

# Public Document Pack

AT A MEETING of the Conduct Advisory Panel - Hearing Panel of HAMPSHIRE  
COUNTY COUNCIL held at the Castle, Winchester on Wednesday, 9th  
December, 2020

Chairman:

\* Councillor Rhydian Vaughan MBE

\* Councillor Gavin James

\* Councillor Tom Thacker

Also present with the agreement of the Chairman:

Mr Peter Moore (Independent Person)  
Councillor Seán Woodward

## 1. **APOLOGIES FOR ABSENCE**

All Members were present and no apologies were noted.

## 2. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Personal interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

All three members (Councillors James, Thacker and Vaughan) declared a personal interest as elected Members of Hampshire County Council.

## 3. **ELECTION OF CHAIRMAN**

Councillor Vaughan was appointed Chairman for the meeting.

## 4. **EXCLUSION OF THE PRESS AND PUBLIC**

The proposal to exclude the press and public from the meeting under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 was considered and rejected. The meeting continued open to the press and public.

5. **COMPLAINT: MEMBERS' CODE OF CONDUCT: DETERMINATION OF A COMPLAINT AGAINST A MEMBER OF THE COUNTY COUNCIL**

The Hearing Panel considered the report of the Monitoring Officer regarding a complaint against a member of the County Council.

The Monitoring Officer presented her report, which summarised the process in respect of the complaint alleging that Councillor Woodward had breached the Members' Code of Conduct with respect to his handling of a grant for £15,000 by the Rockets motorcycle display team. Following investigation, an Investigation Consideration sub-committee had agreed that the independent investigator's report and finding should be considered by the Hearing Panel. The Monitoring Officer drew Members' attention to the documents included in their pack and confirmed that redactions had been made to ensure compliance with GDPR. She set out the Panel's role; to consider Councillor Woodward's actions in relation to the process around the application by the Rockets to the Recreation and Heritage Community Fund (the grant scheme); noting that the motives of the two complainants were not relevant and it was not necessary to get into the detail of any relationship Councillor Woodward might have had with any third party. The Monitoring Officer confirmed that in terms of process, the Panel needed to make a finding on the facts, whether or not it found Councillor Woodward to have breached the Code of Conduct.

Councillor Woodward sought and was given clarification by the Monitoring Officer regarding the provision for the establishment of the Investigation Consideration sub-committee in accordance with the County Council's arrangements regarding the assessment, investigation and determination of allegations of a breach of the Members' Code of Conduct, approved by the Conduct Advisory Panel in accordance with the Constitution and the Localism Act. He furthermore questioned the submission of additional evidence (annex 2b) after the initial publication of the Hearing Panel's agenda and it was confirmed that this was to provide context following his request that an unredacted copy of annex 4j be provided to the Panel (as annex 4p).

The independent investigator was introduced to the Panel as a partner in a firm of solicitors with experience of public sector law, in Member complaints and as a Monitoring Officer. He highlighted the complexity of the complaint, noting that it was clear Councillor Woodward had not approved the grant himself, therefore his finding was based on patterns of behaviour in relation to its submission and approval. The investigator addressed and set out a number of key areas in his report including Councillor Woodward's:

- unusually high level of involvement in preparing the grant application and lack of transparency in the nature of his personal interest;
- unusual level of interaction with County Council officers amounting to applying pressure in relation to the grant application;
- close relationship with Ms A from the Rockets and his subsequent involvement in her new team, the Solent Stars, including driving the team lorry;
- discrepancies as to the status of an alleged ongoing police investigation against the complainants; and

- actions with respect to bringing forward the decision day at which the grant application was approved to a time before a change in the Council's leadership

The investigator concluded that taken together, the combination of Councillor Woodward's actions constituted a breach of the Code of Conduct.

Councillor Woodward was given the opportunity to question the investigator. Clarification was sought as to whether the statement of Ms A could be read out unredacted, the Monitoring Officer confirmed that Ms A was happy for her statement to be published and considered by the Panel. Councillor Woodward challenged the presentation of the investigator's evidence with relation to: a police professional standards investigation, his knowledge of the genesis of the revisions to the grants scheme, the misrepresentation and application of dates, political motives and influences on the complainants and what would constitute "pressure" on County Council officers or an unusual level of involvement. Councillor Woodward questioned whether it was necessary for a Member to disclose the nature of a personal interest and the investigator explained that although not explicitly required by the Code of Conduct, in his view some level of explanation was necessary for transparency. The Monitoring Officer confirmed that a Member does not necessarily have to leave the room when a personal interest is disclosed, noting that she is regularly consulted on interests by Members and would advise disclosure of any significant personal interest, but had not been consulted in this case. It was questioned why other witnesses had not been interviewed and confirmed that it was common practice in such cases for a senior officer to produce evidence on behalf of the department. A number of differences of opinion between the various parties involved at key points in the case were drawn out.

Members of the Panel and the Independent Person questioned the investigator, establishing that he had considerable experience in Member complaints. The principle based and interpretive nature of Member codes of conduct was recognised. It was highlighted that Hampshire's Code did not prevent participation in a matter unless a Member had a disclosable pecuniary interest. The investigator clarified that he had found a breach of areas of the Code which were not related to pecuniary interests. The confusing and in places contradictory nature of the evidence was discussed and the investigator acknowledged that the case was not black and white, confirming that he had never experienced a complaint on which all of the facts were agreed.

Councillor Woodward was given the opportunity to present his case and shared a chronology of events he had prepared with the Panel. He confirmed that the chronology he had prepared did not introduce new evidence and using it for reference, took Members through his perspective of key events leading up to and after the grant was awarded. In particular, he explained the origins of the grant scheme, highlighting that there had been a number of applications, and the use of the tracking spreadsheet. He stated that his involvement with the Rockets' application was limited to technical support and that the decision day had been moved due to a clash in his diary with another event, which wasn't something he would normally do lightly. Councillor Woodward stated that the new date was proposed by the democratic services officer. Addressing suggestions that the decision on the Rockets could have been taken ahead of the decision day and

then reported formally, Councillor Woodward noted that it was not unheard of for officers to take an officer decision and report this to a decision day and therefore had thought this was what the grants officer had meant as a means of supporting three organisations. . The Monitoring Officer confirmed to the Panel that the County Council's Financial Procedures relating to grants set a £5000 limit on officer decisions. Councillor Woodward highlighted that due to his personal interest, the decision had been taken by Councillor Heron, who was deputed by the Leader and stated that following the set-up of the Solent Stars, he had only been seeking advice on the possible novation of the grant. Reference was made by Councillor Woodward to an apparent application to and rejection from the Fareham Conservative association by the complainant. It was suggested that the investigator had been selective with the evidence presented, had applied additional loading and interpretation and had failed to interview key witnesses. Councillor Woodward iterated his passion for the success of the grant scheme and his ambition to fund local bodies, noting that similar accusations of wrongdoing by himself had been rejected as politically motivated by other organisations. In his view, the only unusual feature of the Rockets' application was the technical difficulties experienced in its submission and he would have supported any organisation in that position.

Following his presentation, the investigator questioned Councillor Woodward, establishing that he had driven the Solent Stars lorry a number of times, that in his own interview he had not suggested interviewing Ms A and that only the complaint letter to Police Standards about the complainant had been supplied despite a request for all correspondence. A number of other points relating to Councillor Woodward's support for the application, the use of his personal email address and the process of appointing a new Leader for the Conservative Group and the County Council were made.

The suggestion of pressure being places on officers and what would constitute a usual level of interaction by an Executive Member on an individual grant were questioned by both the investigator and Panel members. Councillor Woodward wasn't aware of reasons why pressure would have been felt. He considered that there was a mature and constructive Member/officer relationship in the County Council and was confident that any issues would have been raised by the Director.

In further questioning by the Panel, Councillor Woodward asserted that the Rockets being the first applicant and having technical difficulties as well as his highlighting their likely application was all coincidental and because it was a quirky good cause, but could have just as easily been a number of other applicants.

The meeting was adjourned in order for the Panel to consider the evidence that had been presented and to deliberate on their findings. When the meeting resumed, the Chairman announced the Panel's decision that:

- i. Councillor Woodward compromised his position on 14 January 2019 when approving the grants scheme by mentioning to officers a specific application he expected, from an organisation with which he had strong links.

- ii. Councillor Woodward put himself under an obligation to the Rockets to try to influence the decision making process, by failing to exercise independent judgement.
- iii. Following declaring his interest and putting into the public domain that he would not be making the decision, it is clear that Councillor Woodward re-involved himself in the grant payment process by making contact with officers in relation to the Solent Stars.

The Chairman noted that there was no suggestion of dishonesty, but it was a unanimous decision that Councillor Woodward had lapsed in judgement. This decision had been reached after seeking and taking into account the views of the Independent Person, Mr Moore, and having regard to the County Council's Members' Code of Conduct. The Chairman confirmed that this constituted a breach of paragraphs 3.4 and 3.7 of the County Council's Members' Code of Conduct and read out the respective paragraphs.

Councillor Woodward was given the opportunity to comment on the Panel's decision, noting his disappointment at having been found to have lapsed in judgement.

The Chairman confirmed that the findings of the Panel would be published and reported to the next meeting of the County Council.

A Decision Record is attached to these minutes.

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Chairman,

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## HAMPSHIRE COUNTY COUNCIL

### Decision Record

<b>Decision Maker:</b>	Conduct Advisory Panel – Hearing Panel
<b>Date:</b>	9 December 2020
<b>Title:</b>	Complaint: Members' Code of Conduct: Determination of a Complaint against a Member of the County Council
<b>Report From:</b>	Head of Law & Governance & Monitoring Officer

**Contact name:** Barbara Beardwell

**Tel:** 03707 793751

**Email:** barbara.beardwell@hants.gov.uk

#### 1. The decision:

That:

- 1.1. Councillor Woodward compromised his position on 14 January 2019 when approving the grants scheme by mentioning to officers a specific application he expected, from an organisation with which he had strong links.
- 1.2. Councillor Woodward put himself under an obligation to the Rockets to try to influence the decision making process, by failing to exercise independent judgement.
- 1.3. Following declaring his interest and putting into the public domain that he would not be making the decision, it is clear that Councillor Woodward re-involved himself in the grant payment process by making contact with officers in relation to the Solent Stars.
- 1.4. This constitutes a breach of paragraphs 3.4 and 3.7 of the County Council's Members' Code of Conduct.
- 1.5. The findings of the Panel should be published and reported to the next meeting of the County Council.

#### 2. Reasons for the decision:

- 2.1. In accordance with the County Council's Arrangements for dealing with the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of the County Council has failed to comply with the Code of Conduct for Members (the Arrangements), the Panel received and considered the report and representations of the independent investigator. The Panel also received and considered representations (both written and verbal) from Councillor Woodward.

2.2. The decision was reached unanimously, after seeking and taking into account the views of the Independent Person, Mr Moore, and having regard to the County Council's Members' Code of Conduct.

**3. Other options considered and rejected:**

3.1. In accordance with the Arrangements, the Panel could reach one of two conclusions:

- That the Subject Member failed to comply with the Code of Conduct for Members; or
- That there was no failure by the Subject Member to comply with the Code of Conduct for Members.

**4. Conflicts of interest:**

4.1. Conflicts of interest declared by the decision-maker:

All three members (Councillors James, Thacker and Vaughan) of the Hearing Panel declared a personal interest as elected Members of Hampshire County Council.

**5. Dispensation granted by the Conduct Advisory Panel:**

N/A

<b>Approved by:</b>	<b>Date:</b>
----- Councillor Rhydian Vaughan [Chairman of the Hearing Panel]	[9 December 2020]