

Case Summary - Blackpool Borough Council

Case no. SBE-07585-H4769
Member(s): Councillor Ronald Bell
Date received: 09 Oct 2009

Allegation:

That the member failed to declare payments made to him in respect of his election in his member's register of interests.

That the member had failed to declare a personal and prejudicial interest in relation to council business concerning the person who had made political donations to him.

Standards Board outcome:

Case Summary

The complainant, a councillor, alleged that Councillor Ronald Bell of Blackpool Borough Council (the council) failed to declare two political donations made towards his election expenses in his member's register of interests, and that Councillor Bell had a personal and prejudicial interest in relation to council business concerning the political donor, which he had not declared.

The member's response

Councillor Bell said that he did not consider that two political donations were donations made to him. They were donations made for his party's use in local and general elections campaigns and held in a party account. He did not agree that he needed to register the donations in his register of interests. He did not agree that he had had a personal and prejudicial interest in any council business that concerned the political donor.

Ethical standards officer findings

Councillor Bell is the prospective parliamentary candidate for the Blackpool South constituency. In May 2008 Councillor Bell learned that a local property development company wished to make a political donation to support his general election campaign. Councillor Bell wrote to the company to thank them, and expressed his support, in principle, for the company's proposed housing development in the Marton Moss area. The company made a £5000 donation to Councillor Bell, and suggested a further donation might be made in 2009. The cheque was made payable to the Blackpool South conservative association.

In July 2008 the company made a planning application to develop housing on Marton Moss. The council was reluctant to take a planning decision on any housing development on Marton Moss until their core strategy on housing was complete.

On 18 March 2009 the full council considered an opposition motion opposing the inclusion of Marton Moss in the core strategy for housing. The council's Executive had already resolved to include the area. The motion proposed that the council take no further decisions pending a public consultation on the future of Marton Moss. Councillor Bell declared a personal interest in the motion because he lived and owned a piece of land in the area. The leader of the council proposed an amendment which included removing the requirement for a delay in decisions about the inclusion of Marton Moss in the core strategy. The amended motion was adopted.

In April 2009 a director of the company asked Councillor Bell to arrange a meeting for them with the council. The company was seeking an outcome for their outstanding planning application. Councillor Bell brokered and attended a meeting on 14 April 2009 between the chief executive, the leader, and representatives of the company. Councillor Bell attended as an observer. The company did not get their planning application moved forward. In May 2009 they appealed against the council's non-determination of their application. The company also made a second planning application.

On 7 May 2009 Councillor Bell wrote inviting the company to make a further donation towards his campaign costs. He mentioned his political opponent's opposition to the company's proposals for housing on Marton Moss. The company made a second £5000 donation. The company told Councillor Bell they might make a third donation before the general election.

In August 2009, after an internal party enquiry, Blackpool South conservative association returned the two donations to the company.

The ethical standards officer found that the association had ring-fenced the two £5000 donations for Councillor Bell's use in the parliamentary campaign. Councillor Bell was a creditor of the association in their 2008 accounts for an amount that included the first donation. In June 2009 the chair of the association assured Councillor Bell that both donations were held for his use. The ethical standards officer found that Councillor Bell did expect that the two donations, and any future donation from the company, would be held in the association account for his use as the prospective parliamentary candidate, and not for any other purpose.

The ethical standards officer found that the two political donations were not payments made in respect of Councillor Bell's election as a councillor in May 2007, or in respect of any councillor expenses Councillor Bell incurred. Therefore Councillor Bell was not obliged to enter the two donations in his councillor register of interests. Councillor Bell did not fail to comply with paragraph 13 of the code of conduct.

The Ethical standards officer considered whether Councillor Bell had a potential personal interest in any business of the authority that might reasonably be regarded as affecting either his financial position or well being, or the financial position or well-being of his close associates.

She noted that Councillor Bell's financial position and well being were affected by donations towards his election campaign.

The ethical standards officer found that Councillor Bell had an ongoing relationship of donee/donor with the directors of the company. Given the size of the donations and the importance of them to Councillor Bell, she considered that the directors were people with whom Councillor Bell had a close association.

The ethical standards officer noted that the opposition motion would have delayed the council's final decision on the core strategy relating to Marton Moss and, in principle, could have further delayed a council planning decision on the company's outstanding application. The motion might reasonably be regarded as capable of affecting the financial position of the company. The ethical standards officer considered that Councillor Bell had a personal interest in relation to the motion debated on 18 March 2009 because of his close association with the company. Councillor Bell did not declare the existence and nature of his personal interest arising from that close association at the 18 March meeting. Councillor Bell failed to comply with paragraph 9(1) of the code of conduct.

The ethical standards officer did not consider that the link between the motion and the potential for further delay to Kensington Developments' planning application was so strong as to make it likely that a member of the public, knowing the relevant facts, would reasonably think that Councillor Bell's judgement of the public interest would be prejudiced. The affect on Councillor Bell himself as a donee of the company was similarly remote. Councillor Bell's personal interest in the motion did not amount to a prejudicial interest. Councillor Bell did not fail to comply with paragraph 12 of the code of conduct

The ethical standards officer considered whether Councillor Bell was using his position improperly to advantage himself or another person, when he brokered the meeting between the company and the council. She noted that the leader and chief executive did not know they were holding a meeting with a political donor. She noted that Councillor Bell invited a further donation some weeks after the meeting. However the ethical standards officer considered that the meeting served the public interest in communicating the council's position, and did not give the company any advantage. She noted that the company had already indicated they might make a further donation before Councillor Bell wrote again. On these facts, she did not consider that Councillor Bell was promoting a private interest over the public interest. He had not failed to comply with paragraph 6(a) of the code of conduct.

The ethical standards officer considered whether Councillor Bell's conduct might reduce the public's confidence in his being able to fulfil the role of councillor. She considered that it had been naïve of Councillor Bell to maintain in response to the complaint that the donations were not made to him and held for his use. She noted that it was wholly foreseeable that donations to a serving councillor from a major planning applicant would raise a question in the public's mind. The ethical standards officer noted that Councillor Bell became prospective parliamentary candidate almost immediately after he was elected as a councillor and that the two roles are subject to different obligations and responsibilities. She had seen no evidence that Councillor Bell purposefully concealed his relationship with the company from others. Given the

lack of disreputable conduct by Councillor Bell in his office of councillor, his conduct did not bring his authority into disrepute. Councillor Bell did not fail to comply with paragraph 5 of the code of conduct.

The ethical standards officer took into account that Councillor Bell's personal interest did not prevent him from remaining and participating in the vote on the motion. She noted that Councillor Bell was a relatively inexperienced councillor. She noted that it was not improper for Councillor Bell to have solicited donations from the company for his parliamentary campaign. She took into account that Councillor Bell had not attempted to lobby officers or fellow councillors regarding the company's planning applications.

The ethical standards officer's finding, in accordance with section 59(4)(b) of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, was that there has been a failure to comply with the code of conduct but no action needs to be taken.

Relevant paragraphs of the Code of Conduct

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