

**CONSIDERATION OF OMBUDSMAN FINDINGS IN RELATION TO**  
**COUNTY COUNCILLOR, MRS. N. BRYANT**  
**APPENDIX II : REPORT OF THE INDEPENDENT PANEL**

**Introduction**

1. The County Council has invited us to consider the Ombudsman's report dated 30 August 2000 and to advise how it might wish to proceed in the light of the findings contained in that report.
2. We met at County Hall on Tuesday, 31 October 2000. We considered:-
  - the Ombudsman's report – (see Appendix I);
  - the National Code of Local Government Conduct (Appendix III);
  - the Ombudsman's Guidance Note No.4 on Members' Interests : Best Practice (Appendix IV);
  - the report on members' interests which is presented to all County Councillors on their election to the County Council;
  - the declaration of acceptance of office which is signed by all members of the County Council;
  - a report by Stephen Gerrard, the Solicitor to the Council, and Monitoring Officer (Appendix V);
  - the written submission of Mrs. Bryant (Appendix VI).

**Deliberations**

3. We note that training on members' interests was available to all members at the beginning of this Council in 1997. Copies of the Code of Conduct and advice from the Ombudsman and Council officers were circulated to all Councillors. In addition, a prompt reminding members to consider whether they have an interest appears on all Council agendas.
4. We acknowledge that a body such as the Tenants' Selection Panel might be assisted by people with a knowledge and experience of agriculture but recognise the additional risks this brings of conflicts of interest. We felt that co-opting people with an appropriate knowledge to advise could help avoid the possibility of conflict.

5. We feel that paragraph 36 of the Ombudsman's report is central to our consideration of this matter. The Ombudsman is unequivocal in his findings. We agree that Mrs. Bryant's family connections gave her a clear and substantial interest and that she should have taken no part in the decision making process.
6. Mrs. Bryant, in her submission to us, states that she "... did not and still does not classify either of the applicants as family or close friends". We fully accept this is her view. However, the advice from the Ombudsman and Council officers makes it abundantly clear that it is not what the individual member thinks, but what "... a member of the public knowing the facts of a situation, would reasonably think ...". Moreover, the National Code of Local Government Conduct which is issued to all members as part of Standing Orders states:

"In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you *might* be influenced by it. If you think so, you should regard the interest as clear and substantial."
7. We are in no doubt that in this case a member of the public, knowing the facts, could reasonably think that Mrs. Bryant's connections were such that she could be influenced by them. Such actions create an adverse view of propriety in local government.
8. We noted that the actions of Mrs. Bryant has led to a finding of maladministration against the County Council as a body corporate not against her individually.

### **Recommendations**

9. In the light of our considerations, we recommend the County Council:-
  - (1) To mark its disapproval of Mrs. Bryant's behaviour by admonishing her for her failure to act appropriately.
  - (2) To remove Mrs. Bryant from membership of the County Farms Tenants' Selection Panel until the end of this Council in April 2001. Whether Mrs. Bryant is appointed to the Panel after May 2001 will be a matter for the new Council.
  - (3) That in future, members declaring a non-pecuniary interest and who propose to remain in the meeting because they feel their interest is not clear and substantial should be asked to explain at the meeting the exact nature of their interest. Members preferring not to explain their interest should leave the meeting and take no part in the decision-making process.

N.A. SMITH  
(CHAIRMAN)

R. TICKELL

O. NORGAARD