



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

FRIDAY, 23RD NOVEMBER 2007 AT 4.00 PM

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Mrs. N. E. Trigg (Chairman - Independent Member), Councillor C. R. Scurrall, Councillor S. P. Shannon, Councillor E. C. Tibby, Mr. S. E. Allard (Independent Member), Mr. N. A. Burke (Independent Member) and Mr. J. Cypher (Parish Council Representative)

Observer: Mr. I. A. Hodgetts (Deputy Parish Council Representative)

AGENDA

1. To receive apologies for absence
2. To confirm the accuracy of the minutes of the meetings of the Standards Committee held on 18th October 2007 and 9th November 2007 (Pages 1 - 6)
3. Declarations of Interest
4. Final Determination of Allegations of Failure to Follow the Code of Conduct (Pages 7 - 62)

[Note: the public will be formally excluded from the meeting at the point at which the Committee makes its deliberations on the above matter and the following resolution will be passed:

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the Committee's deliberations on the grounds that they will involve the likely disclosure of exempt information as defined in Paragraph 7C of Part 1 of Schedule 12A to the Act, as amended, and that it is in the public interest to do so."

5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

14th November 2007

Agenda Item 2

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 18TH OCTOBER 2007 AT 5.30 P.M.

PRESENT: Mrs. N. E. Trigg (Chairman - Independent Member), Councillors C. R. Scurrall (Vice-Chairman), S. P. Shannon and E. C. Tibby, Mr. S. E. Allard (Independent Member), Mr. N. A. Burke (Independent Member) and Mr. I. A. Hodgetts (Deputy Parish Council Representative - substituting for Parish Council Representative)

Officers: Mrs. C. Felton, Mrs. D. Warren, Mrs. S. Sellers and Ms. D. Parker-Jones

15/07 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr. J. Cypher (Parish Council Representative).

16/07 MINUTES

The minutes of the meeting of the Standards Committee held on 16th August 2007 were submitted.

RESOLVED that the minutes be approved as a correct record.

17/07 DECLARATIONS OF INTEREST

No declarations of interest were received.

18/07 MONITORING OFFICER'S UPDATE REPORT

The Deputy Monitoring Officer provided the following updates:

Local Investigations

Members were advised that the final reports for both of the local Member investigations had now been completed and that these had been passed to the Monitoring Officer. In one case the Investigating Officer had reached a finding that there had been no breach of the Code of Conduct and in the second case the finding was that there had been a breach of the Code. Dates for the Standards Committee hearings to consider the Investigating Officer's findings were agreed.

Member Training - Code of Conduct

Officers reported that a total of 29 Members had completed training on the new Code of Conduct. The Chairman stated that, in view of the importance of

the Code, those Members who had not undertaken training in this area to date should aim to do so. The Monitoring Officer confirmed that a further training session, which would likely be conducted in-house, would be arranged, and that she would speak with the Leader of the Council on this.

Standards Committees in Worcestershire

The letter contained in the agenda from Mr. J. Blakeley, Chairman of Wychavon District Council's Standards Committee, advising that his original proposal on the coming together of Standards Committee members on a county-wide basis to discuss issues of relevance to Standards Committees was not being pursued, was noted. Only Bromsgrove District Council had provided a substantive response in this regard. Were circumstances to change then it would be open for the concept to be re-visited in the future on the initiative of any council wishing to do so.

Standards Board for England - *The Bulletin*

The Deputy Monitoring Officer made reference to the Standards Board for England publication *The Bulletin* #35, a copy of which had been sent to the members of the Committee with the agenda papers. Members were asked whether they wished to receive copies of *The Bulletin* in the future and, if so, in which format.

Members wished to receive future copies of *The Bulletin*, with the majority opting for this to be sent electronically, via e-mail. Mr. Allard and Mr. Hodgetts requested copies via post.

RESOLVED:

- (a) that the position in relation to the two local Member investigations be noted;
- (b) that the position in relation to Member attendance to date on training for the new Code of Conduct be noted, and that those Members who had not undertaken training in this area be encouraged to attend a separate training session to be arranged in-house;
- (c) that the position in relation to Standards Committees in Worcestershire be noted; and
- (d) that future issues of the Standard Board for England publication *The Bulletin* be sent to the members of the Committee.

19/07 **LOCAL FILTERING**

A report detailing the various options for local filtering of complaints of breaches by councillors of the Code of Conduct under the Local Government and Public Involvement in Health Bill, and which also looked at corresponding revisions to the Council's Constitution, was considered.

Members preferred Option 2 as outlined in the report - Sub-Committees, which it was noted would involve the formation of sub-committees of the Standards Committee. An initial sub-committee (consisting of one independent member, one elected member and one parish member) would be responsible for

filtering complaints, with a second sub-committee (consisting of two independent members, two elected members and one parish member) hearing any final determinations. The membership of the sub-committees would not be fixed and would remain flexible. Any reviews of a decision of the filtering sub-committee not to investigate a complaint would be dealt with by a separate review sub-committee, consisting of at least three members who had not sat on the initial filtering sub-committee. In the event of the review sub-committee deciding that there should be a final determination, any such determinations would be heard by the entire of the Standards Committee. The quorum of all sub-committees would be three.

In view of the statutory requirement for a parish member to be present whenever a parish matter was being considered, and in order to allow for a reserve parish member if required, it was agreed that the Standards Committee needed to be enlarged to include a third parish member, with all parish members to originate from different parish councils. A third parish member would also enable the determinations sub-committee to be divided into two should a large number of complaints against councillors be received. Although all three parish members would have full voting rights when sitting on sub-committees only one parish member would have voting rights on the Standards Committee.

Members further agreed that the proposed structure should be reviewed in twelve months time to see how this had worked in practice.

RECOMMENDED:

- (a) that, in order to carry out local filtering of complaints of breaches by councillors of the Code of Conduct under the Local Government and Public Involvement in Health Bill, sub-committees of the Standards Committee be formed (as detailed in the preamble above);
- (b) that any reviews of a decision of the filtering sub-committee not to investigate a complaint be carried out by a review sub-committee consisting of at least three members who had not participated in the original filtering sub-committee;
- (c) that in the event of the review sub-committee deciding that there should be a final determination on the matter which had been the subject of a review, any such determinations be heard by the entire of the Standards Committee;
- (d) that the membership of the Standards Committee be enlarged to include a third parish member, with the three parish members to originate from separate parish councils, and of which only one parish member would have voting rights on the Standards Committee; and
- (e) that the proposed structure be reviewed in twelve months time.

20/07 **FIRST ANNUAL REPORT OF THE STANDARDS COMMITTEE**

The Committee received a copy of the initial draft outline of the First Annual Report of the Standards Committee. The Chairman advised that it was intended that the Report be published in May 2008 - at the end of the 2007 municipal year and shortly after the planned implementation of the Local

Government and Public Involvement in Health Act. An updated copy of the Report would be brought to the Committee at its meeting in February 2008.

RESOLVED that the report be noted.

21/07 **ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND**

The Monitoring Officer referred to a letter which she had received from the Association of Independent Members of Standards Committees in England (AIMSce), which aimed to establish a national register of Independent Members of Standards Committees as defined by Section 53 (4)(b) of the Local Government Act 2000.

RESOLVED that officers provide the Association of Independent Members of Standards Committees in England (AIMSce) with the details of the Council's Independent Members and that the Independent Members be provided with details of AIMSce.

The meeting closed at 6.25 pm

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

FRIDAY, 9TH NOVEMBER 2007 AT 4.00 P.M.

PRESENT: Mrs. N. E. Trigg (Chairman - Independent Member), Councillors C. R. Scurrall (Vice-Chairman) and S. P. Shannon, Mr. N. A. Burke (Independent Member) and Mr. J. Cypher (Parish Council Representative)

Officers: Mrs. S. Sellers and Ms. D. Parker-Jones

22/07 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor E. C. Tibby and Mr. S. E. Allard (Independent Member).

23/07 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

24/07 **REPORT ON ALLEGED BREACH OF THE CODE OF CONDUCT**

The Committee considered a report on an alleged breach of the Code of Conduct.

On 7th March 2007 the Standards Board for England had referred to the Monitoring Officer for local investigation under section 60(2) of the Local Government Act 2000 (Standards Board reference: 17438.07) an allegation, made by Councillor Stephen Peters, that Councillor James Duddy had breached the Code of Conduct under Part 1 paragraph 3 (a) of the Code, in relation to an alleged disclosure of confidential information.

A report of the Investigating Officer dated 11th October 2007, which found that Councillor Duddy had not failed to comply with the Code of Conduct, was considered. The Committee was asked to determine whether, based on the facts set out in the report, it agreed with the Investigating Officer's finding that Councillor Duddy had not failed to comply with the Code, or whether it believed there was a case to answer.

RESOLVED that having had regard to:

- (a) the report of the Investigating Officer; and
- (b) the additional papers submitted by Councillor Peters (Appendix H to the Investigating Officer's report),

the Investigating Officer's finding that Councillor James Duddy had not failed to comply with the Code of Conduct be accepted.

The reason for the Committee's decision was that there was insufficient independent corroborating evidence to substantiate the complaint.

The meeting closed at 4.28 pm

Chairman

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

23RD NOVEMBER 2007

FINAL DETERMINATION OF ALLEGATIONS OF FAILURE TO FOLLOW THE CODE OF CONDUCT (SBE Ref: 17770.07)

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer

1. SUMMARY

- 1.1 An allegation that a Member of Bromsgrove District Council has breached the Code of Conduct in two respects was referred by the Standards Board for England ("SBE") to this Council for local determination (SBE Ref: 17770.07).

2. RECOMMENDATION

The Committee is requested to determine the matter and decide whether or not there has been a failure to follow the Code of Conduct, and if so, what penalty should be imposed.

3. BACKGROUND

- 3.1 The SBE has referred to the Council for local determination an allegation that a Member of Bromsgrove District Council ("the Subject Member") has failed to follow the Code of Conduct in two respects. The Monitoring Officer has appointed an Investigating Officer who has investigated the allegation. The Investigating Officer's report is at Appendix 1.
- 3.2 The Investigating Officer has made a finding that the Subject Member has failed to follow the Code in respect of both aspects of the allegation.
- 3.3 Therefore, in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended the allegation has been referred to the Standards Committee for final determination.

Pre-Hearing Process

- 3.4 In accordance with the SBE guidance a pre-hearing procedure has been followed which has identified that the Subject Member:
- a) disputes findings of fact in the Investigating Officer's Report; these are set out in Appendix 2;

- b) does not wish to be represented at the hearing by a solicitor, barrister or other person;
- c) wishes to give evidence to the Committee in person;
- d) does wish to call witnesses to give evidence;
- e) does not wish any part of the hearing to be held in private – the final determination will therefore be a public hearing;
- f) does not wish any part of the Investigating Officer's report or other relevant documents to be withheld from the public;
- g) can attend the hearing.

Procedure for the Hearing

3.5 The procedure for the hearing is set out in the agenda papers.

Penalties

3.6 If the Committee finds that the Subject Member has failed to follow the Code of Conduct and that he should be penalised, it may do any one or a combination of the following:

- censure the Subject Member;
- restrict the Subject Member's access to the resources of the relevant authority for up to three months, which could include limiting his or her access to the premises of the relevant authority;
- suspend or partly suspend the Subject Member for up to three months; or
- suspend or partly suspend the Subject Member for up to three months on the condition that the suspension or partial suspension will end if the Subject Member apologises in writing, receives any training, or takes part in any conciliation that the Committee orders; conciliation involves an independent person helping the relevant people try to reach an agreement on the matter set out by the Committee.

3.7 Suspension or partial suspension will normally start immediately after the Committee has made its decision. However, if the Standards Committee chooses, the penalty may start at any time up to six months following its decision. This may be appropriate if the penalty would otherwise have little effect on the member, for example, in the case of a suspension or partial suspension, if there are no authority or Committee meetings which the Subject member would normally attend in the period following the conclusion of the hearing.

Deciding a penalty

3.8 When deciding a penalty, the Standards Committee should make sure that it is reasonable and in proportion to the Subject Member's behaviour. Before deciding what penalty to set, the SBE advises that the Standards Committee should consider the following questions, along with any other relevant circumstances:

- What was the Subject Member's intention? Did he or she know that he or she was failing to follow the Code of Conduct?
- Did the Subject Member get advice from officers before the incident? Was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
- What was the result of failing to follow the Code of Conduct?
- How serious was the incident?
- Does the Subject Member accept he was at fault?
- Did the Subject Member apologise to the relevant people?
- Has the Subject Member previously been warned or reprimanded for similar misconduct?
- Has the Subject Member failed to follow the Code of Conduct before?
- Is the Subject member likely to do the same thing again?

3.9 Standards Board Guidance suggests that suspension may be appropriate for more serious cases, such as those involving:

- bullying officers;
- trying to gain an advantage or disadvantage for themselves or others; or
- dishonesty or breaches of trust.

Penalties involving restricting access to an authority's premises or equipment should not unnecessarily restrict a member's ability to carry out his or his responsibilities as an elected representative or co-opted member.

4. FINANCIAL IMPLICATIONS

4.1 None

5. LEGAL IMPLICATIONS

5.1 The Local Government Act 2000 ss60-67 provide the statutory framework for the investigation of complaints against Members. The Local Procedure (Code of Conduct) Regulations 2002, Local Authority (Code of Conduct) (Local Determination) Regulations 2003 and the Local Authority (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 govern the conduct of these proceedings.

6. COUNCIL OBJECTIVES

6.1 Improvement – it is vital for the reputation and credibility of the Council that complaints against elected Members are seen to be robustly investigated.

7. RISK MANAGEMENT

The main risk associated with the details included in this report is loss of reputation. This risk is being managed as follows:

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

8. CUSTOMER IMPLICATIONS

8.1 None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	Adherence to the Code of Conduct is a key element of sound governance
Community Safety including Section 17 of Crime and Disorder Act 1998	None

Policy	None
Environmental	None

11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. **APPENDICES**

Appendix 1 Investigating Officer's Report
Appendix 2 Schedule of Disputed Facts

13. **BACKGROUND PAPERS**

Standards Board for England guidance on:

- Standards Committee Determinations
- Local Investigations

CONTACT OFFICER

Name: Claire Felton
E Mail: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429

This page is intentionally left blank

INVESTIGATION SBE 17770.07

FINAL REPORT

11th OCTOBER 2007

Report of an investigation conducted under section 66 of the Local Government Act 2000 by Thelma Warwick, Auditor, into an allegation concerning Councillor William Newnes, Member of Bromsgrove District Council.

CONTENTS:

1. Summary of the allegation.
2. Relevant sections of the Code of Conduct.
3. The Investigation.
4. Findings of Fact.
5. The Issues.
6. Reasoning as to whether there has been a Breach of the Code.
7. Findings as to whether there has been a failure to comply with the Code of Conduct.

APPENDICES:

- A. Notes recorded at time of meeting with Councillor McDonald.
- B. Notes recorded at time of meetings with Councillor Hollingworth.
- C. Copy of Councillor Newnes' Members' Interests.
- D. Copy of the report entitled 'Bromsgrove Rovers' written by the Acting Chief Executive Officer for the Executive Cabinet held on 4th April 2007.
- E. Notes recorded at time of conversation with Rebecca Clayton.
- F. Copy of the 'Football in Bromsgrove Development Proposal'.
- G. Notes recorded at time of meeting with Councillor Newnes
- H. Copy of Councillor Newnes' paper entitled Bromsgrove Rovers Football Club.
- I. Chronology.

1. SUMMARY OF THE ALLEGATION

1.1 There are two distinct parts to the allegation:

1.1.1 It is alleged by Councillor McDonald that at the full Council meeting held on Tuesday 27th February 2007 Councillor Newnes failed to comply with the Council's Code of Conduct by not declaring a personal or prejudicial interest in relation to a budget debate regarding the rent paid to the Council by Bromsgrove Rovers Football Club.

1.1.2 It is alleged by Councillor McDonald that at a Conservative Group meeting held prior to the Council meeting on 27th February 2007 Councillor Newnes failed to comply with the Council's Code of Conduct in that in his official capacity he attempted to confer an advantage for the Football Club by asking the Group to support the wishes of the Football Club and not go ahead with the charges..

1.2 The Conservative Group meetings held on 19th and 27th February 2007 have been included in the investigation as the original complaint does not state the date of the meeting.

1.3 The allegation was reported to the Standards Board for England (SBE) on 28th February 2007 and was first referred to the Monitoring Officer for local investigation and determination on 22nd March 2007 under section 60(2) of the Local Government Act 2000.

1.4 Following an unsuccessful request from the Monitoring Officer for the investigation to be carried out by the SBE the allegation was re-referred for local investigation on 11th April 2007.

2. RELEVANT SECTIONS OF THE CODE

2.1 On 23rd January 2002 the Council adopted the Model Code of Conduct set out in the "Code".

2.2 Part 1 of the Code (General Obligations) at paragraph 5 states:

5. A member –

(a) must not in his official capacity, or any other circumstances, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage.

2.3 Part 2 of the Code (Interests) at paragraphs 8, 9, and 10 states:

Personal Interests

8. (1) A member must regard himself as having a personal interest in any matter if ... a decision upon it might reasonably be regarded as affecting to a

Appendix 1

greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well being or financial position of himself, a relative or a friend or –

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such person, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000 or;
- (d) any body listed in sub paragraphs (a) to (e) of paragraph 15 in which such persons hold a position of general control or management.

Disclosure of Personal Interests

9. (1) A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial Interests

10. (1) ... a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

3. THE INVESTIGATION

- 3.1 A meeting was held with Councillor McDonald to confirm details of the allegation. A copy of the notes recorded at the time of the meeting is included in Appendix A.
- 3.2 The minutes for the Council meeting held on 27th February 2007 have been reviewed.
- 3.3 The tape recording of the Council meeting held on 27th February 2007 has been listened to.
- 3.4 Two meetings were held with Councillor Hollingworth, Leader of the Council, to obtain his recollections of the Council meeting held on 27th February 2007 and of the Conservative Group meeting held on 19th February 2007. A copy of the notes recorded at the time of the meetings is included in Appendix B.
- 3.5 Various Internet websites have been reviewed to determine Councillor Newnes' interest in Bromsgrove Rovers Football Club. Sites reviewed include the Bromsgrove Advertiser, Bromsgrove Rovers Football Club, the Football Association, the Football League, the British Gas Business Premier Division and Companies House.

Appendix 1

- 3.6 Councillor Newnes' record of Members' Interests has been obtained and reviewed. A copy of the records as at the time of the allegation is included in Appendix C.
- 3.7 The minutes for the Conservative Group meeting held on 19th February 2007 have been reviewed. The minutes were obtained with the consent of Councillor Hollingworth, Leader of the Council. A copy of the minutes has not been included in the Appendices. The rationale being that the minutes state that "all matters at Group meetings are confidential and should not be revealed to any outside body or individual".
- 3.8 The report entitled 'Bromsgrove Rovers' written by the Acting Chief Executive Officer for the Executive Cabinet held on 4th April 2007 has been reviewed to obtain background information in regards to the relationship between the Council and Bromsgrove Rovers Football Club. A copy of the report is included in Appendix D.
- 3.9 A conversation was held with Rebecca Clayton one of the Council's Sports development Officers who attended a meeting held on 21st January 2007 to discuss the development of football in Bromsgrove. A copy of the conversation notes is included in Appendix E.
- 3.10 A copy of the 'Football in Bromsgrove Development Proposal' has been obtained and reviewed. A copy is included in Appendix F.
- 3.11 A meeting was held with Councillor Newnes to provide him with an opportunity to respond to the allegations made against him. A copy of the notes recorded at the time of the meeting is included in Appendix G. Councillor Newnes has co-operated fully with this investigation.
- 3.12 Councillor Newnes provided a copy of the paper he prepared for the Conservative Group entitled Bromsgrove Rovers Football Club dated 5th February 2007. A copy of the paper is included in Appendix H.

4. FINDINGS OF FACT

- 4.1 The allegation relates to the rent paid by Bromsgrove Rovers Football Club for use of the premises at the Victoria Ground which is owned by the Council.
- 4.2 From a review of a report written by the then Acting Chief Executive Officer for the Executive Cabinet held on 4th April 2007 the following background information has been ascertained:
- 4.2.1 A 6 years and 364 days lease was granted on 6th August 2003 by the Council to Bromsgrove Rovers Football Club for the premises at the Victoria Ground at a peppercorn rent.

Appendix 1

- 4.2.2 Following a request from the Club to extend the lease, in 2005 the Executive Cabinet agreed to the granting of a new lease for a term of 14 years at a rent of £13,700 per annum. At that time, the Cabinet agreed to the payment of a grant to cover the rent.
- 4.2.3 The current lease expires in 2009 and if the Club requires a longer lease the annual rent will have to be paid; however, the Club could submit a grant application that would have to be considered by the Executive Cabinet.
- 4.2.4 Under the review of all budgets under the medium term financial plan it was identified that no income budget had been included for the Victoria Ground. This was rectified and, accordingly, for the financial year 2007/2008 the Council decided that the Club should pay the due rent.
- 4.3 Conservative Group meetings were held on 19th and 27th February 2007. Councillor Newnes attended the 19th February meeting; however, he did not attend the Group meeting held on 27th February. Councillor Newnes has informed me that he was unaware that a Group meeting was being held prior to the Council meeting on 27th February.
- 4.4 Councillor Hollingworth has confirmed that Members attend Conservative Group meetings in their official capacity. Meetings are only attended by Conservative councillors at Bromsgrove District Council (BDC) and discussions are in relation to Authority business.
- 4.5 Review of the Conservative Group Minutes from the meeting held on 19th February 2007 has confirmed that Councillor Newnes did declare a personal interest in relation to Bromsgrove Rovers Football Club; however, he did not declare a prejudicial interest.
- 4.6 At the 19th February 2007 Conservative Group meeting Councillor Newnes presented a paper that he had prepared in relation to Bromsgrove Rovers Football Club. The paper suggested that should the Club be charged rent for the Victoria Ground it would have a devastating effect not only on the Club but also on the Bromsgrove Football Development Plan that, at the time, was in the process of being instigated.
- 4.7 Review of the Conservative Group minutes for 19th February 2007 has confirmed that when put to the vote it was agreed by a small majority (10 for, 8 against and 2 abstentions) to support giving Bromsgrove Rovers Football Club a grant.
- 4.8 Councillor Hollingworth has informed me that BDC do not generally give grants and the proposal to give a grant to Bromsgrove Rovers Football Club never went to Council for consideration.

Appendix 1

- 4.9 Councillor Hollingworth brought to my attention that it may appear that there are exceptions to giving grants. I have confirmed with Councillor Hollingworth that the following organisations and/or events are given Council money for the provision of specified services and/or activities:
- The Citizens Advice Bureau works in partnership with the Council to provide specific advice.
 - The Council has an agreement with Worcestershire County Council for use of the Rylands Centre for sports development activities.
 - The Bromsgrove Festival is a partnership arrangement in which the Council sponsors the opening night.
 - Amphlett Hall is a Council owned facility that is run by a Management Committee and BDC fund the running of the Hall.
- 4.10 At the Council meeting held on 27th February 2007 Bromsgrove Rovers Football Club did not appear as an agenda item. The discussion regarding the rent paid to the Council from the Club took place as part of Section 92/06 Announcements from the Leader. Councillor Newnes was involved in the debate.
- 4.11 The minutes for the Council meeting held on 27th February 2007 have been reviewed and it has been confirmed that Councillor Newnes is not included in Section 90/06 the Declarations of Interest list. Furthermore, the tape recording of the meeting has been listened to and it has been verified that Councillor Newnes did not declare either a personal or prejudicial interest in relation to Bromsgrove Rovers Football Club although he had the opportunity to do so.
- 4.12 Councillor Newnes has admitted that he should have declared a personal interest.
- 4.13 Councillor Newnes has stated that he is a friend of Tom Herbert, the Chairman of Bromsgrove Rover Football Club. Furthermore, Councillor Newnes has informed me that he has attended meetings held with the Council's Chief Executive Officer to discuss the rent position where the Chairman of the Football Club has also attended. It should be noted that these meeting have taken place since the 27th February 2007 Council meeting.
- 4.14 Councillor Newnes has affirmed that he holds no official position at Bromsgrove Rovers Football Club.
- 4.15 Councillor Newnes has confirmed that he runs a mobile disco and that he does hold discos at Bromsgrove Rovers Football Club premises; however, Councillor Newnes perceives that the contract for providing a disco is with the private party who has hired the premises.

Appendix 1

- 4.16 On 21st January 2007 a meeting was held at Bromsgrove Rover Football Club premises to discuss a 'Football in Bromsgrove Development Proposal'. It has been confirmed with Rebecca Clayton, Sports Development Officer, that the meeting was attended by representatives from local schools, sports clubs and the Council.
- 4.17 Review of the 'Football in Bromsgrove Development Proposal' has verified that one of the key purposes behind the Bromsgrove Football Development Plan Committee is to set up youth teams to have links with Bromsgrove Rovers Football Club so that promising players could be identified.
- 4.18 Councillor Newnes has confirmed that at the time of the allegation he was involved with setting up the Bromsgrove Football Development Plan Committee. This included being asked to be the Chair for approximately 3 meetings before a formal constitution was agreed.
- 4.19 Within the Register of Members' Interests that was valid at the time of the allegation Councillor Newnes is listed in section 13 as being a member of the Bromsgrove Rovers Supporters Society. Councillor Newnes has asserted that he has not been a member of the Bromsgrove Rovers Supporters Society for approximately the last 3 years and that that he had forgotten to update the register in relation to his cancelled membership.
- 4.20 A chronology of events is at Appendix I.

5. THE ISSUES

- 5.1 There are four aspects to the issues:
- 5.1.1 Whether Councillor Newnes has a personal interest in Bromsgrove Rovers Football Club that he should have declared at the Council meeting held 27th February 2007; and
- 5.1.2 if so, whether that personal interest was also a prejudicial interest.
- 5.1.3 Whether Councillor Newnes did ask the Conservative Group to support his proposal that Bromsgrove Rovers Football Club should not be charged rent; and
- 5.1.4 if he did, whether by doing so he used his position as a member improperly to confer an advantage for the Football Club.

Appendix 1

6. REASONING AS TO WHETHER THERE HAS BEEN A BREACH OF THE CODE

6.1 In relation to the first issue Councillor Newnes has admitted that he should have declared a personal interest at the 27th February 2007 Council meeting. Therefore, as Councillor Newnes has confirmed that he does regard himself as having a personal interest in accordance with paragraph 8(1) of the code as set out in paragraph 2.3 above, I have not applied the test.

6.2 Having accepted his error in judgement in not declaring a personal interest Councillor Newnes perceives that there are mitigating circumstances as to why he did not. The key factors being:

6.2.1 The Council meeting was scheduled to commence at 6.00 p.m. At approximately 5.40 p.m. Councillor Newnes was informed by Councillor Blagg that a Conservative Group meeting was being held during the hour before the Council meeting. Councillor Newnes has informed me that he had not been invited and, accordingly, did not attend the Group meeting.

6.2.2 During the Leaders' Announcements the Leader gave details in relation to the lease that Bromsgrove Rovers Football Club has with the Council, reasons why the Council should charge the Club a commercial rent for using the Victoria Ground and that the Club could apply for a grant.

6.2.3 Councillor Newnes has informed me that, at the time, he was not aware that the decision reached at the Conservative Group meeting held on 19th February 2007 in relation to the Group supporting giving the Club a grant (see section 4.7 above) had been overturned. Councillor Newnes perceives that the decision was reached in the one hour Conservative Group meeting that he did not attend.

6.2.4 Whilst the discussion was continuing a fellow councillor brought to Councillor Newnes' attention the fact that there was a letter in members' pigeon holes that was, in part, in relation to Bromsgrove Rovers Football Club.

6.2.5 When a recess was called Councillor Newnes took the opportunity to check his pigeon hole and read the letter mentioned during the Council meeting.

6.2.6 Having read the letter and perceiving that the change of position in regard to the Conservative Group supporting giving the Club a grant was taken in his absence, when the meeting reconvened Councillor

Appendix 1

Newnes has stated that he was “very angry” and “didn’t give a second thought” to declaring a personal interest in the Club.

Councillor Newnes’ views have been taken into consideration; however, under Section 52(1) of the Local Government Act 2000 members have a duty to comply with the Code and, therefore, by failing to disclose a personal interest Councillor Newnes failed to comply with paragraph 9(1) of the Code.

- 6.3 The second issue is whether Councillor Newnes’ personal interest was also a prejudicial interest. The test to be applied is that in paragraph 10(1) of the Code set out in paragraph 2.3 above namely whether the personal interest was one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it was likely to prejudice Councillor Newnes’ judgement of the public interest.
- 6.4 In order to apply this test I have firstly considered the aspects of the personal interest test that apply to Councillor Newnes. Namely in paragraph 8(1) of the Code as set out in paragraph 2.3 above, whether a decision made by the Council in relation to the rent paid by Bromsgrove Rovers Football Club might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority’s area, the well being or financial position of Councillor Newnes, a relative or a friend or any employment or business carried on by such persons.
- 6.5 There are two aspects to this test; first whether Councillor Newnes’ financial position might be regarded as being affected and, secondly, whether the financial position of a friend or any employment or business carried on by such persons might be regarded as being affected.
- 6.6 In relation to Council Newnes’ financial position, Councillor Newnes has informed me that he has been running a mobile disco for over 30 years and he has run discos at the Bromsgrove Rovers Football Club premises. When hired to run a disco at the club premises, Councillor Newnes informed me that the process is as follows:
 - 6.6.1 Private parties hire the club.
 - 6.6.2 If the customer asks about provision of a disco the club gives the customer Councillor Newnes’ business card. It is the customer’s decision as to whether or not they contact and hire Councillor Newnes.
 - 6.6.3 Sometimes the customer asks the club to contact Councillor Newnes on their behalf. In this instance the club provides Councillor Newnes with details and he contacts the customer.
 - 6.6.4 Councillor Newnes’ contract is always with the customer not the club.

Appendix 1

I have ascertained from discussion with Councillor Newnes that he has not been hired by the Club to run discos. On the occasions when Councillor Newnes has run New Year's Eve parties at the Club his fee was paid by the Bromsgrove Rovers Supporters Society.

Accordingly, Councillor Newnes' perceives that he has no financial gain from Bromsgrove Rovers Football Club.

- 6.8 I find that Councillor Newnes has not correctly applied the test. The rationale being that I consider the process of hiring his disco for private parties held at Bromsgrove Rovers Football Club premises, as described in 6.6.1 to 6.6.4 above, as a referral relationship. That is, by providing customers with details of the mobile disco that Councillor Newnes runs the Club directly influences the number of times that his disco business is hired. Each time his disco is hired Councillor Newnes receives a fee and, accordingly, receives a financial gain.
- 6.9 In relation as to whether the financial position of a friend or any employment or business carried on by such persons might be regarded as being affected I have considered Councillor Newnes' relationship with Tom Herbert, the Chairman of Bromsgrove Rovers Football Club.
- 6.10 When I met with Councillor Newnes he informed me that Tom Herbert has been a friend since Mr. Herbert joined Bromsgrove Rovers Football Club.

In defining "friend" I have sought advice from the SBE and was referred to the Adjudication Panel for England Final Decision in relation to Councillor Hitchins of Islington Council (Ref. APE0211) which states "a friend can be defined as someone well known to another and regarded with liking, affection and loyalty by that person".

Identifying a true friendship is difficult. From my meeting with Councillor Newnes I perceive that he and Tom Herbert do share an interest in football; however, from the information available to me I am unable to conclude whether the relationship between Councillor Newnes and Tom Herbert extends to a friendship outside this shared interest.

- 6.11 With Councillor Newnes' admission that he has a personal interest in Bromsgrove Rovers Football Club and having concluded that he does gain financially from a referral relationship the prejudicial interest test as set out in paragraph 6.3 above has been applied.

There are three facts that I have taken into consideration:

- (i) At the time of the Council meeting Councillor Newnes had presented a paper to the Conservative Group requesting the Group's support of

Appendix 1

- giving Bromsgrove Rovers Football Club a grant to offset the rent charge;
- (ii) Councillor Newnes' involvement with setting up the Bromsgrove Football Development Plan Committee and the fact that he perceives that the project may not come to fruition if the Club had to pay a commercial rent; and
 - (iii) Councillor Newnes receives payment from the discos that he runs for private parties held at the Club premises.

On the basis of these facts I have found that a member of the public with knowledge of Councillor Newnes' relationship with Bromsgrove Rovers Football Club would reasonably have regarded those facts to be so significant as to be likely to prejudice his judgement of the public interest when considering whether the Club should pay a commercial rent to the Council for use of the Victoria Ground.

- 6.12 I have given consideration to Councillor Newnes' view that he does not have a prejudicial interest. I disagree with his view; I believe that a member of the public with knowledge of the relevant facts would consider that Councillor Newnes' judgement would undoubtedly be affected by the fact that he perceives that should the Club have to pay a commercial rent that the Club would 'fold'.
- 6.13 The third issue is whether at the Conservative Group meeting held on 19th February 2007 Councillor Newnes did ask the Group to support his proposal that Bromsgrove Rovers Football Club should not be charged rent for use of the Victoria Ground.

Councillor Newnes has been candid in confirming that:

- 6.13.1 He did prepare, distribute and present a paper that highlighted the affect that charging a commercial rent would have on the future of the Club and on a project to promote football development for young people within the district.
- 6.13.2 At the end of the meeting the Group had voted to support his proposal of giving the Club a grant to offset the rent charge.
- 6.14 Before considering the final issue as to whether Councillor Newnes used his position as a member improperly to confer an advantage for the Football Club I have considered whether a political party Group meeting is covered by the Code. I have sought advice from the SBE and been advised that whether the Code is applicable is dependent upon the basis and purpose of the meeting. That is, whether members attend meetings in an official or political capacity.

Appendix 1

- 6.15 To ascertain whether members attend Group meetings in an official capacity I have applied the test as set out in paragraph 1(1) of the Code which states “a member must observe the authority’s code of conduct whenever he –
- (a) conducts the business of the authority;
 - (b) conducts the business of the office to which he has been elected or appointed; or
 - (c) acts as a representative of the authority,
- and references to a member’s official capacity shall be construed accordingly”.

In SBE Case Review No.1 it states “only where there is very clear evidence that the conversation was not concerned with conducting authority business will it fall outside paragraph 1(1) (b) of the Code”.

In applying this test I have spoken with the Leader of the Council, Councillor Hollingworth and reviewed the minutes of the Conservative Group meeting held on 19th February 2007.

The Leader confirmed that members attend Conservative Group meetings in their official capacity. Meetings are only attended by Conservative Councillors at BDC and discussions are in relation to the Authority’s business. The Conservative Association holds meetings for political purposes which are totally separate from the Group meetings.

My review of the minutes of the 19th February 2007 Conservative Group meeting has confirmed that only members attended and Authority business was discussed. However, in Matters Arising reference is made to the forthcoming election and consideration of the manifesto. In my opinion this is a political subject rather than Authority business. Accordingly, it is not clear cut that members attend Group meetings only in an official capacity.

My review has verified that the majority of the discussion at the Group meeting was concerned with Council business and, therefore, applying the principle of the balance of probabilities I find that Councillor Newnes did attend the Conservative Group meeting in his official capacity.

- 6.16 Having confirmed that a Group meeting is covered by the Code and having reached the conclusion that Councillor Newnes does have a prejudicial interest, as concluded in paragraph 6.11 above, the test to be applied for the final issue is that in paragraph 5(a) of the Code as set out in paragraph 2.2 above.

There are two aspects to this test; namely whether Councillor Newnes:

- (i) used his position as a member improperly; and

Appendix 1

- (ii) acted in such a way as to confer on or secure an advantage for Bromsgrove Rovers Football Club.

6.17 In considering whether Councillor Newnes used his position as a member improperly I have referred to SBE Case Review No. 1 which states “a member’s conduct would be improper if he or she were to use their public position in order to further the private interests, either of themselves or friends ...to the detriment of the public interest”.

There are three facts that I have taken into consideration:

- (i) the referral relationship that Councillor Newnes has with Bromsgrove Rovers Football Club in relation to private parties hiring the disco he runs and the resulting financial gain (as detailed in paragraph 6.8 above);
- (ii) Councillor Newnes view that should the Club have to pay a commercial rent it may “fold” (as detailed in paragraph 6.12 above); and
- (iii) Members attend Conservative Group meetings in their official capacity (as detailed in paragraph 6.15 above).

On the basis of these facts I consider that Councillor Newnes has used his position to lobby Group members to support a proposal that would further his own interests; specifically that if the Club did have to pay rent and “folded” there would be a detrimental impact on Councillor Newnes’ disco business.

6.18 In considering whether Councillor Newnes used his position to secure an advantage I have taken the following into consideration:

- (i) Councillor Newnes did ask the Conservative Group for support of his proposal (as detailed in paragraph 6.13 above); and
- (ii) the Group voted in favour of the proposal.

I have found from my review of the Conservative Group meeting minutes that during the ensuing debate several alternative proposals were put forward. When put to the vote the Group agreed by a small majority (10 for, 8 against and 2 abstentions) to support Councillor Newnes’ proposal of giving Bromsgrove Rovers Football Club a grant.

In SBE Case Review No. 1 it states “the mere presence of a member can influence discussion and decision making”. I have taken the view that, by his presence, Councillor Newnes did have the opportunity to influence the decision making process.

6.19 Councillor Hollingworth has brought to my attention that the proposal has not been put forward to the Council for consideration. Whilst I find that Councillor

Appendix 1

Newnes used his official capacity to secure an advantage at the time of my investigation that advantage has not been realised.

I have referred to SBE Case Review No. 1 which states “the fact that the attempt may have been unsuccessful does not put the matter outside the scope of paragraph 5(a)”.

7. FINDINGS AS TO WHETHER THERE HAS BEEN A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

7.1 In regard to the first part of the allegation that Councillor Newnes failed to declare a personal or prejudicial interest in relate to the rent paid by Bromsgrove Rovers Football Club at the Council meeting held on 27th February 2007:

7.1.1 Councillor Newnes has admitted that he should have declared a personal interest and, therefore, he failed to comply with paragraph 8(1) of the Code.

7.1.2 For the reasons set out in paragraph 6.2 above I find that Councillor Newnes should have disclosed, but did not disclose, a personal interest and, therefore, he failed to comply with paragraph 9(1) of the Code.

7.1.3 For the reasons set out in paragraphs 6.3 to 6.12 above I find that Councillor Newnes should have declared, but did not declare, a prejudicial interest and, therefore, he failed to comply with paragraph 10(1) of the Code.

7.2 In regard to the second part of the allegation that at a Conservative Group meeting held Prior to the Council meeting on 27th February 2007 Councillor Newnes failed to comply with the Council’s Code of Conduct by asking the Conservative Group to support his proposal that a grant be given to the Football Club:

7.2.1 For the reasons set out in paragraphs 6.13 to 6.19 above I find that Councillor Newnes in his official capacity used his position as a member improperly to confer an advantage for the Football Club and, as such, he failed to comply with paragraph 5(a) of the Code.

Date of meeting: 12th July 2007

Attendees: Councillor Peter McDonald and Thelma Warwick (Investigating Officer)

Purpose: to confirm details of the allegation.

Meeting notes recorded by Thelma Warwick

The following points were discussed:

1. The main points of the allegation were confirmed with Councillor McDonald. That is,

- a) At the full Council meeting held on Tuesday 27th February 2007 Councillor Newnes was involved in the budget debate regarding the rent paid to the Council from Bromsgrove Rovers football club. The Council owns the land (the Victoria Ground) where Bromsgrove Rovers play their matches.

Over the previous two years BDC has waived the rent of £15,000 a year in the form of a grant. This year the Council decided to treat the club, which is a limited company, the same as any other limited company, that is, the club would be expected to pay the due rent. At the Council meeting Councillor Newnes pleaded that the rent on the club should not be enforced.

Councillor Newnes is an associate of the Chairman of Bromsgrove Rovers club and also holds regular discos on the premises for the club for which he is paid.

- b) At a Conservative Group meeting prior to the Council meeting on 27th February 2007, Councillor Newnes asked the Group to support the wishes of Bromsgrove Rovers football club not to go ahead with the charges.

2. Councillor McDonald confirmed that he does want the second part (b) of the allegation pursued as part of the investigation.

3. As part of the discussion in relation to pursuing the second part of the allegation (b) Thelma Warwick mentioned that in order to reach a decision as to whether the alleged conduct occurred she needs to review all available evidence and that she believes minutes are not recorded for Group meetings. Councillor McDonald brought to Thelma Warwick's attention that there are Whip notices for Group meetings. Whip notices detail the party line and how Members should vote and, therefore, may provide supporting evidence.

4. Councillor McDonald pointed out that he has spoken with a senior member of the Conservative party who attended the Group meeting referred to in the allegation. When this individual was asked by Councillor McDonald if Councillor Newnes had been asked by the Conservative Group to declare his interest in the football club Councillor McDonald was informed that Councillor Newnes had declined.

5. Thelma Warwick informed Councillor McDonald that she had listened to the tape recording of the Council meeting held on 27th February 2007. The discussions in

relation to Bromsgrove Rovers football club had taken place as part of the Leaders announcements, one of which was in regards to the football club. The following points were discussed in relation to the tape recording:

- a. Reference was made to a letter that had been left in Member’s pigeon holes. Thelma Warwick asked Councillor McDonald whether he could recall the gist of the letter and he responded that he was unable to remember the letter.
 - b. Thelma Warwick asked Councillor McDonald who he recalled saying that if the football club had to pay rent it may fold. Councillor McDonald responded that he recollects Councillor Newnes special pleading on behalf of Bromsgrove Rovers.
 - c. During the discussion on the football club some members declared themselves with an interest as they are members of the Rovers Supporters Society. Thelma Warwick asked Councillor McDonald who declared. Councillor McDonald responded that he, Councillor Sean Shannon and Councillor Judy Marshall had each made a declaration. When asked if Councillor Newnes had declared, Councillor McDonald responded that Councillor Newnes did not declare although he had the opportunity to do so.
6. Thelma Warwick asked if Councillor McDonald had anything that he would like to raise as being pertinent to the investigation. The following points were raised:
- a. Suggest that Kevin Dicks is interviewed. The rationale being that Councillor McDonald believes that Councillor Newnes and Mr Herbert (Chairman of Bromsgrove Rovers) have had meetings with Kevin prior to the Council meeting and that Kevin would probably have suggested to Councillor Newnes that he should declare his interest.
 - b. Councillor McDonald has evidence that Councillor Newnes has run discos at the football club for which he has been paid. Furthermore, Councillor Newnes may be the club’s Social Secretary.
 - c. At an event at Parkside School 2 – 3 years ago Councillor Newnes mentioned his friendship with the Chairman of Bromsgrove Rovers football club.
7. Thelma Warwick reminded Councillor McDonald that the meeting was confidential and clarified the next steps of the investigation.

.....

Peter McDonald

Dated:

[ORIGINAL DOCUMENT SIGNED BY COUNCILLOR PETER MCDONALD ON 23RD JULY 2007]

Prepared by: Thelma Warwick
Date: 13/07/07
Page 2 of 2

Date of meeting: 31st July 2007

Attendees: Councillor Roger Hollingworth, Leader of the Council and Thelma Warwick.

Purpose: to obtain Councillor Hollingworth's recollections of the Council meeting held on 27th February 2007 and of a Conservative Group meeting held prior to the Council meeting.

Meeting notes recorded by Thelma Warwick

1. It was confirmed that Councillor Hollingworth is currently the Leader of the Council.
2. Councillor Hollingworth confirmed that a Conservative Group meeting was held on Monday 26th February 2007. The purpose of this meeting was to discuss the budget prior to the Council meeting that was to take place the following day.
3. Conservative Group meetings are minuted by Councillor Dyer and Councillor Hollingworth suggested that Thelma Warwick contacts Councillor Dyer to obtain a copy of the minutes for the 26th February meeting.
4. Members attend Conservative Group meetings in their official capacity. Meetings are only attended by Conservative Councillors at Bromsgrove District Council (BDC) and discussions are in relation to BDC business.

The Conservative Association holds meetings for political purposes which are totally separate from the Group meetings.

5. Councillor Hollingworth recalls that at the 26th February Conservative Group meeting Councillor Newnes had prepared a paper concerning Bromsgrove Rovers football club which was distributed to each member of the Group.

During the discussion in relation to this paper, Councillor Hollingworth recalls that:

- Councillor Peter Whittaker and Councillor Margaret Sherrey both brought to Councillor Newnes' attention that he has a prejudicial interest in Bromsgrove Rovers football club.
 - One individual said that Councillor Newnes is paid by the club for the discos that he runs.
 - Councillor Newnes asked the Group to support giving Bromsgrove Rovers football club a grant.
 - It was suggested that either Bromsgrove Rovers could submit a grant application or could put a case forward for Bromsgrove youngster to play football at the Victoria Grounds (that is, the ground where Bromsgrove Rovers play).
 - At the end of the discussion the Group had agreed to support giving Bromsgrove Rovers a grant
6. Councillor Hollingworth brought to Thelma Warwick's attention the fact that BDC do not give grants at all. Accordingly, the proposal to give a grant to Bromsgrove

Rovers never went through the Chamber as Councillor Hollingworth refused to take it.

7. At the Council meeting held on 27th February 2007 Councillor Hollingworth recollects that the discussion in relation to Bromsgrove Rovers took place as part of the Leaders announcements. Furthermore, he recollects Councillor Newnes being involved in the discussion and packing up and leaving the meeting before it was officially closed.
8. According to Councillor Hollingworth, the Conservative Association has brought Councillor Newnes to task over his relationship with Bromsgrove Rovers football club.
9. Councillor Hollingworth is aware that Councillor Newnes was made the Chairman of the Bromsgrove Football Development Plan committee shortly after the 26th February Conservative Group meeting. Councillor Hollingworth is not sure whether Councillor Newnes was a member of the committee prior to being made Chairman.
10. Councillor Hollingworth perceives that Councillor Newnes has tried to achieve a financial gain for an organisation that he represents.
11. Thelma Warwick asked Councillor Hollingworth if he would like to review a copy of these meeting notes; Councillor Hollingworth replied that he does not need to see a copy.

Date of meeting: 19th September 2007

Attendees: Councillor Roger Hollingworth, Leader of the Council and Thelma Warwick.

Purpose: to clarify the grants position with Councillor Hollingworth.

Background

In the meeting held 31.07.07 Councillor Hollingworth had stated that BDC do not give grants.

Meeting notes recorded by Thelma Warwick

- Councillor Hollingworth clarified that there may appear to be exceptions in that the following organisations/events are given money:
 - CAB - the CAB work in partnership with the Council and the money given to them is for the provision of specific services.
 - Rylands Centre – is a dual use agreement. The Centre is a County Council sports facility which is used by BDC for sports development activities.
 - Bromsgrove Festival – is a partnership in which the Council sponsors the opening night.
 - Amphlett Hall – is a Council owned facility that is run by a Management Committee. BDC are obligated to fund the running of the Hall. This is currently under review as Age Concern is 'pulling out' of using the Hall.
- Confirmed that Conservative Group minutes will not be attached as an appendix to the investigation report. The rationale being that the minutes state that "all matters at Group meetings are confidential and should not be revealed to any outside body or individual".

This page is intentionally left blank

Appendix C
Received
19/2/02

BROMSGROVE DISTRICT COUNCIL

REGISTER OF MEMBERS' INTERESTS

This document is the notification to the Monitoring Officer of your financial and other interests, which is required under the Council's Code of Conduct.

1. YOUR NAME
WILLIAM ROBERT NEWNES

2. DETAILS OF YOUR EMPLOYMENT, OR ANY BUSINESS CARRIED ON BY YOU

MANLBOROUGH STARLING PLC. EARLS WAY. HALESOWEN WEST MIDLANDS B63 3HA	CELEBRATION DISCO BAR 17 PLANETREE CLOSE BROMSGROVE B60 1AW
--	--

3. THE NAME OF ANY PERSON WHO EMPLOYS OR HAS APPOINTED YOU
MR S WHITMORE

4. THE NAME OF ANY FIRM IN WHICH YOU ARE A PARTNER, AND THE NAME OF ANY COMPANY FOR WHICH YOU ARE A REMUNERATED DIRECTOR
NONE

5. THE NAME OF ANY PERSON OR BODY, OTHER THAN THE DISTRICT COUNCIL, WHICH HAS MADE A PAYMENT TO YOU IN RESPECT OF YOUR ELECTION EXPENSES OR ANY EXPENSES INCURRED BY YOU IN CARRYING OUT YOUR DUTIES
NONE

6. THE NAME OF ANY CORPORATE BODY WHICH HAS A PLACE OF BUSINESS OR LAND IN THE DISTRICT COUNCIL'S AREA, AND IN WHICH YOU HAVE A BENEFICIAL INTEREST IN A CLASS OF SECURITIES OF THAT BODY THAT EXCEEDS THE NOMINAL VALUE OF £25,000 OR 1/100TH OF THE TOTAL ISSUED SHARE CAPITAL OF THAT BODY

none

7. A DESCRIPTION OF ANY CONTRACT FOR GOODS, SERVICES OR WORKS MADE BETWEEN THE DISTRICT COUNCIL AND YOU, OR A FIRM IN WHICH YOU ARE A PARTNER, OR A COMPANY OF WHICH YOU ARE A REMUNERATED DIRECTOR, OR A BODY MEETING THE DESCRIPTION SET OUT IN SECTION 6 ABOVE

None

8. THE ADDRESS OR OTHER DESCRIPTION (WHICH SHOULD BE SUFFICIENT TO IDENTIFY THE LOCATION) OF ANY LAND IN WHICH YOU HAVE A BENEFICIAL INTEREST, WHICH IS IN THE DISTRICT COUNCIL'S AREA.

17 PLANETREE CLOSE
BRAMSGATE
B6C 1AW

9. THE ADDRESS OR OTHER DESCRIPTION (WHICH SHOULD BE SUFFICIENT TO IDENTIFY THE LOCATION) OF ANY LAND WHERE THE LANDLORD IS THE DISTRICT COUNCIL AND THE TENANT IS A FIRM IN WHICH YOU ARE A PARTNER, A COMPANY OF WHICH YOU ARE A REMUNERATED DIRECTOR, OR A BODY MEETING THE DESCRIPTION SET OUT IN SECTION 6 ABOVE

None

10. THE ADDRESS OR OTHER DESCRIPTION (WHICH SHOULD BE SUFFICIENT TO IDENTIFY THE LOCATION) OF ANY LAND IN THE DISTRICT COUNCIL'S AREA IN WHICH YOU HAVE A LICENCE (ALONE OR JOINTLY WITH OTHERS) TO OCCUPY FOR 28 DAYS OR LONGER

NONE

11. DETAILS OF YOUR MEMBERSHIP OF, OR POSITION OF GENERAL CONTROL OR MANAGEMENT IN, ANY BODY TO WHICH YOU HAVE BEEN APPOINTED OR NOMINATED BY THE DISTRICT COUNCIL AS ITS REPRESENTATIVE

NONE

12. DETAILS OF YOUR MEMBERSHIP OF, OR POSITION OF GENERAL CONTROL OR MANAGEMENT IN, ANY PUBLIC AUTHORITY OR BODY EXERCISING FUNCTIONS OF A PUBLIC NATURE

PARKSIDE MIDDLE SCHOOL. VICE CHAIR OF GOVERNORS

13. DETAILS OF YOUR MEMBERSHIP OF, OR POSITION OF GENERAL CONTROL OR MANAGEMENT IN, ANY COMPANY, INDUSTRIAL AND PROVIDENT SOCIETY, CHARITY, OR BODY DIRECTED TO CHARITABLE PURPOSES

PARKSIDE PARENTS ASSOCIATION. TREASURER
ROYAL LONDON MUTUAL INSURANCE SOCIETY. POLICY HOLDER
BRANSFORD ROVERS SUPPORTERS SOCIETY. MEMBER.
LIVERPOOL VICTORIA FRIENDLY SOCIETY. MEMBER. POLICY HOLDER

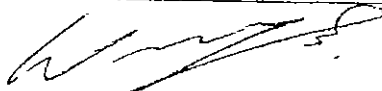
14. DETAILS OF YOUR MEMBERSHIP OF, OR POSITION OF
GENERAL CONTROL OR MANAGEMENT IN, ANY BODY WHOSE
PRINCIPAL PURPOSES INCLUDE THE INFLUENCE OF PUBLIC
OPINION OR POLICY

NEW LABOUR PARTY.

15. DETAILS OF YOUR MEMBERSHIP OF, OR POSITION OF
GENERAL CONTROL OR MANAGEMENT IN, ANY TRADE UNION OR
PROFESSIONAL ASSOCIATION

BROMSGROVE AND DISTRICT ASSOCIATION OF GOVERNORS
(CHARTERED) INSURANCE INSTITUTE.

YOUR SIGNATURE



Date: 5-2-02.

When completed, this form should be sent to the Monitoring Officer, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove B60 1AA - it should be received no later than 28 days after the Council adopts its Code of Conduct - i.e. Wednesday 20th February 2002.

PLEASE REMEMBER, IF ANY CHANGE TO THE INTERESTS SPECIFIED ABOVE TAKES PLACE, YOU SHOULD TELL THE MONITORING OFFICER IN WRITING WITHIN 28 DAYS OF THE CHANGE TAKING PLACE.

Also, if you receive any gifts or hospitality over the value of £25, you should tell the Monitoring Officer about it in writing, within 28 days.

Received 7/3/02

BROMSGROVE DISTRICT COUNCIL

REGISTER OF MEMBERS' INTERESTS

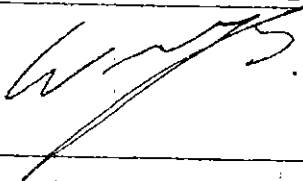
SUPPLEMENTARY/REVISION NOTICE

This document is an amendment of your previous notification to the Monitoring Officer of your financial and other interests. It should be completed and read in conjunction with that previous notification.

YOUR NAME	DATE
Bill NEWNES	7-3-02

SECTION OF THE REGISTER TO WHICH THIS AMENDMENT APPLIES	
---	--

DETAILS OF THE AMENDMENT
ELECTION EXPENSES PAID BY THE LABOUR PARTY.

YOUR SIGNATURE


Received

22/5/03


BROMSGROVE DISTRICT COUNCIL
REGISTER OF MEMBERS' INTERESTS
SUPPLEMENTARY/REVISION NOTICE

This document is an amendment of your previous notification to the Monitoring Officer of your financial and other interests. It should be completed and read in conjunction with that previous notification.

YOUR NAME	DATE
Bar NEWNES	22-5-03

SECTION OF THE REGISTER TO WHICH THIS AMENDMENT APPLIES	2 + 3
---	-------

DETAILS OF THE AMENDMENT
EMPLOYMENT I.T. COORDINATOR TUTOR. DUDLEY COLLEGE BASED AT BLACKHILL PRISON

YOUR SIGNATURE




Received 27/7/04

Bromsgrove District Council

The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA
Tel: (01527) 873232 Fax: (01527) 881212

From Councillor W. R. Newnes

Reply to:

17 Plane Tree Close,
Bromsgrove,
Worcestershire,
B60 1AW.

27th July 2004

Mr Vince Harrison
Head of Admin Services
Bromsgrove District Council

Dear Mr Harrison

I would like to amend my declaration of interests to include the following:

Member of the Bromsgrove Independent Group
Position held Deputy Leader and Secretary

Member of the Board of Trustees of the Artrex

Member of NATFHE – The University & College Lecturers Union

Yours sincerely


Cllr Bill Newnes



BROMSGROVE DISTRICT COUNCIL

REGISTER OF MEMBERS' INTERESTS

SUPPLEMENTARY/REVISION NOTICE

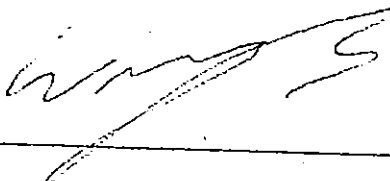
ADMIN SERVICES
24 FEB 2005
TO:-

This document is an amendment of your previous notification to the Monitoring Officer of your financial and other interests. It should be completed and read in conjunction with that previous notification.

YOUR NAME	DATE
Cllr W. R. Newnes	18/2/05

SECTION OF THE REGISTER TO WHICH THIS AMENDMENT APPLIES	11, 12 and 13.
---	----------------

DETAILS OF THE AMENDMENT
(Section 11) I the Chairman of the Artrix Board of Trustees
(Section 12) I am the Chairman of Governors at Parkside Middle School
(Section 13) I am no longer the Treasurer of Parkside Parents' Association, but I am still a member.

YOUR SIGNATURE




Received 6/7/05
Bromsgrove District Council

The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA
Tel: (01527) 873232 Fax: (01527) 881212

From Councillor W. R. Newnes

Reply to:

17 Plane Tree Close,
Bromsgrove,
Worcestershire,
B60 1AW.

Mr Vince Harrison
Head of Administration Services
Bromsgrove District Council

6 July 2005

Dear Mr Harrison

As from today I have resigned from the Bromsgrove Independent Group and have joined the Conservative Group.

Would you please remove from my declaration of interest my membership of the Bromsgrove Independent Group and Labour Party?

Yours sincerely

W R Newnes



12 May 07 Election

LEGAL & DEMOCRATIC SERVICES
07 559 2335
REFERRED TO:-

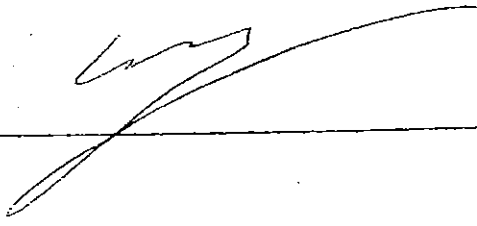
BROMSGROVE DISTRICT COUNCIL
REGISTER OF MEMBERS' INTERESTS
SUPPLEMENTARY/REVISION NOTICE

This document is an amendment of your previous notification to the Monitoring Officer of your financial and other interests. It should be completed and read in conjunction with that previous notification.

YOUR NAME	DATE
WILLIAM ROBERT NEWNES	26-8-06

SECTION OF THE REGISTER TO WHICH THIS AMENDMENT APPLIES	2, 13 & 14 & 11
---	-----------------

DETAILS OF THE AMENDMENT
2. AJILON. THE TRIANGLE 5 HAMMERSMITH GROVE LONDON W6 0QQ. I DO NOT WORK AT DUDLEY COLLEGE ANYMORE
13. I AM NOT A MEMBER OR TREASURER OF PARKSIDE PARENTS ASSOCIATION.
14. MEMBER OF THE CONSERVATIVE PARTY.
11. I AM NO LONGER ON THE BOARD OF TRUSTEES OF THE ANTRIX

YOUR SIGNATURE


Agenda Item 17

BROMSGROVE DISTRICT COUNCIL

Executive Cabinet

4th April 2007

BROMSGROVE ROVERS

Responsible Portfolio Holder	Councillor Hollingworth
Responsible Head of Service	Acting Chief Executive

1. SUMMARY

- 1.1 To clarify the position with regard to the Victoria Ground which is currently leased to Bromsgrove Rovers Football Club.

2. RECOMMENDATION

- 2.1 It is recommended that Cabinet note and endorse the current position with regard to the Victoria Ground.

3. BACKGROUND

- 3.1 On 6th August 2003 the Council granted a lease to Bromsgrove Rovers Football Club Limited for the premises at the Victoria Ground, Bromsgrove. The lease was for 6 years and 364 days at a peppercorn rent and is due to expire in 2009. This is the lease that is currently in place.
- 3.2 In July 2005 the Executive Cabinet considered a request from the Club to grant a new lease, for a period of 10 years (the existing lease would then be surrendered). The reason for the request was that the Club would be able to seek grant aid from the Football League if the lease was for at least 10 years. The Cabinet agreed to the granting of a new lease for a term of 14 years at a rent of £13,700 per annum. Section 123 of the Local Government Act 1972 provides that a council cannot dispose of land otherwise than by way of a short tenancy (under 7 years) for less than market value unless either the consent of the Secretary of State is obtained or the grant of this lease would fall within the terms of the General Disposal Consent (England) 2003. The Cabinet agreed at that point to the payment of a grant to cover the rent.
- 3.3 No specific consideration has been given to making an application to the Secretary of State, and it is considered unlikely that the grant of this lease would fall within the terms of the General Disposal Consent (England) 2003.
- 3.4 The Council is currently in negotiations with the Club over the new lease (as agreed by Cabinet in July 2005). It should be pointed out that the terms of the lease and any potential grant aid are completely separate matters – as noted earlier the Council cannot normally provide a lease for a peppercorn rent where the terms of the lease are for more than 7 years. If the Football Club wants to

submit an application to the Council for a grant to cover the rent it can do so but this would need to be considered by the appropriate Committee of the Council in accordance with the Constitution – this Committee would be the Executive Cabinet.

- 3.5 The reason for the matter coming to light is because under the review of all budgets under the medium term financial plan it was identified that no income budget had been included. This has now been quite rightly rectified, in light of the Executive Cabinet's decision in July 2005. As stated earlier this does not preclude the club from applying for grant aid to cover the rent but in the spirit of open and transparent governance this needs to be considered separately and if the grant was agreed funds would have to be identified from within the revenue budget.

4. CURRENT POSITION

- 4.1 There have been 2 meetings between the Council and Mr Herbert, the Chairman of the Football Club, to discuss the issue. The position with regard to the lease has been clarified with Mr Herbert i.e., that the current lease is the one that expires in 2009 and that if the Club still requires a longer lease this will require the annual rent to be paid. It has been further clarified that the Club can submit a grant application however this would have to be considered by Executive Cabinet.
- 4.2 At one of the meetings Mr. Herbert explained that a community youth football programme is being developed by a committee operating under the umbrella of BRFC in conjunction with Bromsgrove Town FC (which comprises 22 youth teams), the County Council and other community representatives and the possibility of BDC joining that programme was explored on the basis that BDC might provide funding for one year. Mr. Herbert was invited to present a business plan which met one or more of the Council's objectives and priorities and which should be prepared in conjunction with the Community Safety Team and the Sports Development Team which could then be considered by the Council with a view to the Council joining this partnership.
- 4.3 Mr Herbert is currently considering how he wants to proceed.

5. FINANCIAL IMPLICATIONS

- 5.1 If the Council considered and accepted a grant application from Bromsgrove Rovers it would have to identify savings from within the revenue budget to fund it.

6. LEGAL IMPLICATIONS

- 6.1 Included above.

7. CORPORATE OBJECTIVES

- 7.1 Any grant application would have to demonstrate how it helped the Council achieve its objectives.

8. RISK MANAGEMENT

8.1 None with this report as it simply seeks to clarify the position. Any risks would have to be identified with regard to any grant application if and when it is considered.

9. CUSTOMER IMPLICATIONS

9.1 None with this report as it simply seeks to clarify the position. Any risks would have to be identified with regard to any grant application if and when it is considered.

10. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

11. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes

<i>(i.e. your own HoS)</i>	
Head of Financial Services <i>(must approve Financial Implications before report submitted to Leader's Group)</i>	Yes
Head of Legal & Democratic Services <i>(for approval of any significant Legal implications)</i>	Yes
Head of Organisational Development & HR <i>(for approval of any significant HR implications)</i>	Yes
Corporate Procurement Team <i>(for approval of any procurement implications)</i>	No

12. APPENDICES

None

13. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Kevin Dicks (Acting Chief Executive)
E Mail: k.dicks@bromsgrove.gov.uk
Tel: (01527) 881487

Conversation with Rebecca Clayton, Sports Development Officer, 21st August 2007.

The rationale for speaking with Becky was that Councillor Newnes mentioned that Becky was present at the meeting called to initiate the Football Development Plan.

I informed Becky that I'm carrying out a local investigation but provided no further details. Key areas discussed are detailed below:

- Becky confirmed that she attended a meeting held on 21st January 2007 at 7.00 p.m. to discuss a 'Football in Bromsgrove Development Proposal'. The meeting was attended by representatives from local schools, sports clubs and the Council.

A hard copy of the proposal was obtained from Becky and is held on file. See A14.

- Becky recalls that there was a discussion around who should Chair the meeting. It was agreed that Councillor Newnes would act as Chair.
- Becky perceives that the proposals put forward at the meeting were good for football development within Bromsgrove. The proposal was to address the fact that Bromsgrove youths are playing under Bristol Rovers (in accordance with the link to Bromsgrove Town Football Club) when they could be playing under Bromsgrove Rovers in the Midlands Junior Premier Football League.

Becky confirmed that the structure proposal was prepared by Brian McGuinness of Bromsgrove Town Football Club.

- Between January and June Becky definitely attended one more meeting and may have attended two.
- At the meeting held on 19th June a proposed constitution was discussed.

A hard copy of the meeting agenda and the proposed constitution was obtained from Becky and is held on file. See A15 and A16.

- Following the June meeting Becky was asked to withdraw from the Committee by John Godwin, the Acting Head of Culture & Community Services.
- Becky believes that Brian McGuinness has now withdrawn from the committee.

This page is intentionally left blank

Benefits

- Free entry to Bromsgrove Rovers home matches for players from participating Clubs
- Access to player support such as injury prevention & recovery
- Coach mentoring from Rovers' staff
- Increased attendances at Rovers' games
- Clear pathways & improved interaction between Bromsgrove schools and local Clubs
- Local Club support for Schools seeking FA Charter Status
- Educational & Development opportunities for pupils at GCSE & A-Level
- Local Clubs working together for improved football facilities in the Town

Management

It is proposed that a constituted management group be set up to oversee the management of the programme and work in partnership for the betterment of football in the area. It could comprise of representatives from each of the constituent clubs & agencies.

Meeting at Bromsgrove Rovers

This flier is but a taster of what is possible from this plan. We invite all of those who are genuinely interested in the sport in the Town, to attend this Forum to have their questions answered and their views considered, when talking this Plan forward to the next stage.

There are limited spaces at the Victoria Club, so you are encouraged to be there early to avoid disappointment & to ensure you have your say.

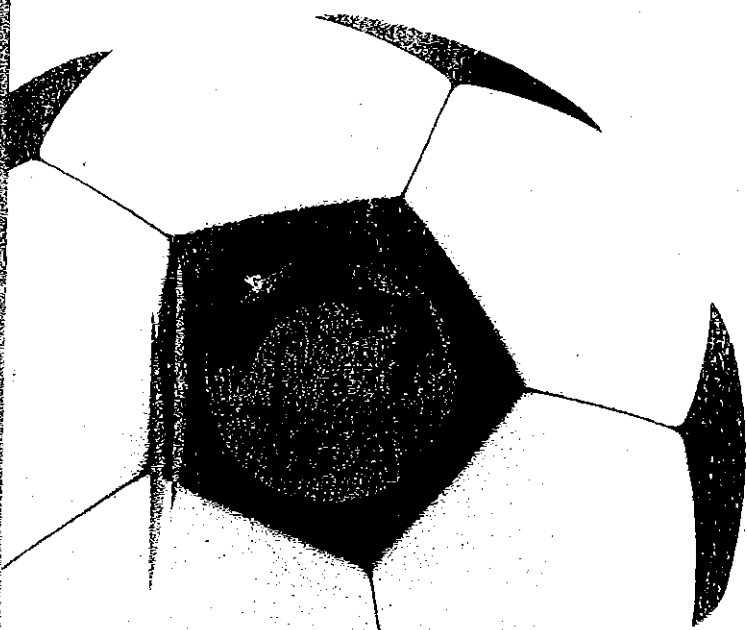
Enquiries to:

Brian McGuinness
CoachEdUK@Ltd
11 Harbours Close
Bromsgrove
Worcestershire
B61 7HL

Tel: 01527 871626
Fax: 01527 871603
Email: enquiries@coacheduk.co.uk



Football in Bromsgrove Development Proposal "Have your say!"



Sunday 21 January 2007 | 7.00pm

Bromsgrove Rovers FC | Victoria Club
Birmingham Road | Bromsgrove

Football Development Proposal for Bromsgrove

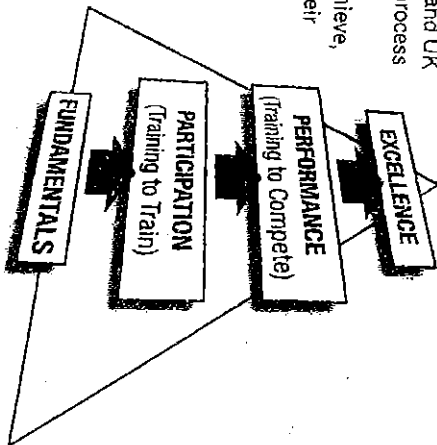
Introduction

The game of football in Bromsgrove is played by a range of local junior clubs, schools, soccer schools and of course Bromsgrove Rovers. There is no plan in place to link these together to enable such a prevalence of activity into a smooth process of football development in the Town. There is now an opportunity to do just that. A meeting has been called to discuss such a proposal, which could help local Clubs and provide a local opportunity for the Town's talented players, coaches & managers.

Sports Development Pathways

For almost two decades now Sport England and UK Sport have been concerned with defining a process which allows children to progress through a systematic process which allows them to achieve, and potentially reach, the highest levels in their chosen sport(s).

This concept is recognised in Sports Development circles as Long Term Athlete Development, and for individual players as a Player Development Pathway and is represented by splitting the process into four systematic stages as shown in the model below:



STAGE	FOCUS	CONTRIBUTORS
1. Fundamentals	First & Middle Schools Skills Schools Programmes	Festivals
2. Participation (a) Small sided (b) 11 a side	Bromsgrove Town Calshill Juniors Madow Park Harbury Ridbery Juniors Calowbrook Swifts Finstall Juniors Middle & Senior schools	Central Warwickshire Stourport League Merleian County Cups
3. Performance	Academies Centres of Excellence	
4. Excellence	Professional Clubs (inc. Bromsgrove Rovers) International Selection	Respective Leagues and Events

Football Development Proposal for Bromsgrove

Provision in Bromsgrove

It is clear from this table that there is a gap in provision within the Town. Where players reach Academy & Centre of Excellence standard, they are invariably lost to their local Club & football in the Town. We are suggesting an alternative to that, which keeps local players with local Clubs and also continues to provide an opportunity for development of the player.

The Midland Junior Premier Football League (MJPFL)

This league provides a new experience for players between the ages of 11 & 17 years. It seeks to bridge the gap between local leagues and Academy levels, keeping the later developers in the sport, competing on better pitches & against better opposition. Given that you should train to compete, training standards are driven up also, thus providing incentives to improve coaches as well as players.

- Matches in this league take place on Saturday mornings thus leaving Sunday leagues free.
- Sunday League teams cannot enter the MJPFL, only teams with Senior Football League teams can do so, encouraging partnerships with local Youth teams to take place.
- As an experiment, Bromsgrove Town U14 have played in MJPFL this season under the banner of Bristol Rovers.
- The standard however is higher than any of our local leagues and to provide a positive experience in such a competition we must take a different approach.

The proposal

In partnership with Bromsgrove Rovers, local Clubs run Trials for players from U11 – U17 to select between 20 & 24 boys' within each age group for specialist training in a Bromsgrove Player Development Centre (PDC). These programmes would run sessions in preparation for competing in the MJPFL as Bromsgrove Rovers in September 2007. As these matches would take place upon a Saturday it would leave the players free to play for local teams on a Sunday.

Whilst players from the Town are regularly talent spotted by professional Scouts, playing at this level gives more than chance, thus becoming another stepping stone towards a professional career, either full time or in a semi professional basis. This effectively become a talent development programme for Bromsgrove Rovers.

Education

It is important to recognise that this plan is not solely for the players; its success is dependant upon the development of coaches, managers, referees and other important support volunteers. At each level of this plan, there must be development and training opportunities for such personnel; if not then in the long term it will fail. This is particularly important in Bromsgrove, where a range of agencies and people provide varying services. Dialogue has been opened with Worcester FA and Bromsgrove Sports Development, to ensure that their programmes fit the needs of this plan.

Date of meeting: 17th August 2007

Attendees: Councillor Newnes and Thelma Warwick (Investigating Officer)

Purpose: To provide Councillor Newnes with the opportunity to respond to the allegation made against him.

Meeting notes recorded by Thelma Warwick

1. Thelma Warwick explained the purpose of the meeting and agreed with Councillor Newnes the manner in which the meeting was to be conducted. That is, all the information that has been gathered during the course of the investigation would be presented to Councillor Newnes to provide him with the opportunity to respond.
2. Thelma Warwick gave copies of the following documents to Councillor Newnes:
 - Notes recorded at the time of the meeting that Thelma Warwick held with Councillor McDonald on 12th July 2007.
 - Notes recorded at the time of the meeting that Thelma Warwick held with Councillor Hollingworth on 31st July 2007.
 - Council Minutes of the meeting held on 27th February 2007.
 - Conservative Group Minutes from the meeting held 19th February 2007.
 - Register of Members' Interests for Councillor Newnes pre the May 2007 election.

Thelma Warwick offered Councillor Newnes a copy of the tape recording made at the Council meeting held on 27th February 2007; Councillor Newnes declined.

3. During the course of the meeting the following were discussed:
 - the main points of the allegation; and
 - each point from the notes that Thelma Warwick has recorded from her meetings with Councillor McDonald and Councillor Hollingworth.

Councillor Newnes' recollection of events and his responses to Councillor McDonald's and Councillor Hollingworth's perspectives are included below.

4. Having read Thelma Warwick's notes from her meeting with Councillor Hollingworth, Councillor Newnes clarified that there were two Conservative Group meetings held in February 2007; on 19th and 27th. Councillor Newnes' perceptions and knowledge of the meetings is detailed below.

19th February 2007:

- Prior to the meeting Councillor Newnes had spoken with Councillor Fuller and Councillor Taylor regarding charging rent to Bromsgrove Rovers Football Club. Additionally, Councillor Newnes prepared a paper (dated 5th February 2007)

regarding Bromsgrove Rovers Football Club that he distributed to Councillor Hollingworth, Councillor Taylor and Councillor Fuller.

- At this meeting Councillor Newnes presented his paper to the Group. Councillor Newnes provided Thelma Warwick with a copy of the paper.
- Councillor Newnes stated that at the end of the discussion in relation to Bromsgrove Rovers the Group agreed that the club should not be charged rent.

27th February 2007:

- Councillor Newnes stated that he was not aware that a Conservative Group meeting was being held prior to the full Council meeting until he was making his way to the Council House when he saw and gave a lift to Councillor Blagg (around 5.40 p.m.).
- It was Councillor Blagg who informed Councillor Newnes that a Conservative Group meeting was taking place during the hour before the full Council meeting.
- Councillor Newnes stated that he had not been invited to this meeting and, accordingly, did not attend.
- On his arrival at the Council House, Councillor Newnes went virtually straight into the Council meeting.

5. Councillor Newnes' recollections of the full Council meeting are as follows:

- During the Leaders' Announcements the Leader read a letter regarding charging rent to Bromsgrove Rovers Football Club.
- The Councillor who sat by Councillor Newnes informed Councillor Newnes that there was a letter in pigeon holes that was, in part, in relation to Bromsgrove Rovers and rent.
- During a recess Councillor Newnes checked his pigeon hole and read the letter mentioned during the Council meeting.
- Councillor Newnes stated that when the meeting reconvened he was "very angry" and asked to see a copy of the 14 year lease that Bromsgrove Rovers has with the Council. Councillor Newnes pointed out that he is aware that an actual lease does not exist and that he understands that in order for there to be a peppercorn rent a lease may be for a maximum of 7 years.
- Councillor Newnes accepts that he should have declared a personal interest at the full Council meeting; however, he was angry and "didn't give it a second thought".
- Councillor Newnes does not perceive that he has a prejudicial interest as he has no financial gain from Bromsgrove Rovers Football Club.

6. Review of Thelma Warwick's record of her meeting with Councillor McDonald. Note that italics have been used to indicate Councillor McDonald's comments.

Point 5b: Councillor Newnes pointed out that he is unable to remember exactly what he said at the 27th February Council meeting. Councillor Newnes recalls that he referred to the youth structure as part of the development plan.

(Thelma Warwick asked Councillor McDonald who he recalled saying that if the football club had to pay rent it may fold. Councillor McDonald responded that he recollects Councillor Newnes special pleading on behalf of Bromsgrove Rovers.)

Point 6a: Councillor Newnes pointed out that he has attended more than one meeting with Kevin Dicks regarding Bromsgrove Rovers Football Club:

- One meeting was attended by Kevin Dicks, Tom Herbert (Chairman of Bromsgrove Rovers Football Club), Councillor Newnes, Councillor Hollingworth and Councillor Deakin and took place to look at potential outcomes. This meeting was held after the February Council meeting and, according to Council Newnes, "not a lot came out".
- Another meeting was held attended by Kevin Dicks, Tom Herbert and Councillor Newnes. According to Councillor Newnes, Tom Herbert said that he had been informed by someone from Wychavon Council that you could have a longer lease with a peppercorn rent. However, Tom Herbert had nothing in writing.

Furthermore, Councillor Newnes informed Thelma Warwick that he has suggested to Tom Herbert that another meeting should be called.

(Suggest that Kevin Dicks is interviewed. The rationale being that Councillor McDonald believes that Councillor Newnes and Mr. Herbert (Chairman of Bromsgrove Rovers) have had meetings with Kevin prior to the Council meeting and that Kevin would probably have suggested to Councillor Newnes that he should declare his interest.)

Point 6b: Councillor Newnes stated that Tom Herbert has been a friend since Tom Herbert joined Bromsgrove Rovers.

(At an event at Parkside School 2 – 3 years ago Councillor Newnes mentioned his friendship with the Chairman of Bromsgrove Rovers football club.)

7. Review of Thelma Warwick's record of her meeting with Councillor Hollingworth. Note that italics have been used to indicate Councillor Hollingworth's comments.

Point 5: Councillor Newnes explained that he does not gain financially from Bromsgrove Rovers as he is paid by private parties for the disco.

(One individual said that Councillor Newnes is paid by the club for the discos that he runs).

Point 6: Councillor Newnes perceives that the decision to overturn the outcome that the Conservative Group reached in relation to Bromsgrove Rovers at the meeting held on 19th February was made in the one hour meeting held on the 27th February.

(Councillor Hollingworth brought to Thelma Warwick's attention the fact that BDC do not give grants at all. Accordingly, the proposal to give a grant to Bromsgrove Rovers never went through the Chamber as Councillor Hollingworth refused to take it.)

Point 7: Councillor Newnes pointed out that prior to the start of the Council Meeting he had informed Councillor Boswell who was Chairing the meeting that he would be leaving early as he was going to Aberystwyth the next day

(At the Council meeting held on 27th February 2007 Councillor Hollingworth recalls that the discussion in relation to Bromsgrove Rovers took place as part of the Leaders announcements. Furthermore, he recalls Councillor Newnes being involved in the discussion and packing up and leaving the meeting before it was officially closed.)

Point 8: Councillor Newnes brought to Thelma Warwick's attention that a meeting took place after the May 2007 election that was attended by Councillor Newnes, Councillor Hollingworth, the Chair of the Conservative Association (Tessa Gillespie) and the prospective Chair of the Conservative Association (Alan Dent). The purpose of the meeting was to discuss the relationship between Councillor Hollingworth and Councillor Newnes.

According to Councillor Newnes, at this meeting he was asked to "walk away" from Bromsgrove Rovers. Furthermore, Councillor Newnes clarified that he was not taken "to task" by the Conservative Association.

(According to Councillor Hollingworth, the Conservative Association has brought Councillor Newnes to task over his relationship with Bromsgrove Rovers football club.)

Point 10: Councillor Newnes perceives that the Council should honour the peppercorn rent that has been agreed with Bromsgrove Rovers.

(Councillor Hollingworth perceives that Councillor Newnes has tried to achieve a financial gain for an organisation that he represents).

8. Councillor Newnes confirmed that he does not hold any roles, including committee roles, at Bromsgrove Rovers Football Club. Furthermore, Councillor Newnes stated that he has not been a member of the Bromsgrove Rovers Supporters Society for approximately the last 3 years.

Thelma Warwick pointed out that on Councillor Newnes' Register of Members' Interests dated 5th February 2002 membership of Bromsgrove Rovers Supporters Society is listed in section 13. Councillor Newnes said that he had forgotten to update the register in relation to his cancelled membership.

9. Councillor Newnes confirmed that he has been running a mobile disco for over 30 years and he has run discos at the Bromsgrove Rovers club premises. When hired to run a disco at the club premises the process is as follows:

- Private parties hire the club.
- If the customer asks about provision of a disco the club gives the customer Councillor Newnes' business card. It is the customer's decision as to whether or not they contact and hire Councillor Newnes.
- Sometimes the customer asks the club to contact Councillor Newnes on their behalf. In this instance the club provides Councillor Newnes with details and he contacts the customer.
- Councillor Newnes' contract is always with the customer not the club.

Thelma Warwick asked Councillor Newnes whether he has run discos when Bromsgrove Rovers Football Club has been the customer. Councillor Newnes responded that he has run the disco for the New Years Eve party on more than one occasion. Councillor Newnes pointed out that for these events the customer is Bromsgrove Rovers Supporters Society and that it is the Society who pays his fee not the Football Club.

10. Thelma Warwick asked Councillor Newnes about his role with the Bromsgrove Football Development Plan Committee. Councillor Newnes explained that in February the committee did not exist. Brian McGuinness from Bromsgrove Town Football Club called a meeting which was held at Bromsgrove Rovers Club to form a committee to "start the ball rolling". Councillor Newnes was unsure of the date other than the meeting was held on a Sunday. Councillor Newnes recalls that Rebecca Clayton a Sports Development Officer from the Council's Culture & Community Department attended. Thelma Warwick said that she would contact Rebecca to confirm the date of the meeting.

Councillor Newnes explained that in order to progress the committee and before a formal constitution was agreed Brian McGuinness had compiled the agenda and he had Chaired approximately 3 meetings.

When asked about the connection between Bromsgrove Football Development Plan Committee and Bromsgrove Rovers Councillor Newnes stated that he had previously tried to get the youth of Bromsgrove together and with Tom Herbert (Chairman of Bromsgrove Rovers Football Club) has held talks with the college.

Councillor Newnes explained that all football clubs need youth teams. Bromsgrove Town Football Club has an association with Bristol Rovers Football Club that has resulted in the youth of Bromsgrove playing under the auspices of Bristol Rovers.

One of the purposes behind the Bromsgrove Football Development Plan Committee was to set up youth teams that have links with both Bromsgrove Town and Bromsgrove Rovers football clubs so that promising players could be identified.

Additionally, NEW College is now running a two year course to train individuals in all aspects of football.

- 11. Thelma Warwick asked if Councillor Newnes would like to raise any further points that he considers as being pertinent to the investigation.
 - Councillor Newnes asked whether Councillor Hollingworth had made a complaint. Thelma Warwick explained that Councillor Hollingworth had informed her that he had. Councillor Hollingworth received the response from the Standards Board for England that they had received a complaint from another source that would be referred to the Council for local investigation.
 - Councillor Newnes' daughter plays football for Birmingham City Ladies. Next March when his daughter is sixteen years old Councillor Newnes is anticipating that she may play for England. The reason that Councillor Newnes raised this point is that he perceives that some Members have the opinion that his interest in Bromsgrove Rovers Football Club is linked to his daughter playing football. Councillor Newnes pointed out that his daughter plays in a higher league and that his interest in football development is for the benefit of the youth of Bromsgrove.
- 12. During the course of the meeting Thelma Warwick explained the reporting procedure for a local investigation. This included the fact that the determination as to if and when information in relation to the allegation and investigation is made public lies with the Standards Committee.
- 13. Thelma Warwick reminded Councillor Newnes that the meeting was confidential and clarified the next steps of the investigation. It was agreed that Thelma Warwick would send a copy of the meeting notes to Councillor Newnes for his review and that Councillor Newnes would provide feedback by 31st August 2007.

Contact: Councillor Newnes 07754 765522

.....
Councillor William Newnes

Date:

[ORIGINAL DOCUMENT SIGNED BY COUNCILLOR WILLIAM NEWNES ON 16TH SEPTEMBER 2007]

Roger Hollingworth
Margaret Taylor
Brian Fuller

5 February 2007

Bromsgrove Rovers Football Club

Bromsgrove Rovers FC has been an established part of Bromsgrove life for many people over a very long period of time. Bromsgrove District Council have supported the club in recent years by giving them a lease of fourteen years, this enabled the club (since the lease was granted) to gain a more secure foundation with the Football association.

This was the first step in the regeneration of the club since the current owner took control. A lot of work has been done to place Bromsgrove Rovers on the road to recovery. The team has been strengthened and are currently in the promotion zone.

The next phase of the development plan was to establish a junior centre of excellence.

The plan is the first co-ordinated town-wide project to help young footballers bridge the gap between local leagues and professional academies and centres of excellence. The plan is set to have an impact on hundreds of junior players in Bromsgrove. It proposes that clubs run trials in partnership with Bromsgrove Rovers for groups ranging from under-11s to the under-17s age bracket.

The groups would then be formed in squads, which would play as Bromsgrove Rovers Colts in the Midlands junior Football League from September 2007.

The first step was to organise an open meeting to see if interested parties would welcome this latest development plan. At a meeting on the 21st January representatives from the Club, Local Schools, Bromsgrove District Council, New College, Worcester FA and other sports clubs voted in favour of the junior development plan.

A management group was formed which would have representation from Bromsgrove Rovers, Bromsgrove District Council sports development, Local Schools and junior clubs. The next stage is to formulate a committee, which can tackle the challenges ahead.

Potentially the plan would mean that local footballers would be exposed to high quality teams from Bristol, Oxfordshire, Histon, Derby and South Staffordshire.

This is the biggest plan of its kind to happen in Bromsgrove or any where, there are similar plans in other parts of the country but not focusing on football, so this is really a first for Bromsgrove.

There are plans for GCSE curricular activity to take place and training in physiotherapy, coaching, refereeing, grounds man ship and sports development in general. We are also looking to develop a girl's academy and woman's team. What is happening here is for the community of Bromsgrove as a whole.

If Bromsgrove District Council stops supporting Bromsgrove Rovers in letting them have the ground rent free then it will stop the project moving ahead. The money being put into the project by Bromsgrove Rovers will need to go to Bromsgrove District Council instead.

As mentioned above hundreds of junior players in Bromsgrove will benefit from this plan, however, if BDC insist on the rent being paid then the plan will not be able to move ahead!

I was bringing all this to the next group meeting on 19 February to give a briefing on what was happening and the benefit it would have for the town and residents. I did talk with Tessa about what I was doing a week ago.

I have arranged for the first meeting of the Management Group to take place on 20 February, I specifically wanted the meeting to take place after our group meeting so I could take back any suggestions.

I will have to inform the management group at the meeting on the 20 February of the current position and ask them not to progress the plan any further because of the proposal to stop granting Bromsgrove Rovers the ground rent.

I fully understand the problems with the budget but to pull the plug on Bromsgrove Rovers at this current time would have a devastating effect not only for the club but on all the junior football players in the district and on the name of BDC.

Please review the above and if you have any further questions then I would only be top pleased to answer your questions.

Regards

Cllr Bill Newnes (Sidemoor)

Chronology

Date	Description
19.02.07	Conservative Group meeting – Councillor Newnes presents a paper entitled Bromsgrove Rovers Football Club.
27.02.07	Conservative Group meeting.
27.02.07	Council meeting.
28.02.07	Councillor McDonald writes to the Standard Board of England.

This page is intentionally left blank

Schedule of Disputed Findings of Fact

<i>Para. No. of Investigating Officer's Report</i>	<i>Reason for disagreeing with the finding of fact in that paragraph</i>	<i>Suggestions as to how that paragraph should read</i>
6.8	If I did not do any more discos at the Rovers it would not affect me financially in any way	[None included]
7.2.1	I did not and never had any intention or thought of using my position improperly for anyone / This is against my integrity and principles	[None included]

This page is intentionally left blank