

AUDIT AND GOVERNANCE HEARINGS SUB-COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON FRIDAY 7TH MARCH, 2014**

PRESENT: Councillor Papworth (in the Chair)
Councillors McGinnity and Weavers

ALSO PRESENT: Mr. E. Davies, Independent Person, Town Councillor
D. Jones and Mr. B. Grant

1. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Papworth be appointed Chair for this meeting of the Sub-Committee.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

No declarations of interest were received.

4. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That it be noted that this meeting is being held in closed session and is not subject to the notice or publicity requirements of Part 5 of the Local Government Act 1972.

**5. CODE OF CONDUCT - DETERMINATION OF A COMPLAINT
AGAINST TOWN COUNCILLOR D. JONES**

The Sub-Committee considered a report of the Head of Corporate Legal Services and Monitoring Officer on an investigation into the alleged conduct of Town Councillor David Jones, a Member of Maghull Town Council.

The Chair, Councillor Papworth, introduced the Members of the Sub-Committee; Mr. E. Davies, Independent Person; Mr. Peter Cowley, Investigating Officer; Mrs. Andrea Watts, Deputy Monitoring Officer; the subject Member, Town Councillor David Jones; the complainant, Mr. Brendan Grant; and Mike Morris, Senior Democratic Services Officer.

Mr. Cowley, Investigating Officer, outlined the complaint (made by Mr. Brendan Grant) as detailed in (1) to (3) below and referred to documentary

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evidence contained in the report before the Sub-Committee. Mr. Cowley did not call any witnesses.

(1) Councillor Jones used his position as a Councillor to "try to drive TMS F.C.

out of business as then Maghull F.C. would benefit". This relates to the proposal to charge TMS F.C. £2,000 per annum for the hire of Whinneybrook Playing Field.

(2) Councillor Jones (as a Committee Member for Senior Teams of Maghull

F.C.) should have declared an interest when taking part in Committee meetings at which the fees for playing fields were being discussed.

(3) Councillor Jones should not have disclosed confidential Council information to a third party in a public house.

Town Councillor Jones presented his case and did not call any witnesses.

Mr. Cowley then summed up the complaint and Town Councillor Jones summed up his case.

Mr. E. Davies, Independent Person, had been consulted prior to the meeting and his views could be summarised as follows:-

1. This confusing state of affairs would appear to have arisen because Maghull Town Council, or at least its Finance Sub-Committee, took a decision based on inaccurate information, i.e.

(a) the fact that TMS Soccer School (the commercial business) is a separate entity from TMS Boys FC. and

(b) nobody thought it necessary to obtain an accurate figure for attendance at the club, but instead relied on one man's guess. From my reading of the facts, none of this can be laid at the door of Councillor Jones personally (other than his membership of the Council who took the decision). Indeed, the documentation would indicate that Councillor Jones took an active part in reducing the original £2,000 decision once the true attendance figures were known. In my view it is down to some disturbing unprofessionalism by the Council and its officers in not making sure of their facts before proceeding to their first decision.

2. I could not see any conflict of interest for Councillor Jones inasmuch as the decision concerning pitch fees did not involve Maghull F.C.

3. We now come to the conduct of Councillor Jones in the Meadows public house on 18 August 2013. That the conversation took place is not in dispute. That Mr. Grant and Mr. McPhillips interpreted it as pre-empting the decision,

or Councillor Jones's explanation that he was expressing an opinion as to what the decision may be, is irrelevant. Should he have been discussing it at

all? If this is considered to be a breach of Council confidentiality, I would suggest that it does not rank among the most heinous of its kind. It would appear that it was done with the kindest of motives - to ease Mr. Grant's concerns. It is not clear from Mr. Grant's documentation whether he is alleging that Councillor Jones had a hand in the "missing minutes" episode

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(the meeting of 27 September). In any case, it disturbs me that the investigation did not appear to pursue this matter. According to the notes of interview with a Town Council officer, the matter was not raised with her. Were minutes taken or not? If not, why not?

The Sub-Committee then adjourned the hearing and deliberated in private on whether or not it considered, on the facts presented, that there had been a breach by Town Councillor Jones of the Code of Conduct; and if so, what sanctions should be imposed.

The Sub-Committee then re-convened and Mr. P. Cowley, Town Councillor Jones, Mr. B. Grant and Mr. E. Davies were invited back into the room. Councillor Papworth, Chair, announced that the Sub-Committee had reached the following decisions:

(1) The Sub-Committee registered its surprise that notwithstanding the fact that he was a recently-elected Member of the Town Council, Councillor Jones appeared not to realise that in seeking to influence the Town Council's consideration of the setting of pitch fees for one local football organisation whilst holding a senior managerial position with another local football organisation, he risked exposing himself to possible allegations of partiality. However, the Sub-Committee found no evidence that Councillor Jones used his position as a Councillor to "try to drive TMS F.C. out of business as then Maghull F.C. would benefit". Therefore, there was no breach of the Code of Conduct in relation to this aspect of the complaint.

(2) The Sub-Committee did not consider that Councillor Jones (as a Committee Member for Senior Teams of Maghull F.C.) should have declared an interest when taking part in Committee meetings at which the fees for playing fields were being discussed, because those fees did not involve Maghull F.C. Therefore, there was no breach of the Code of Conduct in relation to this aspect of the complaint.

(3) The Sub-Committee found no evidence that Councillor Jones disclosed confidential Council information to a third party in a public house. The Sub-Committee was satisfied that Councillor Jones was attempting to obtain confirmation about the level of usage of the playing fields in question in order to inform a subsequent decision about a proposed fees increase. Therefore, there was no breach of the Code of Conduct in relation to this aspect of the complaint.

The Sub-Committee also made the following recommendation:

The Monitoring Officer was recommended to bring the following matters to the attention of the Town Clerk of Maghull Town Council:-

(1) The Sub-Committee expressed its deep disappointment that Maghull Town Council had apparently failed to arrange or execute any suitable form of induction training for newly-elected Members, despite the care which had been taken by Sefton MBC to ensure that all Parish Councils were aware of Sefton's version of the Code of Conduct.

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(2)The Sub-Committee was also deeply troubled that it seemed clear that no notes or minutes were kept of a meeting on 27 September 2013 which was attended by one of the Town Council's officers, particularly as it seemed that they may have reinforced the case presented by the complainant, Mr. Grant.

(3)Finally, the Sub-Committee expressed its surprise that another newly elected Town Councillor had been promptly given significant responsibility as a Committee Chair and that he was not challenged over his important but incorrect assessment of the numbers attending Mr. Grant's football training sessions.

Councillor Papworth, Chair, advised Town Councillor Jones that there was no appeal against the Sub-Committee's decision.