

MELTON BOROUGH COUNCIL

MEMBER CONDUCT COMPLAINTS – BOTTESFORD PARISH COUNCIL

VIEWS OF INDEPENDENT PERSON

This case was referred to me together with the supporting documentation for an opinion following 5 complaints made by Mr Dermot Daly against 5 members of Bottesford Parish Council, Cllr Donger, Cllr Wright, Cllr Shepherd, Cllr Gough and Cllr Bayman.

Mr Daly's complaint centres on a meeting of Bottesford Parish Council held on 9 January 2017 where quotes for works to be carried out were submitted for agreement by the PC. He has complained that Cllr Donger failed to declare a pecuniary interest as one of the quotes was from his father in law. He has also complained that the other 4 councillors were complicit in a significant breach of councillor conduct and regulatory financial control due to the failure to obtain 3 quotes for the works and by splitting the contracts for the works into 3 parts may have circumvented the need for further regulatory controls.

I have seen responses from the councillors who are the subject of the complaints and note that attempts to informally resolve the complaints have not been successful.

My views and opinions are shown below

1. The quotes were submitted anonymously to the Parish Council members as part of their regular custom and practice. It is therefore difficult to conclude that Cllr Donger failed to disclose a pecuniary interest. Cllr Donger states that he did not know that his father in law had bid for the work and this statement cannot be practically challenged. The practice of agreeing contracts without the names of the contractors being divulged will potentially put all councillors in a position where they cannot declare an interest and in a small community this could be problematic. Mr Daly highlights this point in his complaint against Cllr Wright, who presented the quotes and did know the names of the contractors, stating that he failed to be open with the electorate.
2. The further complaint against Cllr Donger, Cllr Wright, Cllr Shepherd and Cllr Gough is that in voting in favour of the quotes they did not follow financial regulations in that 3 quotes were not obtained and one of the quotes was described as an estimate. The complaint against Cllr Bayman is that as Chairman he failed to lead the Parish Council in an appropriate manner leading to a breach of conduct and regulatory imprudence. It is clear that 3 quotes were not obtained for the works and whilst it does not absolutely breach the financial regulations, it does not appear to be good financial practice. The splitting of the works into 3 parts seems to be based on the opportunity to share the work amongst different contractors.

3. In the circumstances of these complaints and having considered the complaints procedures of Melton Borough Council I would recommend that this case is referred to Sub Committee 1 for their consideration.
4. The processes followed by Bottesford Parish Council in this case do give me cause for concern but I cannot categorically give an opinion that the Code of Conduct has been breached by any of the councillors who are the subject of the complaints. Certainly, as noted in paragraph 1 above, I cannot see how Cllr Donger could declare an interest if he did not know who was bidding for the contracts. I consider that the application of the governance arrangements of the Parish Council are not as robust as they should be in order to give members of the public confidence in the business of the council and this is an area that the members of Sub Committee 1 would wish to consider.

Gordon Grimes

Independent Person

15 June 2017