

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.

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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

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.

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- 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.

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- 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.

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- 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.

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- 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.

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

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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.

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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

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- 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.

- 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

- (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

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.