

Babergh District Council**Standards Committee****15th July 2005****Pre-Hearing Process Summary Report of the Monitoring Officer****Standards Board for England - Reference SBE 8762.04****Councillor C Jowett, East Bergholt Parish Council****1 Summary**

Mr. Steven Kingston, an Ethical Standards Officer with the Standards Board for England has referred to me as Monitoring Officer a complaint in respect of Councillor C Jowett of East Bergholt Parish Council, for local determination by the Committee, together with his report and findings in respect of this complaint (Attached as Appendix One).

The complaint contains seven separate allegations, as set out below, of which the Ethical Standards Officer, after investigation, found that Councillor Jowett had not failed to comply with the Code of Conduct of East Bergholt Parish Council as alleged in the first three counts, but found that Councillor Jowett had failed to comply with the Parish Council's Code of Conduct as alleged in the final four counts, which relate to his occupancy of the Manse at Cemetery Lane, East Bergholt and consideration by the Parish Council of proposals to regulate parking in the vicinity of the Manse.

I have conducted a pre-hearing process in order to identify any points of dispute between Councillor Jowett and Mr. Kingston's report. Councillor Jowett has identified a considerable number of points of dispute, which I set out below for ease of reference. The overall effect is that Councillor Jowett does not deny that he failed to comply with the Parish Council's Code of Conduct, but denies that there was any intent on his part to breach the Code of Conduct.

Councillor Jowett has recently resigned as a member of East Bergholt Parish Council. Despite this, the Standards Committee is still required to hold a hearing into this matter but, if the Committee were to find that Councillor Jowett had failed to comply with the Parish Council's Code of Conduct, the only sanction which it could impose would be a reprimand.

Having regard to the facts that Councillor Jowett does not deny that he failed to comply with the parish Council's Code of Conduct, the fact that he proposes to attend the hearing but not to call any witnesses, and the limited sanctions which would be available to the Standards Committee, I have not arranged for the Standards Board for England to be represented at the hearing or for any witnesses to be called in support of Mr. Kingston's report.

2 The Complaint

The complaint contains seven different allegations, as follows:

- (a) that Councillor Jowett "verbally accosted" Councillor John Hinton in public about the events that occurred at the meeting of the Parish Council on 8th July 2004.

Mr. Kingston concluded that such conduct did occur but that it did not amount to a failure to treat Councillor John Hinton with respect;

- (b) that Councillor Jowett circulated an "unsigned and undated diatribe" to all members of East Bergholt Parish Council following the meeting of the Parish Council on 8th July 2004.

Mr. Kingston concluded that this letter was sent by Councillor Jowett, but that it did not amount to a failure to treat Councillor John Hinton with respect, and that it did not constitute conduct likely to bring his office or authority into disrepute.

- (c) that Councillor Jowett made derogatory comments at church coffee mornings about the Parish Council following the meeting of the Parish Council held on 8th July 2004.

Mr. Kingston found that whatever Councillor Jowett may have said on such occasions, there was no evidence that it amounted to conduct likely to bring his office or the authority into disrepute;

- (d) that Councillor Jowett failed to declare an interest in his proposal relating to parking at the junction of Cemetery Lane and The Street when this was considered at the meeting of the Parish Council on 9th September 2004.

Mr. Kingston found that Councillor Jowett did have a personal interest in this matter by reason of his interest in "The Manse" and the effect of these proposals related to the regulation of parking in Cemetery Lane immediately outside "The Manse", that they would have had more effect upon him than upon the rest of the population of East Bergholt, and that he did not disclose this personal interest at the meeting of the Parish Council on 9th September 2004. He therefore concluded that Councillor Jowett had failed to comply with Paragraph 8 of the Code of Conduct;

- (e) that Councillor Jowett failed to withdraw from the meeting of the Parish Council on 9th September 2004 when this proposal was discussed, despite having a prejudicial interest in the matter.

Mr. Kingston concluded that the impact of the parking proposals was so significant for "The Manse" and for Councillor Jowett as occupier of "The Manse" that he did have a prejudicial interest in the proposals, but that he failed to withdraw from the meeting of the Parish Council on 9th September 2004. He therefore concluded that Councillor Jowett failed to comply with Paragraph 10(a) of the Code of Conduct;

- (f) that Councillor Jowett sought improperly to influence the decision of the Parish Council in respect of the parking proposals.

Mr. Kingston concluded that, by attending and speaking in favour of the parking proposals at the meeting of the Parish Council on 9th September 2004, Councillor Jowett failed to comply with Paragraph 10(b) of the Code of Conduct

- (g) that Councillor Jowett failed to register his interest in "The Manse" in the register of members' interests.

Mr. Kingston concluded that his interest in "The Manse" was an interest which Councillor Jowett was required to register and accordingly he concluded that Councillor Jowett had failed to comply with Paragraph 12 of the Code of Conduct.

3 The Pre-Hearing Process

Following receipt of Mr. Kingston's report, I sent a copy of that report to Councillor Jowett and asked him to identify areas where he disagreed with the content of that report. For ease of reference, I set out at Appendix Two a tabulation of Councillor Jowett's response against the relevant paragraphs of Mr. Kingston's report.

Councillor Jowett does not dispute any of the facts upon which Mr. Kingston's report and findings are based, although he does provide substantial additional information and he does disagree with the conclusions which Mr. Kingston has drawn from the information which he took into account.

4 Matters which the Standards Committee must address

Mr. Kingston made no adverse findings in respect of allegations (a) to (c), and Councillor Jowett does not comment on those findings. Whilst it is open to the Standards Committee to consider these points, Mr. Kingston's report is the only evidence which is before the Standards Committee on these matters and provides a reasonable basis for Mr. Kingston's conclusions on these points. The Standards Committee may therefore wish formally to confirm that it concurs with Mr. Kingston's findings that Councillor Jowett did not fail to observe the Code of Conduct in respect of allegations (a) to (c).

Councillor Jowett disputes Mr. Kingston's findings in respect of allegations (d) to (g), so the Standards Committee is required to address these matters specifically.

5 Procedure for the hearing

Councillor Jowett does not dispute any of the facts reported by Mr. Kingston, although he does provide substantial additional information. Mr. Kingston and the Standards Board for England are not represented at the hearing, but Mr. Kingston's report is admissible in evidence. Councillor Jowett has not stated whether he proposes to attend the hearing, but has confirmed that he does not propose to call any witnesses.

The hearing will be conducted in accordance with the procedure which is attached to the agenda. The Committee is required as a first stage to determine whether Councillor Jowett did fail to observe the Parish Council's Code of Conduct. Only if the Committee does decide that he failed to observe the Code of Conduct will the Committee move on to consider whether any sanction should be applied to Councillor Jowett.

6 Key considerations in respect of allegations (d) to (g)

In respect of allegations (d) to (g), the issues which the Standards Committee will need to address will be as follows (I take allegation (g) first, as a decision on this point is required in order to address the other allegations:

- (a) Allegation G
That Councillor Jowett failed to register his interest in "The Manse" in the register of members' interests

Mr. Kingston concludes that Councillor Jowett had a beneficial interest in "The Manse" which he was required to register under Paragraph 12(g) of the Code of Conduct, by reason of enjoying the benefit of living at the property as part of his position as Church Minister of East Bergholt Congregational Church, even if he is not the owner of the property.

Councillor Jowett states that he has no ownership of "The Manse", but is permitted to occupy it by the church for the performance of his duties as church minister. His interest is akin to squatter's rights and he is required to use the property for church purposes such as meetings.

Monitoring Officer's advice

The Code of Conduct requires a member to register not just " the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority" (Paragraph 12(g)), but also " the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer" (Paragraph 12(h)). Even if Councillor Jowett were correct in saying that his occupation of "The Manse" is not a beneficial interest, he certainly has a licence from the church to occupy the property and was therefore required to register that interest.

- (b) Allegation D
That Councillor Jowett failed to disclose a personal interest in the consideration of the car parking proposals at the meeting of the Parish Council on 9th September 2004

Mr. Kingston concludes that Councillor Jowett did have a personal interest in the car parking proposals on the two bases that -

- the matter under consideration related to an interest which Councillor Jowett was required to register, namely his interest in "The Manse", and
- a decision on the car parking proposals might reasonably be regarded as affecting the well-being or financial standing of Councillor Jowett to a greater extent than other council tax payers, ratepayers or inhabitants of the area of East Bergholt Parish Council.

- (i) Councillor Jowett states that his reasons for proposing the car parking restrictions were not in order secure any benefit for himself but because there was a broad public concern at road safety here.

Further, he states that, by the time the matter came before the Parish Council on 9th September 2004 the proposal was no longer his proposal as it had been adopted and recommended to the Council by the Roads, footpaths and Flatford Committee.

Monitoring Officer's advice

The means by which proposals are generated and the motive of the member in making the proposals are not relevant to whether a member has a personal interest when those proposals are under consideration at a meeting.

- (ii) Councillor Jowett states that he did not stand to benefit from the adoption of the car parking proposals as neither he nor any member of his family required disabled parking facilities and the removal of car parking from the front of "The Manse" was both a benefit (presumably in terms of improved amenity) and a disadvantage (presumably in terms of the lack of parking space for visitors).

Monitoring Officer's advice

A member has a personal interest in a matter which is under consideration at a meeting if the matter relates either to an interest which the member is required to register or where a decision on the matter might reasonably be regarded as affecting the well-being or financial position of himself or a relative or friend to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area.

Accordingly, if the Committee concludes that Councillor Jowett was required to register his interest in "The Manse" and that the matter under consideration at the meeting of the Parish Council related to "The Manse", it would follow that he did have a personal interest irrespective of whether he stood to gain or lose particularly from the adoption of the car parking proposals.

However, in determining whether Councillor Jowett had a personal interest under the second limb of the definition, the Committee would have to consider whether the overall effect of the adoption of the parking proposals would be to affect the well-being of Councillor Jowett and his family to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area. The Committee would therefore have to consider whether, either directly as the occupier of "The Manse" or as a resident in the location of the proposed restrictions he stood to gain more than the other inhabitants of East Bergholt, whose properties might not be directly affected by the proposals and who might not have particular cause to drive or seek to park in the area of the proposed restrictions.

It is not disputed that Councillor Jowett attended the meeting of the Parish Council on 9th September 2004 during consideration of the car parking proposals and did not disclose a personal interest in the matter.

- (c) Allegation E
That Councillor Jowett failed to withdraw for the meeting of the Parish Council on 9th September 2004 when this proposal was discussed, despite having a prejudicial interest in the matter.

Mr Kingston concluded that a member of the public with knowledge that the proposal related to the regulation of parking at the junction of Cemetery Lane and The Street; that "The Manse" is in Cemetery Lane, approximately 100 yards from the junction with The Street; and that one of the suggestions set out in the proposal was that parking should be banned in Cemetery Lane between 8am and 7pm from the junction to the Chapel entrance (which includes that part of Cemetery Lane directly in front of "The Manse"); would regard these factors as being so significant that they would be likely to prejudice Councillor Jowett's judgement of the public interest in relation to the proposal.

- (i) Councillor Jowett stated that no-one had advised him that he had a personal and prejudicial interest in the matter.

Monitoring Officer's advice

It is the member's own responsibility to determine whether he has a personal or prejudicial interest in a matter and to disclose that interest and withdraw in compliance with the Code of Conduct. However, the minutes of the meeting record that Councillor Hinton, the Chairman of the Parish Council, did advise Councillor Jowett before consideration of the car parking proposals that, in his opinion, Councillor Jowett did have a personal and prejudicial interest in the matter, and that Councillor Jowett rejected that advice.

- (ii) Councillor Jowett asserts that he did not stand to benefit from the adoption of the car parking proposals as neither he nor any member of his family required disabled parking facilities and the removal of car parking from the front of "The Manse" was both a benefit (presumably in terms of improved amenity) and a disadvantage (presumably in terms of the lack of parking space for visitors).

Monitoring Officer's advice

The Code of Conduct provides that a member has a prejudicial interest in a matter if the member's interest is one which a member of the public with knowledge of the facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest. The Committee can therefore only proceed to consider this allegation if they have determined that Councillor Jowett did have a personal interest in the car parking proposals.

This is a matter of fact for the Standards Committee to determine in the particular case. In previous cases the Court of Appeal has held that a member who lived 230 metres from the site of a proposed quarry extension had a prejudicial interest in the planning application (Richardson v North Yorkshire County Council), and a Case Tribunal has held that a Councillor had a prejudicial interest in a planning application for a pair of semi-detached houses some 130 meters from his home where both the Councillor and the proposed new houses shared access along a narrow un-made road [APE 154].

Where a member has a prejudicial interest in a matter under consideration at a meeting, he is required by the Code of Conduct to withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is under consideration (Paragraph 10(a)). It is not disputed that Councillor Jowett remained in the Council Chamber during the consideration of the car parking proposals.

- (d) Allegation F
That Councillor Jowett sought improperly to influence the decision of the Parish Council in respect of the parking proposals.

Mr. Kingston concluded that, by attending and speaking in favour of the parking proposals at the meeting of the Parish Council on 9th September 2004, Councillor Jowett failed to comply with Paragraph 10(b) of the Code of Conduct.

Councillor Jowett states that the proposal for the car parking proposals from the Roads, Footpaths and Flatford Committee was proposed and seconded and then unanimously accepted. He states that his presence was therefore irrelevant. He states that he only queried two details from their report and that no discussion took place.

Monitoring Officer's advice

Paragraph 10(b) of the Code of Conduct provides that a member with a prejudicial interest in a matter not seek improperly to influence a decision about that matter.

The Committee can therefore only proceed to consider this allegation if they have first determined that Councillor Jowett did have a prejudicial interest in respect of the car parking proposals.

The minutes of the Parish Council record that Councillor Jowett declared that he had no personal or prejudicial interest in the matter and "said that he did not see the need for the yellow line to be extended down Cemetery [Lane] and that Blue badge holders should have a marked space".

If the Committee were to decide that Councillor Jowett did have a prejudicial interest and failed to withdraw, the question which it must decide is whether he spoke in a manner which was intended by him to influence the decision of the Parish Council.

Peter Keith-Lucas
For Pauline McBride
Monitoring Officer
Babergh District Council

Appendix One
Investigation report of Mr Steve Kingston, Ethical Standards Officer

Appendix Two
Councillor Jowett's responses in the Pre-hearing Process

Allegation One

That Councillor Jowett "verbally accosted" Councillor John Hinton in public about the events that occurred at the meeting of the Parish Council on 8th July 2004.

Mr. Kingston concluded that such conduct did occur but that it did not amount to a failure to treat Councillor John Hinton with respect.

Councillor Jowett has not commented on Mr. Kingston's report or finding on this allegation.

Allegation Two

That Councillor Jowett circulated an "unsigned and undated diatribe" to all members of East Bergholt Parish Council following the meeting of the Parish Council on 8th July 2004.

Mr. Kingston concluded that this letter was sent by you, but that it did not amount to a failure to treat Councillor John Hinton with respect, and that it did not constitute conduct likely to bring your office or authority into disrepute

Councillor Jowett has not commented on Mr. Kingston's report or finding on this allegation.

Allegation Three

That Councillor Jowett made derogatory comments at church coffee mornings about the Parish Council following the meeting of the Parish Council held on 8th July 2004.

Mr. Kingston found that whatever Councillor Jowett may have said on such occasions, there was no evidence that it amounted to conduct likely to bring his office or the authority into disrepute

Councillor Jowett has not commented on Mr. Kingston's report or finding on this allegation.

Allegation Four

That Councillor Jowett failed to declare an interest in his proposal relating to parking at the junction of Cemetery Lane and The Street when this was considered at the meeting of the Parish Council on 9th September 2004.

Mr. Kingston found that Councillor Jowett did have a personal interest in this matter by reason of his interest in "The Manse" and the effect of these proposals related to the regulation of parking in Cemetery Lane immediately outside "The Manse", that they would have had more effect upon him than upon the rest of the population of East Bergholt, and that he did not disclose this personal interest at the meeting of the Parish Council on 9th September 2004. He therefore concluded that Councillor Jowett had failed to comply with Paragraph 9(1) of the Code of Conduct

<u>Extract from Mr. Kingston's report</u>	<u>Councillor Jowett's comments</u>
<p>4.11 Paragraph 7 of the Code states that a member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under Paragraph 12 of the Code, or if a decision upon the matter might reasonably be regarded as affecting his well-being to a greater extent than others in the area.</p>	<p>I had followed exactly the suggested question and answer guidance to determine personal interest. "how do I register and declare interests" SBE May 2003</p>
<p>4.12 Councillor Jowett lives at "the Manse", Cemetery lane, East Bergholt. Councillor Jowett should have registered his beneficial interest in "the Manse" in his Register of Members' interests for the Council under Paragraph 12 of the Code (as is set out below). In an E-mail dated 18 April 2005 in response to my Draft Report, Councillor Jowett stated that, "apparently I was registered as living at that address with employment as minister of East Bergholt Congregational Church, the advice I received was no further registration was necessary."</p>	<p>The Manse - akin to squatters' rights - depends entirely on goodwill of the church. I have no security of tenure, it is tied to the job. I must use parts of it for the benefit of the church, i.e. office, meetings, etc. I am not free to do as I wish within it, i.e. paid guests, alterations, refurbishment. Dwelling there is a requirement of my position. Within the past 5 years I have twice had professional assessments of my financial affairs, neither has found a beneficial interest.</p> <p>This report is the first time I have seen the registers since 2002 and therefore I cannot recall its exact details but see 1.8 above. There is no place for an address. There is no clear written advice of which I am aware which states my interest is beneficial.</p>
<p>4.27 I consider that Councillor Jowett has a beneficial interest in this property even though he does not own the property, as he enjoys the benefit of living in the property.</p>	<p>That is not what it says in the issued literature.</p>
<p>4.28 Councillor Jowett failed to register his interest in the property at "The Manse" in his Register of Members' Interests for the Council dated 10 November 2002. Accordingly, Councillor Jowett failed to comply with Paragraph 12 of the Code.</p>	

Allegation Five

That Councillor Jowett failed to withdraw for the meeting of the Parish Council on 9th September 2004 when this proposal was discussed, despite having a prejudicial interest in the matter.

Mr. Kingston concluded that the impact of the parking proposals was so significant for "The Manse" and for Councillor Jowett as occupier of "The Manse" that he did have a prejudicial interest in the proposals, but that he failed to withdraw from the meeting of the Parish Council on 9th September 2004. He therefore concluded that Councillor Jowett failed to comply with Paragraph 10(a) of the Code of Conduct

<u>Extract from Mr. Kingston's report</u>	<u>Councillor Jowett's comments</u>
<p>1.5 I conclude that Councillor Jowett had a personal interest in his proposal considered at the meeting of 9th September 2004. Councillor Jowett failed to disclose the existence and nature of his interest</p>	<p>The proposal was not considered here. It was discussed by Roads and Footpaths (Committee) at meetings including site meetings, at which I was not present. Their proposal was then submitted for approval. No discussion took place, the proposal being unanimously approved. At this time there was no definitive answer as to whether I had a personal or prejudicial interest or the basis for that interest.</p>
<p>3.10 Councillor Hinton advised Councillor Jowett prior to the consideration of the proposal that he considered that Councillor Jowett has a prejudicial interest in the proposal, and that he (Councillor Jowett) should withdraw from the meeting</p>	<p>The proposal had been in the hands of the Chair (Councillor Moss), the Clerk and other Councillors since mid June. The advice Councillor Moss was given was not conveyed to Councillor Jowett, and at no point, even though details were discussed on site, did anyone except the shop owner prior to that meeting or in the interval between the Planning meeting and the main meeting on that date suggest personal or prejudicial interest.</p> <p>Councillor Moss, contrary to advice on procedure from the Monitoring Officer, declared that Councillor Jowett has a prejudicial interest. Councillor Hinton, now in the chair, unaware of advised procedure, ordered Councillor Jowett to leave the meeting due to that prejudicial interest and, on return, to sign the register of interests accordingly.</p> <p>Councillor Jowett protested (at the meeting) that "no one can deem someone else to have a prejudicial interest. If it is considered that they have, then that should be discussed prior to the meeting, only as a last resort should it be referred. They were therefore acting outside their authority.</p>

<p>3.23 Councillor Jowett's proposal was considered at the Council's meeting held on 9 September 2014, following consideration of the proposal by the Roads, Footpaths and Flatford Committee.</p>	<p>Councillor Jowett states that the proposal had his name on it but it was submitted on behalf of the members of the public who had spoken to him, including disabled drivers, citizens concerned about road safety and residents of Cemetery Lane.</p> <p>It was suggested for road safety reasons, by estate agent's clients leaving the shop and visibility. To Councillor Jowett's knowledge there have been 3 incidents of damage to the railings due to manoeuvring difficulties, 1 incident of damage to railings due to loss of control whilst parking, 2 cases (1 severe) of damage to property opposite due to loss of control whilst parking, one collision due to a vehicle hampering visibility, and 1 collision between two cars (1 belonging to Councillor Jowett) where the other driver could not see him stopped at the junction. There have also been frequent incidents of parking rage and irresponsible dashes for a parking space. Fortunately none of these incidents resulted in personal injury, but they could well have done so. It is possible that there has been one child killed, but this is anecdote only, connected to a memorial tree in a garden.</p> <p>The purpose of the proposal is to protect rear (delivery) entrance to the shop, to engineering workshops and for emergency services. On at least one occasion the ambulance has been blocked.</p> <p>Occasionally blockages down Cemetery lane occur due to deliveries at either the shop or the engineering works, and this could be prevented by the proposed restrictions.</p> <p>Councillor Jowett states that by this stage it was no longer his proposal, as it had been adopted by the Roads, Footpaths and Flatford Committee.</p>
<p>3.23 The minutes of this meeting record that:- "Councillor Jowett declared that he had no personal or prejudicial interest in the matter. Councillor Jowett said that he did not see the need for the yellow line to be extended down Cemetery Lane and that Blue badge holders should have a marked space."</p>	<p>At this point no-one had given me definitive advice that my interest was prejudicial. A telephone conversation with the Monitoring Officer suggested possibly but no more. Conversations with a County Councillor, a District Councillor and Councillor Ingham indicated otherwise. I was unaware of the Monitoring officer's correspondence with Councillors Hinton or Ingham.</p>

	<p>I believed the points in my letter were valid and that no reasonable person in possession of all the relevant facts would consider my interest prejudicial.</p> <p>The remarks concerning yellow lines and blue badge holders are accurate but were in the nature of seeking information rather than points of debate or seeking to influence.</p>
<p>4.19 I consider that a member of the public with knowledge that the proposal related to the regulation of parking at the junction of Cemetery Lane and The Street; that "The Manse" is in Cemetery Lane, approximately 100 yards from the junction with The Street; and that one of the suggestions set out in the proposal was that parking should be banned in Cemetery Lane between 8am and 7pm from the junction to the Chapel entrance (which includes that part of Cemetery Lane directly in front of "The Manse"); would regard these factors as being so significant that they would be likely to prejudice Councillor Jowett's judgement of the public interest in relation to the proposal.</p>	<p>(The proposal was) to legalise parking in a controlled fashion. Of no benefit to me, but would help road safety.</p> <p>Neither I nor my family require disabled car parking.</p> <p>The only time Councillor Jowett has had difficulty in accessing his property was over a two year period when "The Orangery" was being developed opposite "the Manse". This was due to construction vehicles, followed by the extension to the rear of the shop, again caused by delivery vehicles.</p> <p>The proposed restrictions would prevent parking outside "The Manse", but this is both an advantage and a disadvantage.</p> <p>It was a proposal on behalf of the public. My interest was well known, which was why I was approached. The only objector / accuser was the shop owner.</p>
<p><u>Allegation Six</u></p> <p>That Councillor Jowett sought improperly to influence the decision of the Parish Council in respect of the parking proposals.</p> <p>Mr. Kingston concluded that, by attending and speaking in favour of the parking proposals at the meeting of the Parish Council on 9th September 2004, councillor Jowett failed to comply with Paragraph 9(b) of the Code of Conduct</p>	
<p><u>Extract from Mr. Kingston's report</u></p>	<p><u>Councillor Jowett's comments</u></p>
<p>I conclude that Councillor Jowett sought improperly to influence a decision about the matter.</p>	<p>The Footpaths Committee's report was proposed and seconded and then unanimously accepted. My presence was therefore irrelevant. I only queried two details from their report. No discussion took place.</p>

<p>3.22 Councillor Jowett's proposal was considered at the Council's meeting held on 9 September 2004, following consideration of the proposal by the Roads, footpaths and Flatford Committee</p>	<p>It was no longer my proposal, but had been adopted by Roads and Footpaths. Roads and Footpaths examined the proposal, against my wishes, consulted with a wide range of people including the shop keeper. They then proposed it and it was unanimously accepted. I played no part in that, and yet it was approved. This evidence then shows that the proposal was right and necessary, personal or prejudicial interest played no part in reaching that conclusion.</p>
<p><u>Allegation Seven</u></p> <p>That Councillor Jowett failed to register his interest in "The Manse" in the register of members' interests.</p> <p>Mr. Kingston concluded that his interest in "The Manse" was an interest which Councillor Jowett was required to register and accordingly he concluded that Councillor Jowett had failed to comply with Paragraph 12 of the Code of Conduct.</p>	
<p><u>Extract from Mr. Kingston's report</u></p>	<p><u>Councillor Jowett's comments</u></p>
<p>I conclude that Councillor Jowett failed to register his beneficial interest in the property at "the Manse" in his Register of Members' Interests for the Council</p>	<p>The register of members' interests form signed on 10.11.02 has no apparent place for a dwelling, nor could I see in the guidance document (Shaw's May 2002) and suggestion that a dwelling should be included. Points 6 and 7 simply refer to "owned" and "leased or held on license", none of which is true in my case. "how do I register and declare interests" SBE May 2003 does not seem to infer beneficial interest in my circumstances. I do not own, rent, hold a license to occupy nor am I entitled to the proceeds of any land or property. I sought comments on my completed form and was given no advice that I had omitted any relevant information</p>
<p>In interview Councillor Jowett stated that he had been specifically advised by the Council's Clerk not to register his interest in "the Manse" in his register of members' interests dated 10th November 2002. In interview the Clerk stated that it was not her role as Clerk to advise councillors on how to complete their register of members' interests and she thought it unlikely that she had given Councillor Jowett any advice in this regard, although, given that 10 November 2002 was ore than 2 years ago, she could not specifically recall what she had said on that day.</p>	<p>I cannot recall the exact words either. As legal officer the clerk should have been able to give general advice had any omission been apparent. I felt that I had sought appropriate advice from the Clerk and nothing suggested that I had omitted pertinent information.</p> <p>If a beneficial interest is proved, then I would of course register it.</p>

Appendix Three
Parish Councils Code of Conduct

Statutory Instrument 2001 No. 3576

Appendix Four
Procedure for Local Standards Hearings