
STANDARDS COMMITTEE

9 NOVEMBER 2007

Report of the Interim Head of Civic, Democratic and Legal Services

OUTCOME OF COMPLAINT REGARDING MEMBERS OF NETHER POPPLETON AND UPPER POPPLETON PARISH COUNCILS

Summary

1. The purpose of this report is to advise the Standards Committee of the outcome of a complaint regarding Councillor David Tomlinson of Nether Poppleton Parish Council and Councillor Ted Kendall of Upper Poppleton Parish Council. No evidence was found that either member breached the Code of Conduct.

Background

2. The complainant to the Standards Board for England alleged that Councillor David Tomlinson of Nether Poppleton Parish Council and Councillor Ted Kendall of Upper Poppleton Parish Council failed to declare a prejudicial interest and leave the meeting when their respective Councils considered matters concerning the Poppleton community Trust (PCT).
3. The complainant alleged that Councillor Tomlinson and Councillor Kendall represented their councils as trustees of the PCT and that they both took an active part in considering funding applications from the PCT on various occasions between 16th August 2004 and 15th January 2007.
4. The complainant further alleged that each of the councillors in question failed to include their trusteeships in the register of interests.
5. The PCT is a registered charity for the purposes of providing and maintaining a village hall and recreation ground for both parishes. The trustees consist of a chairman, two elected members, four members representing the two parish councils, York City Council and the Poppleton Churches, and six members nominated by local groups. All adult residents of the area are allowed to vote at the PCT's annual general meeting.
6. Several years ago, the councils stopped nominating representatives as trustees, but opted to appoint them as "observers" only in order to avoid conflicts of interest.

7. In this case, Councillors Kendal and Tomlinson were nominated by their respective councils as observers only and were not officially members, or in a position of general control or management of the PCT. There was also no evidence that their wellbeing or finances could reasonably be regarded as affected by any decision on funding for the PCT.
8. The ethical standards officer, appointed by the Standards Board to investigate the matter, considered that the councillors did not have an interest in the PCT which would have needed to be registered, nor any personal interest in the matter. Where there is no personal interest, the issue of a prejudicial interest cannot arise.
9. The ethical standards officer found no evidence that either member had failed to comply with the Code of Conduct.

Consultation

10. This is a matter of report to the Standards Committee and further consultation is not required.

Options

11. Not applicable. The report is for the information of the Committee.

Analysis

12. Not applicable

Corporate Priorities

13. Compliance with the Local Government Act 2000 contributes to the corporate priority of improving leadership at all levels.

Implications

14. There are no specific financial, HR equalities, legal, crime and disorder, IT, property or other implications arising out of this report.

Risk Management

15. The Standards Committee needs to be aware of the outcome of complaints relating to alleged breaches of the Code of Conduct in order to fulfil its statutory role. There are no known risks arising from this report.

Recommendations

16. The committee is asked to note the contents of this report.

Contact Details

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Report Approved

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Specialist Implications Officer(s) List information for all
None

Wards Affected: List wards or tick box to indicate all
Rural West York

All

For further information please contact the author of the report

Background Papers:

Letter from Standards Board for England dated 4th October 2007

Annexes

None