

Agenda Item 7

Standards Committee

3 November 2009

Locality Budgets



Spending of Locality Budgets by DCC members in an election year

Summary

Members of the Standards Committee in November 2008 raised the issue of the spending of County Council Community Fund Budgets during an election year.

It was suggested that the distribution of Community Fund money by County Councillors in an election year could be seen to be giving that Councillor an unfair advantage going into an election. It was also suggested that there was a public impression that Councillors might be 'buying votes' ahead of such a poll as in many cases the public did not understand that the money was from an existing County Council budget. The Committee felt that although they understood how the Community fund budget worked, many of the public did not, and that poor public perception could easily undermine the work of our Standards Committees.

The members asked the Monitoring Officer that the issue be raised with the County Council Standards Committee with a recommendation that the County Council considers putting a freeze on the distribution of Community Fund money for 12 months before any County Council Election.

The County Council has considered this recommendation and the minute of their decision is attached at Appendix A.

Recommendation

Members consider Devon County Council's response to the issue raised by this Committee of Community Fund Budgets.

a) **Reasons for Recommendation**

The original reasons for raising this issue with the County Council were:

- the distribution of Community Fund money by County councillors in an election year could be seen to be giving that Councillor an unfair advantage going into the election
- there was public impression that Councillors might be "buying votes" ahead of such a poll as in many cases the public did not understand that the money was from an existing County Council budget
- the Committee felt that although they understood how the Community Fund budget worked, many of the public did not, and that poor public perception could undermine the work of our Standards Committee

Members can now consider the response from the County's Standards Committee.

b) Alternative Options

Ignore the response.

c) Risk Considerations

Members to consider whether continuing this debate is a priority for this Committee.

d) Policy and Budgetary Considerations

None to note.

e) Date for Review of Decision

None recommended.

1 Main Body of the Report

The County Solicitor wrote to members on 11 February 2009 advising how the locality budgets should be used during the lead up to the County Council elections in June 2009 so that they were not used in a way that exposed members to criticism, or improper influence.

“Any member who still has funds available within his or her allocation for the current financial year needs to act quickly so that proposals to spend this money are approved during the next round of County Committees.

Locality budgets for the coming financial year cannot be tapped until after the elections. Thereafter they can be accessed under the normal arrangements – with the addition of course of any money carried forward from this year.

During the period 1 April to 4 June 2009 it would be very imprudent for any member to give anything that might appear to be a promise to make a locality budget payment after the elections should he or she be safely returned on 5 June.”

The issue was considered by members at the County Standards Committee on 2 July 2009.

The County Solicitor advised that the County Council’s Procedures Committee had, in his view, taken reasonable steps to ensure that no conflict arose. Recognising the need for Members to exercise caution in the use of their locality budgets in the period leading up to the County Council elections on 4 June 2009, that Committee had determined that approval to allocations could only be given by County Committees before 9 April 2009 and that, thereafter, the use of any such funds in 2008/09 or 2009/10 would be embargoed until after the June elections. Similarly, Members were not permitted to give any undertaking as to the allocation of funds in that period.

Members were therefore of the view that there had been no conflict of interest and that in restricting the use of these funds for a period well in advance of the Notice of Election the County Council had acted responsibly and no further action was required; the suggestion of the District Council that allocation of such funds should be prohibited for up to 12 months before election was regarded as excessive. (See Appendix A).

Legal Implications

Over and above the County Solicitor’s advice for councillors not to use their locality budgets for an improper purpose, there are no specific legal implications.

Financial Implications

There are no financial implications on this Council.

Consultation on Reports to the Executive

None

Background Papers

- DCC Standards Committee minute, 02/07/2009 (Appendix A)
- Letter dated 17/11/2008 from EDDC's Monitoring Officer to Devon County Council's Standards Committee Chairman (Appendix B)
- Letter dated 11/02/2008 from County Solicitor to DCC members (Appendix C)

Denise Lyon
Monitoring Officer

Standards Committee
3 November 2009