that action would bring the Council into local public disrepute.

I turn now to the three questions you raise:

- a. I was first made aware of the comments made by the Council Leader at his conservative councillors group meeting by a reporter at the Romford Recorder during Monday 13 July.
- b. I then submitted my complaint in writing on Friday 17 July. I hardly think this constitutes a material delay.
- c. This issue only came to light because a then Member of the Conservative Group decided at that time in July to go public with his recording of the meeting which contained Cllr White’s comments. I understand that it was he who brought the issue and his recording to the Romford Recorder. Clearly, it would not have been possible for me to raise a complaint until the matter came to my attention, which was 13 July. Given this the whole point about a three month period to raise complaints is spurious. There could be no complaint until the matter came to light.

I must reiterate, this is an issue of significant public concern and as such demands a proper investigation. Failure to do so will reflect very badly on the political and administrative leadership of Havering Council.

Yours

Jon cruddas

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22nd September 2020

Dear Daniel Fenwick,

Thank you for your letter dated 18th September and the information you have asked for within.

In response to your questions:

- a. We were made aware of the recording on the 2nd May, 2020. The audio recording was received but it needed transcribing.
- b. Councillor Bob Perry advised us that he delayed sharing it with us due to the outbreak of COVID-19. We had no reason to challenge this claim. We submitted a request to the LGBCE for Havering's submission to be considered null and void and needed to wait for a response before taking any further action.
- c. Emails between officers, obtained through an FOI, substantiate some of the claims Councillor Damian White made within the audio recording. It could also be argued that the lack of certain details within the emails reinforce Councillor Damian White's manipulation of the situation. We are currently challenging the protection of emails between the Leader and the Chief Executive.

The LGBCE consultation document, clearly shows that Havering's submission was taken into consideration as it is referenced throughout the report.

We have also received copies of redacted emails between the Andrew Blake-Herbert and officers in relation to the LGBCE process as part of an FOI, which substantiates some of the comments made by Councillor Damian White in the audio recording.

We have requested further emails via FOI, between Councillor Damian White and Andrew Blake-Herbert and are waiting to hear if these will be released before considering going to the ICO.

As requested, please find attached the correspondence between H.R.A and the LGBCE.

Yours sincerely,

Chair of H.R.A - Councillor Gillian Ford

Deputy Chair of the H.R.A - Councillor Graham Williamson

Leader of the Residents Association - Councillor Ray Morgon

Leader of the Upminster & Cranham Residents Association - Councillor Linda Hawthorn

Deputy Leader of the Upminster & Cranham Residents Association - Councillor Chris Wilkins

cc. Simon Bell, Abdus Choudhury



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6th September 2020

Dear Daniel Fenwick,

As Chair of Havering's Residents Associations, I am writing on behalf of our members to submit evidence in relation to the H.R.A formal submission for an Independent Investigation, into claims and actions taken by Councillor Damian White as revealed in an audio recording taken at a Conservative Group meeting.

It came to our attention through the recording, that there had been a clear case of political manipulation 'gerrymandering' by the Leader of Havering Council, Councillor Damian White, with the alleged support of Romford MP Andrew Rosindell, and the suggested complicity on the part of Havering's Chief Executive Andrew Blake-Herbert and unnamed council officers, in regard to the formulation and processing of Havering's submission to the Local Government Boundary Commission review.

Attached to the email you will find an audio recording of a Conservative Party Group meeting of their councillors held in February 2020 (prior to the local authority submission) which is '**compelling**' evidence. Also attached is a full transcript of the meeting (including a key) with highlighted areas of significance. I can confirm that the transcript has been recorded by a retired Police Officer who is prepared to stand up in court as to the accuracy of the transcript. There is a separate information sheet to contextualise the comments in relation to Havering Councils submission to the Boundary Commission, a copy of the complaint we sent through to LGBCE asking for Havering Councils submission to be considered "null and void" and a timeline. It is also worth noting the Local Government Boundary Commission for England Draft Recommendations Report, that clearly takes into consideration Havering's submission and references it at numerous points.

The recording was shared with us by Councillor Bob Perry, who has resigned from the Conservative Group.

There are matters of concern throughout the audio recording, however we have highlighted a number of key areas as follows:

- Open discussion by the Leader of Havering Council on the best ways to manipulate the process in a way that would be '**politically advantageous**' for the Conservatives. (Page 2, 6,9,9)
- Open admission by the Leader of Havering Council that what they were doing was not allowed under Boundary Commission rules. (Page 9)
- Suggestion of complicity by Havering's Chief Executive to change the process of selection of the official option to be put forward to the Boundary Commission in the Conservative Group's favour, by putting the four options proposed by Havering Council officers to a Governance Meeting, where a Conservative Group (amended) option was put forward and accepted by the Conservative majority on the committee. This meant that none of the original options proposed by council officers were able to be voted upon by members at the Full Council meeting held on 04 March 2020. This effectively ensured that the Conservative Group's own option was the one submitted by Havering Council. (Page 2)
- Irregularity of a Cabinet Member Councillor Joshua Chapman's cousin being a 'council' officer in charge of the boroughs ward mapping process. (Page 3)
- Suggestion of complicity by Havering's Chief Executive by allowing one of the boroughs MP's Andrew Rosindell to influence the boroughs proposal. (Page 2)
- Advice taken from Conservative Central Office in the attempted manipulation of the process. (Page 4)
- The suggestion that the Conservative proposal of 56 Councillors (rather than the 54 proposed by the first part of the LGBCE review) would be advantageous to the Conservative Group and the local MP Andrew Rosindell's constituency. (Page 2, 3)

- The manipulation of ward boundaries to ensure major new residential developments in the Romford area fall into wards the Conservatives could sustain. (Page 3)
- The manipulation of the proposals for the wards in the south of the borough (where the Conservatives traditionally struggle to win seats) by creating one/two member wards, so the Conservatives could pick the best bits and target them. (Page 3,4)
- The consideration and assertion that through the manipulation of the council's submission to the Boundary Commission, that the Boundary Commission would be unlikely to put any effort into considering other options. (Page 2)
- The suggestion of complicity by other officers in preparing, processing and delivering Havering's proposal. (Page 9)

In addition to the points made above, and in stark contrast to the support clearly afforded to the Conservative Party by council officers (who did full calculations of projected elector numbers for their submission, in advance), Opposition members were given restricted access to information when preparing alternative submissions to the council and LGBCE. The Head of Democratic Services for Havering, Andrew Beesley, advised one of our members in an email (available if required) that they would not do the calculations of projected elector numbers for the group, stating that would be the same for all groups. This clearly was not true. Opposition Members therefore had to use the public websites to access information and only received official calculations seven days after the Full Council meeting. This led to the submission of official calculations for an opposition submission being sent to the LGBCE in a separate e-mail, well after the closing date for submissions.

The Boundary Commission makes it clear that "As independent and **politically** impartial bodies, the Boundary Commission do not take into account patterns of voting or the results of elections when reviewing constituency boundaries. Nor do the **political** parties' views on where boundaries should be have any more weight than those of members of the public". Whilst the Boundary Commission has not adopted the entire Havering submission, it is clear that it has formed the basis for and has significantly influenced their consultation option.

The recording demonstrates a clear and blatant abuse of Public Office with the intent to gerrymander a politically advantageous outcome which is not in the electorates best interest. Due to the serious nature and extent of the unethical Leadership of councillor Damian White and his political manipulation, the suggested influence of MP Andrew Rosindell, Conservative Central Office input, and the Chief Executive's apparent dereliction of duty in failing to ensure a non-partisan process in the development of Havering Councils submission to the LGBCE, we uphold our complaint

We therefore look forward to hearing your response to Simon Bell's letter and the reassurance that this serious matter will be given the independent and transparent scrutiny it deserves in the public interest. Please feel free to contact Councillor Gillian Ford if you require any further information; contact details can be found above.

Kind regards

Chair of H.R.A - Councillor Gillian Ford

Deputy Chair of the H.R.A - Councillor Graham Williamson

Leader of the Residents Association - Councillor Ray Morgon

Leader of the Upminster & Cranham Residents Association - Councillor Linda Hawthorn

Deputy Leader of the Upminster & Cranham Residents Association - Councillor Chris Wilkins

cc. Simon Bell



Residents' Association
of Emerson Park



Hornchurch
Residents' Association



The Pettits Residents
Association



South Hornchurch
Residents Association



Upminster & Cranham
Residents' Association

APPENDIX 6 – HRA CORRESPONDENCE WITH THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND



7th May 2020

Dear Boundary Commission,

I am writing on behalf of Havering's Residents Associations, to bring to your attention a clear case of 'gerrymandering' by the Leader of Havering Council, Councillor Damien White.

You will find attached an enhanced recording of a Conservative Party meeting, and a transcript that have been shared with us by a Conservative Party Councillor, who has subsequently resigned from the Conservative Group.

The key areas of concern are:

- Restricted debate on the 4 Council Options. Controlling the options by getting the Chief Executive to agree discussion of the 4 options at a Governance Meeting rather than Full Council, ensuring their option was the only one to go forward to the Boundary Commission.
- MP Andrew Rosindell was invited in to discuss the proposals suggesting "if I am honest, what they are proposing, some of them would be disastrous. If we don't influence it we would never ever win ever again"
- Suggestion Chief Executive Andrew Blake-Herbert was aware, that Councillor Joshua Chapman's cousin a Boundary Commission employee had entered into discussions with the Leader, outside of the formal process, which is a clear conflict of interest .
- The suggestion of manipulating wards in South Hornchurch.
- The suggestion of introducing 2 Councillor Wards, that would work in their favour for leafleting.
- The suggestion by the Leader that Central Office had advised him on 2 Ward Members to gain 'political advantage'.
- The suggestion they need to work with the North Havering Residents Association, and Councillor Darren Wise, to get their support and how they have included their wishes.
- The Suggestion the Administration option will be 'politically advantageous to the group'.
- Collaboration with the Chief Executive Andrew Blake-Herbert in manipulating numbers to work in favour of 'bolstering up' Romford and MP Andrew Rosindell.
- Manipulation of % for Conservative wards compared to other party wards

Due to the serious nature and extent of the Leaders political manipulation of the Local Government Boundary Commission process, we recommend the Councils submission be considered null and void.

I look forward to hearing from you.

Kind regards

Chair of H.R.A Councillor Gillian Ford
Deputy Chair of the H.R.A Councillor Graham Williamson
Leader of the RA Councillor Ray Morgan
Leader of the UCRA Councillor Linda Hawthorn

APPENDIX 6 – HRA CORRESPONDENCE WITH THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

Leader of the Independent Residents Group Councillor Jeffrey Tucker
Deputy Leader of the UCRA Chris Wilkins



HAROLD HILL
INDEPENDENT



APPENDIX 6 – HRA CORRESPONDENCE WITH THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

30/06/2020 at 09:08

URGENT Complaint in relation to Havering Councils Submission

To: "haveringra@gmail.com" <haveringra@gmail.com> Cc: "Buck, Richard" <richard.buck@lgbce.org.uk>, "McDonald, Glynn" <glynn.mcdonald@lgbce.org.uk>

Dear Councillor Ford,

Thank you for your letter in relation to Havering Council's submission as part of the current electoral review of the authority.

I do think it important to stress that this electoral review is being carried out by the LGBCE and we will decide the pattern of wards for Havering. As you recognise in your letter, we are an independent body and we treat all submissions with equal weight, regardless of who has submitted them.

While politically neutral, we are not politically naïve and accept that any change to electoral boundaries will have a political consequence. However, when drawing up our recommendations, we consider all evidence received and take decisions solely based on what will provide the best balance of our statutory criteria. This sometimes means that we adopt the proposals submitted to us during consultation, or develop our own warding pattern should we consider it necessary. We also publish all submissions received on our website in order to ensure there is transparency.

I note your concerns about how the Conservative Group, council officers and others have approached the electoral review. However, this is not a matter for the Commission and I would not wish to comment on your allegations. If you have concerns of this nature, they should be addressed to the Council directly through its own complaint procedures. It is not possible for us to control how stakeholders choose to engage with the electoral review process, but I am content that we have strong procedures in place which ensure our transparency and independence. Our draft recommendations are published on 28 July 2020 and there will be another round of consultation where anyone can comment on our proposals. This consultation will close 5 October 2020 and we would urge all those interested in the outcome of the review to engage with our consultation.

I hope this addresses your concerns and highlights how we ensure the transparency and independence of the review process.

Yours sincerely,
Jolyon Jackson.

Jolyon Jackson CBE

Chief Executive
Local Government Boundary Commission for England
1st Floor, Windsor House

**APPENDIX 6 – HRA CORRESPONDENCE WITH THE LOCAL GOVERNMENT BOUNDARY
COMMISSION FOR ENGLAND**

50 Victoria Street
London
SW1H 0TL

03305001290

Email: Jolyon.jackson@lgbce.org.uk

www.lgbce.org.uk

**APPENDIX 6 – HRA CORRESPONDENCE WITH THE LOCAL GOVERNMENT BOUNDARY
COMMISSION FOR ENGLAND**



haveringra@gmail.com
01708 641317

1st July 2020

Dear Mr Jackson,

Thank you for your letter and response in relation to our complaint.

We certainly had no intention of bringing the LGBC's independence into question, we were merely bringing to your attention the development of Havering Councils Submission which has not been based on the natural communities we have in Havering but based entirely on political bias on behalf of the current administration.

Whilst we accept your impartiality in this process could you please confirm that the people responsible for undertaking Havering's review will be made aware of the contents of our submission. This will assist your officers in viewing Havering's official submission in context and the information we have provided will support the analysis of the submissions, culminating in a robust and fair, recommendation from the LGBC.

Kind regards

Chair of H.R.A - Councillor Gillian Ford

Deputy Chair of the H.R.A - Councillor Graham Williamson

Leader of the Residents Association - Councillor Ray Morgon

Leader of the Upminster & Cranham Residents Association - Councillor Linda Hawthorn

Leader of the Independent Residents Group - Councillor Jeffrey Tucker

Deputy Leader of the Upminster & Cranham Residents Association - Councillor Chris Wilkins



HAROLD HILL
INDEPENDENT



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Timeline of H.R.A Complaint

Date	Action/Activity
17 Dec 2019	LGBCE consultation on warding arrangements begins
19 Dec 2019	Andrew Beesley e-mailed Councillors a copy of the LGBCE PowerPoint presentation regarding the boundaries review
08 Jan 2020	Cllr John Tyler e-mailed Havering's Election Services asking for the number of electors per polling district
15 Jan 2020	Cllr JT e-mailed Zena Smith (Election Services Manager), as no reply received to above. Reply received the same day with details
05 Feb 2020	Cllr Bob Perry recording of the Conservative Group meeting. Cllr Damian White announcing to Conservative Group Members the actions he had taken with the alleged support of the Chief Executive, MP and Council Officer (Cabinet Member Cllr Joshua Chapman's Cousin).
05 Feb 2020	Meeting of H.R.A Group Leaders (including Cllr JT) with Andrew Beesley, regarding Cllr JT's draft proposals for submission. Told by Andrew Beesley that Havering would not supply calculation of figures for any alternative proposals, as they would not want to be shown to give preference to anyone. Only the official options 1-4 would be calculated. Later, on the same day, Andrew Beesley emailed Cllr JT with the link to tool on the Boundary Commission website. This tool did not enable any calculations to be made.
17 Feb 2020	Cllr JT e-mailed Cllr Michael White (Chairman of Governance Committee), asking to make a presentation of alternative proposal (Option 1A). No reply received to e-mail.
20 Feb 2020	Governance Committee Meeting held to discuss Havering officers Options 1-4 and the vote to put forward one option to Extraordinary Full Council Meeting on 04 March. Cllr JT presented alternative to Option 1 (subsequently called Option 1A) to the meeting but the committee voted not to put this forward. Cllr Damian White presented an alternative to Option 4 (called Option 4A). The committee rejected all of the four officers options (Options 1-4) and voted to put Option 4A forward to be voted on by Full Council.
23 Feb 2020	Cllr JT e-mailed Andrew Beesley, asking for official calculations to be made for Option 1A, as this was going to be presented to Full Council Meeting.
25 Feb 2020	E-mail reply from Andrew Beesley to JT, stating that it had been made clear at previous Group Leaders meeting that

	calculations would not be provided for any submissions on behalf of any groups. '..... <i>We've applied that line to all Groups.</i> ' Cllr JT emailed Andrew Beesley, asking whether there was any other way of calculating accurate figures.
26 Feb 2020	E-mail reply from Andrew Beesley to Cllr JT, stating that everyone was being referred to LGBCE website.
29 Feb 2020	Cllr JT e-mailed Anthony Clements the Option 1A amendment to Extraordinary Full Council Meeting.
02 Mar 2020	E-mail received from Anthony Clements acknowledging receipt of amendment.
02 Mar 2020	LGBCE consultation on warding arrangements ends. Deadline for all submissions to LGBCE (except official Havering submission). Option 1A submitted to LGBCE by Cllr JT. E-mail confirmation of receipt received. Also, last date of amendments to be submitted for Extraordinary Full Council Meeting.
03 Mar 2020	E-mails exchanged between JT and Anthony Clements regarding the wording of the amendment to the Agenda of the Full Council Meeting.
04 Mar 2020	<p>Extraordinary Full Council Meeting to decide official Havering submission to LGBCE to begin at 7.30pm.</p> <p>At 4.08pm (3 hours 22 minutes before start of meeting) Cllr JT received an e-mail from Andrew Beesley stating that <i>'In readiness for tonight's meeting, I've done a mock-up of your proposed amendment. The variances in your amendment are quite different to the output in the statmap. I'll produce a spreadsheet which lists the numbers in each ward and the 2025 variance, should have that to you in the next hour.'</i> These were the calculations that Cllr JT had asked for on 23 Feb 20, that Andrew Beesley had declined to provide.</p> <p>At 5.34pm (1 hour 56 minutes before start of meeting) Cllr JT received e-mail from Andrew Beesley containing spreadsheet with calculated figures.</p> <p>At 6.08pm (1 hour 22 minutes before start of meeting) Cllr JT e-mailed Andrew Beesley stating that the Council's calculated figures were believed to be wrong and asking for an urgent meeting at 7pm.</p> <p>Approx. 7pm - Meeting between Andrew Beesley, another Havering Officer and members of Upminster and Cranham Residents' Group (including Cllr JT). Mistakes in Council's calculations pointed out to Andrew Beesley, who accepted mistakes had been made. However, he stated that there was not enough time to re-calculate figures before start of meeting. Cllr JT told that they would be provided to him at some point after the meeting.</p> <p>7.30pm - Extraordinary Full Council Meeting starts. Much was made by Cllr Damian White of the fact that there were no calculated figures for Option 1A and that it could therefore not be relied upon to be a reliable submission. At vote, Option 4A was agreed as official Havering Council submission.</p>
05 Mar 2020	E-mails exchanged between Cllr JT and Andrew Beesley regarding whether Option 4A was the only option that was submitted by Havering Council to the LGBCE or whether Options 1-4 had also been submitted. Informed that only Option 4A had been put forward. At this stage it was unknown the process had been manipulated to ensure the Administration option was the only submission.
10 Mar 2020	Cllr JT e-mailed Andrew Beesley asking for official calculations for Option 1A to be provided. Reply stated that it would be the following day.

11 Mar 2020	Cllr JT received correct calculations for Option 1A from Andrew Beesley. These proved that JT's own calculations of proposed polling districts were well within variance limits (the most JT was wrong in any polling district was 120 voters, which made minimal difference).
12 Mar 2020	Cllr JT submitted official Havering calculations of Option 1A to LGBCE. Reply received saying that the figures would be added to the original submission.
07 May 2020	H.R.A submitted a formal complaint to the LBBCE.
05 Jul 2020	H.R.A requested an Urgent Council Meeting to “agree a cross party group to agree the person to carry out an independent investigation and to agree the Terms of Reference”. The request was rejected.
21 Jul 2020	H.R.A submitted a formal complaint to Havering’s Monitoring Officer, John William Jones.
28 Jul 2020	LGBCE draft recommendations for Havering published, that clearly shows the process had been influenced by Havering’s submission starting with the introduction of the Beam Park Ward, and therefore the Administrations direct influence.

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