

CASE J

NETTINGTON TOWN COUNCIL – COUNCILLOR GOLD

Summary

The complainant refers to the town hall at Nettington, which belongs to the town council. It is reported that the county registration service rents offices at the town hall and Town Councillor Gold is employed as a registrar. It is also reported that Councillor Gold declared an interest in an agenda item regarding the town hall at a council meeting on 24 May 2004. It is further reported that in 2005, it was agreed in principle to hand the town hall over to a charitable trust, make a grant to the trust and to seek legal advice. It is also reported Councillor Gold is one of three councillors to be on a joint working group with the trust.

Following legal advice, on 27 February 2006 the council “reaffirmed” earlier resolutions concerning the trust, with Councillor Gold voting in favour. It is also reported that after she became town mayor in May 2006, she put herself forward as the council representative on the trust. The complainant refers to a meeting between councillors and the trust which took place on 3 July 2006. She says she had asked for the minutes but had been told that it was an informal meeting, which was not the impression created beforehand.

The complainant has also provided a report of the “Nettington Town Hall Joint Working Group”, which includes Councillor Gold. It states that she has had final sight of the draft briefing for the solicitor who would be drawing up the draft lease for the town hall. The draft briefing refers to the “need to agree continuing office space for the town clerk and use of the council chamber for meetings at a favourable rent and for the Registrar at the rent negotiated with the county council...”. The complainant has also provided a covering memo from the town clerk, which states that the brief will be discussed with Councillor Gold and other members.

It is thereby alleged that Councillor Gold has a conflict of interest between the town council and her employer, which rents her place of work from the council in the building whose future is under consideration. It is also alleged that having previously acknowledged this, Councillor Gold has subsequently become more closely involved in the issue without declaring an interest.

complaint form

RU
12 OCT 2006
RECEIVED



If you have any questions or difficulties filling in this form, for example – If English is not your first language or you have a disability – please contact the Referrals Unit on **0800 107 2001**.

You can also email them at newcomplaints@standardsboard.co.uk

Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

RECEIVED
12 OCT 2006

ABOUT YOU

title Mr Ms Mrs Miss Councillor Other (please specify)

first name

surname Jones

address

Nettleshire

Nettington

postcode

daytime telephone

evening telephone

email

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

date 8 10 06

YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

name of their authority/ies

CLER. J Gold

Nettington TOWN COUNCIL

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above



complaint form

WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the Information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

My complaint is that Cllr. J. Gold may have broken Nettington Town Council's Code of Conduct.

It appears that since May 2004, Cllr. Gold has not declared any interest in the Town Hall, although she continues to be employed by the Registration Service, which is a tenant of the Town Hall.

Please see attached documents detailing all relevant information.

Signed P. Jones

EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England
PO Box 36656
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

COMPLAINT AGAINST COUNCILLOR. *J Gold* OF *Nettington* TOWN COUNCIL.

At the *Nettington* Town Council Meeting of Monday the 24th. May 2004, Cllr. *J Gold* declared an interest in an agenda item regarding the Town Hall as she was employed by the Registration Service which is a tenant of the Town Hall. (minute enclosed, - item 1).

In October 2005 it was agreed in principle to hand over the Town Hall to a Charitable Trust (Trust), on the recommendation of a Consultant, employed by the Town Council who was paid £15000. from a Sustainability Grant from the

In November 2005 it was agreed to give £5000 of public money to the Trust so that they could progress (minute enclosed - item 2). It was also resolved to seek legal advice, (this was not done until September 2006). It was resolved that Cllr *Gold* be one of three Cllrs. to be on a working group to work with the Trust. (minute enclosed, also item 2).

On the 23rd. January 2006, it was resolved to meet with the *Trust* on the 20th. February 2006, (minute enclosed - item 3). This meeting never took place.

At the Council Meeting of February 27th, 2006, on the advice of the Monitoring Officer Cllrs. *Sprint* and *Bold* declared a prejudicial Interest in the Town Hall. The resolutions of the 24th. October and 28th. November 2005 had to be reaffirmed (minutes enclosed -item 4).

It was then proposed not to progress further with the Charitable Trust until all outstanding concerns had been answered, (minute enclosed - also item 4). Cllr. *Gold* voted in favour of this proposal.

In May 2006 Cllr. *Gold* became Mayor. She has since nominated herself to be on the working group with the BT & CT, (this was not put to a vote) (minute enclosed - item 5) and even cancelled a meeting (without a resolution from council), which was to be held on the 12th. June 2006 with the *Trust*.

It was agreed by Council that councillors would meet with the *Trust* on July 3rd. 2006 (minute enclosed - item 6). The meeting did take place and I have repeatedly asked for the minutes, (as other important items were discussed and agreed). I was only present for the first part of the meeting. I was told, by Cllr. *Gold*, after requesting the minutes yet again at the council meeting of the 25th. September 2006, that the meeting of 3rd. July was in fact an informal meeting and no minutes were taken, yet the Clerk was present. At no time were we informed that this would be an informal meeting.

A decision was made on the 5th. September, by Councillors. *Gold*, *Bold* and *Midland* on the Working Group to send off a draft brief to our solicitor after Cllr. *Gold* had final sight of it. This was not brought to full Council. (copy of report enclosed - item 7).

I received a copy of the brief on October 6th, this was the Council's first sight of it, but it had already been sent to the Council's solicitor on 7th. September 2006. As you can see from the brief, there will be a need to agree continuing office space for the Registrar (copy enclosed - item 8).

Should the Town Hall lease be handed to the *Trust*, the future of the Registry Office could be in question, and in turn this could be seen as having a direct effect on Cllr. *Gold*

I asked Cllr. *Gold* in July if she was still a registrar and she replied that she was. Since May 2004 Cllr. *Gold* has not declared any interest in the Town Hall, but continues to speak, vote and take part in a working group regarding the future of the Town Hall. I believe Cllr. *Gold* is in breach of *Nettington* Town Council's Code of Conduct, as it appears she has a personal, prejudicial and possibly a financial interest in matters relating to the future of the Town Hall.

Signed *P Jones*

Date *8.10.06*

UNADOPTED

MINUTES OF A MEETING OF *Nettlington* TOWN COUNCIL

HELD IN THE COUNCIL CHAMBER, TOWN HALL, *Nettlington* ON MONDAY 24 MAY 2004 AT 7.00pm.

Present: Cllr *Bold* - Mayor, in the Chair
Cllrs Mrs *Brent*, P *Madden*, W *Nidland*, J *Dench*, Mrs *Thatch*, Mrs J *Gold*,
Town Clerk Mrs M Gee

188	Election of Mayor:
189	Apologies for Absence:
190	Declarations of Interest: Cllr <i>Gold</i> declared an Interest in Agenda item 18 as she is an employee of the Registration Service which is a tenant of the Town Hall.
191	Election of Deputy Mayor
192	Town Clerk's expenditure limit
193	Arrangements for payment of monthly salaries:
194	Minutes of the Council Meeting held on 26 April 2004:
195	Matters Arising:
195.1	
195.2	
195.3	
196	Report of the Planning Committee meeting on 10 May 2004
197	Mayor's Communications:
198	Public Speaking Time:
198.1	
198.2	
198.3	
199	District Cllrs Report:
200	Matters arising from Annual Town meeting:

106/05

107/05

108/05

109/05

110/05

111/05 Town Hall – Charitable Trust

It was RESOLVED to pay a grant of £5,000.00 now and the balance of up to a further £5,000.00 when requested. The Clerk is to be given authority to release funds on request from the Trust supported by documentation.

It was RESOLVED to seek legal advice and the Clerk is instructed to find an independent Solicitor with relevant experience in this field.

It was RESOLVED to establish a working group consisting of the Mayor, Cllr **Bold**, Cllr **Gold** and the Clerk, to work closely with the Trust. A preliminary meeting is to be organised as soon as possible.

112/05

113/05

116/06 Town Hall – Charitable Trust

It was RESOLVED that the interim report from *The* Trust be welcomed and that thanks be expressed to the members of the trust for the work done so far.

It was RESOLVED that members of the Council meet with members of *the* Trust on 20th February 2006 at 7.00pm to discuss progress. Members were requested to advise the Clerk of any issues or items to be discussed at this meeting. The Clerk will relay these to the secretary of *the* trust in writing together with a request for any issues that *the* trust may wish to discuss with the Council to be advised to the Clerk.

117/06

118/06

119/0:

The meeting closed at 9.00 pm

132/06

133/06

134/06

135/06

136/06

137/06

138/06

139/06 Bakewell Town and Community Trust

Cllr. *Bold* having declared a prejudicial interest in this item left the chamber and stated that he wished to remain closely associated with the group and would hope to be the nominated representative of the Council to the trust.

C Sprint declared a prejudicial interest in this item left the chamber with regret

Special notes:

ADDITIONAL ITEMS

Council Representatives for the TMO Working Group

Discussion took place as to if councillor *Sprint* should partake in this part of the agenda in view of the letter which had been read out by the clerk at the recent *TMO* Meeting on 3rd July when councillor *Sprint* had taken advice from the Monitoring officer.

The clerk advised that this was council business and that councillor *Sprint* should stay in the room for the item.

The Mayor suggested that she should represent the council on the group and that councillor *Midland* had expressed a wish to be involved before he went on holiday.

It was proposed by *SLever* and seconded by *B Jones* that councillor *Midland* should represent the council on the discussion group. All Agreed.

Councillor *Bold* expressed a wish that he would like to represent the council as the third member of the group and this was proposed by *P Jones* and seconded by *Midland* that *Bold* should be the third representative.

The mayor proposed that *SLever* be the reserve member as agreed with the *TMO* at last weeks meeting. This was seconded by *B Jones* with no other votes being cast in support.

Councillor *P Jones* then nominated herself to be the reserve member of the group. the mayor taking the decision at this point to leave the election of the reserve member of the group until the next full council meeting on the 24th July.

It was agreed that this should be the case.

Authorisation of cheques for payments

Town Clerk

Signed as a true record of events.....Mayor

11. Town Hall

It was confirmed that the councillors would met with the full team from BC&CT on 3rd July and that the meeting would be approached in order to achieve the way

forward with the project. The BC&CT planned to launch themselves at functions in September and the need to establish dialogue was vital.

Meeting closed at 21-15pm

ITEM 7

Nettington TOWN HALL JOINT WORKING GROUP

Report of Meeting held on Tuesday, 5 September 2006

Present:

Nettington Town Council:
The Trust:

Cllrs: J Gold, Bold and Midland

Report back on Presentation of Report of First Meeting to Town Council

reported that they had been advised by their solicitor that the correct protocol was for the owner's solicitor to generate the draft lease for consideration. Cllr. Bold tabled a draft of the briefing for the solicitor. With minor amendments the Clerk would be asked to send this off when next in the office (7 September) after Cllr. Gold had had final sight of the document. The Council would seek to have the draft available for the Working Group's next meeting on 5 October. Cllr. Midland said that if the term of the lease was found to be insufficient with regard to major funding applications then this could be reviewed.

*
page 12
page 38
" 41
" 45
" 59

Cllr. Bold asked when it was likely that the Trust could take over the running of the Town Hall. It was generally agreed that this might be from the end of the present financial year. However, such an arrangement would be dependent on some funding being in place.

Nettington TOWN COUNCIL – BRIEF FOR PROPOSED TOWN HALL LEASE

Background

A Condition Survey was carried out by County Council surveyors in autumn 2003 which, together with the need to install a lift to comply with the Disability Act, identified costs of the order of £500,000 to bring the Town Hall up to modern standards.

In 2004 funding was obtained from PDNPA for a consultant to report on the future potential of the Town Hall. His report recommended transferring responsibility for the Hall to a Charity to be set up for the purpose. One of the reasons for his recommendation was that outside funding is more readily available to a charity than to a local authority.

The Town Council invited volunteers to form a Study Group. The Group reported back to the Council in October 2005, setting out management and business plans, anticipated sources of grant aid and an outline of the proposed Charity. The Council agreed in principle to the setting up of this Charity.

The Trust has been formed as a charitable company limited by guarantee. IAR is the Company Secretary. D. Spint, Cottage, is chairman.

The Town Council has provided £5,000 for startup costs + a further £5,000 agreed.

The Trust's business plan shows a need for substantial financial support from the Town Council over the first 5 years. This is partly justified on the basis of savings to be made in the Council's annual budget (The Town Hall is currently losing money and the charity would be exempt from business rates). While the Council has understood the need for financial support to the Trust over the first 5 years, no firm commitment has yet been given.

The Lease

The proposal is to grant the Trust a 25 year full-repairing lease. (Grant giving bodies tend to require 20/25 years).

There will be a need to agree continuing office space for the Town Clerk and use of the 'Council Chamber' for meetings at a favourable rent and for the Registrar at the rent negotiated with the County Council – 'office space' need not necessarily mean the spaces currently occupied. There is a need to sort out what commitment there would be to the Masons who have traditionally occupied one room in the Town Hall. Two other tenancies () are on short tenancies.

Nettington TOWN COUNCIL

7th October 2006

Memo to Councillors

I enclose for your information a copy of the brief provided to *XXX Solicitor* for the preparation of a lease from the Town Council to the Trust together with the response letter from *XXX*. She has provided a first draft of a lease based on a standard commercial format. Please let me know if you wish to see this early draft (which runs to 32 pages). I can either make an individual copy for you or you can borrow a copy from the office.

I am discussing the points that *XXX* makes with Councillors *Gold, Midland* *Bald* - who attend the joint working party meetings with Trust representatives..

Town clerk

In view of circumstances and on the advice of the Monitoring Officer, reaffirmation of the following resolutions is required.

Council are asked to reaffirm the following decisions

▪ **24th October 2005 – 89/05**

RESOLVED unanimously to accept the Study Group's proposal in principle to proceed with the Charitable Trust and to fund the group for up to £10,000 to enable progress of the next steps.

▪ **28th November 2005 – 111/05**

It was RESOLVED to accept the Trust as named: The Trust.

It was RESOLVED to pay a grant of £5,000.00 now and the balance of up to a further £5,000.00 when requested. The Clerk is to be given authority to release funds on request from the Trust supported by documentation.

It was RESOLVED to reaffirm Resolution 89/05 of 24th October 2005

It was RESOLVED to reaffirm Resolution 111/05 of 28th November 2005

Cllr [redacted] requested that votes on the following resolution be recorded:-

It was proposed by Cllr Midland, seconded by Cllr Bent and RESOLVED by a majority not to progress further with Trust until all outstanding concerns are satisfactorily answered.

For the proposal: Cllrs Midland, Bent & Gold

Against the proposal: Cllr Jones

Abstentions: Cllrs

It was RESOLVED that the Council undertake an independent review of the Trust proposal and business plan. The Clerk is to contact Mr [redacted], recently retired Corporate Services Director of [redacted] suggested by [redacted], to progress this review.

It was RESOLVED to hold a special meeting with BTCT to review progress so far.

140/05

1.

The meeting closed at 9.40 pm