

Minutes of a meeting of the Governance and Audit Committee held on Friday 10 October 2014 at City Hall, Bradford

Commenced 1005
 Adjourned 1020
 Reconvened 1035
 Concluded 1055

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Eaton	M Slater	Middleton
	L Smith	
	Swallow	

Observer: Councillor Naylor

Councillor L Smith in the Chair

29. DISCLOSURES OF INTEREST

In the interest of transparency Members disclosed a personal interest in Minute 31 as the Conservative Group Leader was known to them.

ACTION: City Solicitor

30. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.



31 USE OF COUNCIL RESOURCES FOR ELECTION PURPOSES

The City Solicitor submitted **Document “Q”** which was a report prepared by the Monitoring Officer in accordance with the provisions of the Local Government and Housing Act 1989, Section 5(3) and informed all Members of Council where, in the opinion of the Monitoring Officer, the authority had acted in contravention of an enactment or rule of law.

Members were informed that the background to the allegations that resources in the Conservative Group Office were being used to produce election material was detailed at paragraph 2 of the report.

It was reported that the Group Leader had accepted that there was an issue under the Code of Conduct and had referred himself to the Standards Committee for his conduct to be dealt with through the approved Complaints Procedure.

The Assistant City Solicitor reported that the issue that election publicity material was produced in the Conservative Group Office using Council resources was not disputed but lessons needed to be learnt on what had happened so it did not occur again. The Conservative Group Leader had indicated a willingness to reimburse the Council for any costs to the public purse.

It was reported that the management investigation established a need to raise the level of understanding of officers, Members and candidates of their obligations in respect of the provisions in the Local Government Act 1986. Additional guidance would be provided to both Members who were candidates or agents and to officers working directly with Members to ensure there was clarity about these requirements. This would be in addition to the advice that was already circulated to Members and senior officers by Marketing and Communications.

Members commented on the following:

- Issues relating to officer conduct was also in the remit of this Committee and was not just a management matter and should have been included in the report
- What was the outcome of the Standards Committee investigation?
- In relation to recommendation 2 of the report; advice provided to all Members who were candidates or agents should refer to all elections not just local elections
- What was the breakdown of the resources used?
- What was the expectation of the report going to Council ie was it for information?
- Recommendation 3 of the report was not sufficient and needed to show that guidance provided to all senior managers, employees who had a direct relationship with Members and their Managers and Members of Council had been circulated.

In response to Members questions the Assistant City Solicitor reported that the resources used involved printing three sets of 458 pages on the printer/copier in the Group Office which consisted of personalised letters to constituents in the Worth Valley; a further 21 pages were printed which consisted of the names and addresses to which the letters were to be sent; 900 Letters which had been printed on Council paper were placed in Council envelopes; officers printed the documents, put them in envelopes and helped put stamps on some of the envelopes; the stamps were provided by the Conservative Group Leader or his election agent.

The Assistant City Solicitor confirmed that the Member involved had been invoiced £100 plus VAT for the cost of the Council resources used and had paid that amount.

He reported that the Standards process was not yet concluded but that the Chairman of the Standards Committee was minded to ask the Member to apologise for his conduct.

It was emphasised that the report was being referred to Council as the Monitoring Officer had considered the statutory position and was of the view that, the established facts disclosed that the Authority as a corporate body had produced publicity material which was designed to affect public support for a candidate and a political party. It was clear that this was prohibited and as such these activities were a breach of Section 2 of the Local Government Act 1986. Having established that the Council had acted in breach of this legislation, the Monitoring Officer duties set out in Section 5 of the report were engaged and a report must be provided to all Members of Council and must be considered by all Members of Council to comply with their duties under this legislation.

Members felt that a decision could not be reached as the report did not contain sufficient information and that the Conservative Group Leader had suffered a recent family bereavement, it would be more appropriate to consider the revised report at the November meeting of this Committee and referred to Council in December 2014.

Resolved-

That a further report be submitted to this Committee on 21 November 2014 which addresses the issues raised at this meeting and that the revised report be recommended to Council at its meeting on 9 December 2014.

Action: City Solicitor