

**Maidstone Borough Council Standards Committee**

**Pre-Hearing Process Summary**

Name of Authority: Bredhurst Parish Council

Subject Member: Councillor Vanessa Jones

Complainant: Mr Suresh Khanna

Case Reference Number: MBC/09/02

Chairman: Mr Don Wright

Monitoring Officer: Mr Paul Cummins (Monitoring Officer TWBC)

Investigating Officer: Mr Tony Drew

Committee Administrator: Mrs Debbie Snook

Time, Date, Place of Hearing: 10.00am on Friday 20<sup>th</sup> November at the Town Hall, Maidstone

**Summary of Allegations (with reference to relevant section of the Code of Conduct)**

- Made statements about the complainant questioning the complainant's integrity at Parish Council and Joint Transportation Board - Para 3(1)
- Dismissed representations to Kent Highways Services about access to a new zebra crossing by the complainant and his disabled daughter – Para 3(2)(a)
- Announced at a Parish Council meeting that she had sought the advice of the Head of Legal Service at Kent County Council as Mr Khanna was likely to be a complainant – Para 3(2)(c)
- Cultivated a very close relationship with the Parish Clerk, undertaking unauthorised visits with her on Parish Council business and drafting letters with her giving the views of the Parish Council without consulting the Chairman – Para 3(2)(d)
- Disclosed to the press an email from the complainant without the consent of the complainant – Para 4(a)
- Failed to release accident statistics and a survey on traffic calming – Para 4(b)
- Abused her position and used the Parish Council as a platform to launch a vendetta against the complainant (through conduct described below in relation to allegations of a breach of paragraph 6) – Para 5
- Used her position improperly to secure a disadvantage for the complainant – Para 6(a)
- Ignored procedures for getting travel expenses approved and purchasing office equipment – Para 6(b)(i)
- Used the Parish Council as a platform to urge people to get friends and acquaintances to vote for her at the Kent County Council elections in May 2007 – Para 6(a) and 6(b)(ii)

Relevant Section of the Code of Conduct

Paragraph 3

3(1) – You must treat others with respect.

3(2)(a) - You must not do anything which may cause your authority to breach any of the equality enactments.

3(2)(c) - You must not intimidate or attempt to intimidate any person who is, or is likely to be, a complainant in relation to an allegation that a member has failed to comply with the Code of Conduct.

3(2)(d) - You must not do anything that compromises or is likely to compromise the impartiality of those who work for your authority.

Paragraph 4

4(a) – You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or ought reasonably to be aware, is of a confidential nature, except where-

- (i) You have the consent of a person authorised to give it;
- (ii) You are required by law to do so;
- (iii) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) The disclosure is-
  - (aa) reasonable and in the public interest; and
  - (bb) made in good faith and in compliance with the reasonable requirements of the authority;

4(b) – You must not prevent another person from gaining access to information to which that person is entitled by law.

**Paragraph 5**

5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**Paragraph 6**

6(a) – You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

6(b) – You must, when using or authorising the use by others of the resources of your authority-

- (i) act in accordance with your authority’s reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes;

**Findings of Fact in the Investigation Report that are agreed**

In a submission entitled ‘Response to Allegations against Vanessa Jones’ it states “Although Chairman Jones is, in general terms, satisfied with Mr Drew’s final report, it contains assertions of fact and/or opinion with which she disagrees.”

**Findings of Fact in the Investigation Report that are not agreed**

Paragraph 3.34 of the Investigation Report – The Subject Member states that she did not inadvertently give the Editor of the Downs Mail an email from Mr Khanna but inadvertently gave him a letter which contained details of an email from Mr Khanna.

Paragraph 3.37 of the Investigation Report – As above, the Subject Member disputes the reference to her having inadvertently given the Editor of the Downs Mail information which included an email from Mr Khanna. She states she inadvertently gave him a letter which contained details of the email from Mr Khanna rather than a copy of the email itself.

Paragraph 3.37 of the Investigation Report – The Subject Member suggests that the Investigation Report should reflect the fact that ‘not only did Mr Khanna try to prevent the crossing, he also sought to move the location’.

Paragraph 3.37 of the Investigation Report – The Report suggests that it is not clear when the Thatched Cottage site was first proposed however the Subject Member states that the site was proposed by Mr Khanna in communication dating from 2006.

Paragraph 3.53 of the Investigation Report – The Report suggests that the Subject Member did not have sufficient evidence to justify making a public statement that Mr Khanna had not previously raised the matter of the electricity pole or to imply that Mr Khanna was the only resident to have raised objections about the zebra crossing. The Subject Member states that in fact she had sufficient evidence to justify making this statement.

Paragraph 4.8 of the Investigation Report – The Report sets out Paragraph 4(a) from the Code of Conduct which states a Member must not disclose information given in confidence unless the person concerned has authorized it, or the Member is required by law to do so, or the disclosure is for the purpose of obtaining confidential professional advice, or the disclosure is in the public interest. The Subject Member makes the point that the information which she inadvertently disclosed cannot be regarded as confidential information as Mr Khanna himself had put the information into the public domain when he forwarded the email to members of the public.

Paragraph 4.9 of the Investigation Report – The Report suggests that when the Subject Member inadvertently passed the copy of the email from Mr Khanna to the Editor of the local newspaper she had said this was unfortunate and that she thought it was in the public interest. The Subject Member states this implies that she had thought it to be in the public interest at the time she handed over the email when in fact she states this comment had been in

hindsight. The Subject Member states that she thought it could be perceived as being in the public interest.

Paragraph 4.12 of the Investigation Report – The Report suggests that the disclosure of the email was not justified and not necessary. Further it suggests it was not appropriate for the Subject Member to bring about its disclosure. The Subject Member disputes these findings and asserts the disclosure was accidental and without malice. She states it was Mr Khanna who put the internal communication into the public domain and by his actions the information could no longer be reasonably deemed as confidential.

Attendance at the hearing

Both Councillor Jones and the Investigator (Mr Tony Drew) have indicated they will be attending the hearing and will not be represented by anyone else.

Witnesses Attending

Mr J Chalmers

Mr P Adley

Cllr Paul Carter

Hearing Procedure

See separate document attached

Date Pre-hearing Summary completed: 6 November 2009

Signed: Paul Cummins