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Meeting Notes

Reference: Local Investigation SBE 21159.08

Date of meeting: 18th June 2008

Attendees: Councillor Peter Whittaker and Vanessa Brown (Investigating Officer)

Purpose: to establish whether Councillor Whittaker had breached the Code of Conduct in failing to provide his Register of Interests form within 28 days of the Council adopting the new Code of Conduct.

Meeting notes recorded by Vanessa Brown

The following matters were discussed:-

1. **Background Information**

Councillor Peter Whittaker has been a Councillor for Tardebigge since May 1999. He confirmed that in addition to being a member of Cabinet, and he is also a regular member of the Planning Committee, Licensing Committee, Licensing Sub Committee and the Local Development Framework Working Party.

2. **Breach of the Code of Conduct**

Councillor Whittaker and Vanessa Brown discussed the basis of the allegation made. The details of the breach of the Code were considered and Councillor Whittaker was referred to Part 3 "Registration of Member's Interests" paragraph 13 (1) of the Code of Conduct.

The new Code of Conduct was implemented at the Council Meeting on the 18th July 2007 and there is a statutory requirement that all Councillors provide a completed and signed Register of Interests form to the Monitoring Officer within 28 days of the Code being adopted.

Councillor Whittaker was aware of the breach and understood the allegation made against him.

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3. Requirement to provide Registration of Interest form

Councillor Whittaker confirmed that he was aware that the new Code of Conduct had been implemented. Councillor Whittaker believes he may have been present at the meeting when the Code was adopted but he was unable to recall the specific details.

Councillor Whittaker was shown the letter dated 11th July 2007 which was sent to all Councillors in advance of the Council meeting on the 18th July 2007. Councillor Whittaker could not recall receiving the letter but accepts that he may have done but due to the time lapse he could not be certain.

Vanessa Brown was able to confirm that training records indicate that Councillor Whittaker attended a Code of Conduct training session on the 4th June 2007. It is suggested that this may have been the occasion upon which all Councillors were provided with the Standard Board for England guidance booklet. Councillor Whittaker recalls attending the training session and the general issues discussed although cannot say for certain that he was provided with the guidance booklet. However, Councillor Whittaker was familiar with the booklet and confirms he has several copies and that he has read it through on more than one occasion.

Councillor Whittaker was shown a copy letter dated 21st December 2007 which was sent to all Councillors who had failed to return the Register of Interest form. Councillor Whittaker did recall receiving this letter as it arrived so close to Christmas.

Councillor Whittaker fully accepted that there was a requirement to provide the Register of Interest form to the Monitoring Officer within 28 days of the Council adopting the new Code of Conduct and further accepted that he was aware of the obligation to do so when the new Code was adopted.

4. Failure to return the Register of Interests form

Councillor Whittaker acknowledged that he had failed to return his Register of Interests form within the required 28 day period.

The completed Register of Interests form was signed by Councillor Whittaker on the 19th February 2008 and it was received by the Monitoring Officer on the 3rd April 2008.

Councillor Whittaker fully accepted that in failing to return the Register of Interest form within the requisite time period, that he had breached the Code of Conduct.

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Councillor Whittaker explained that he had put to the back of his mind the requirement to complete the form and that this had been an oversight on his part for which he sincerely apologised.

Councillor Whittaker explained that the previous Register of Interest form completed in February 2002, save for a very minor amendment, contained the same information as detailed in the recent form received to the Monitoring Officer on the 3rd April 2008.

Councillor Whittaker was aware that the new Register of Interest form required information not previously requested in the form. Vanessa Brown suggested that the public had been placed at a disadvantage because the absence of the form meant the information was not up to date.

Councillor Whittaker stated that he believed that the only information that was different on the new form was the fact that he was no longer working with his brother and was now working on his own. Councillor Whittaker did not feel that this would have any detrimental effect upon anyone examining the Register of Interest form.

Councillor Whittaker made it clear that he took his responsibilities very seriously and especially so when declaring interests. Specifically, he confirmed that he had made the Monitoring Officer aware of a "gift" he had received recently from a couple who owned a computer company. Over the weekend of the 7th / 8th June 2008 Councillor Whittaker was invited to attend the Derby horse race. Councillor Whittaker advised the Monitoring Officer on Monday 16th June 2008 and formally recorded his interest with Mrs Warren on the 18th June 2008.

In conclusion, Councillor Whittaker accepted that the Code of Conduct had been breached by his failure to provide a completed and signed Register of Interest form.

Councillor Whittaker stated on more than one occasion that he regretted this oversight and was sorry for any inconvenience caused.

I, Councillor Whittaker, confirm that I have read the above and agree it is an accurate note of the discussions that took place on the 18th June 2008.

Councillor Peter Whittaker