

HEARINGS SUB-COMMITTEE OF STANDARDS COMMITTEE

28 MAY 2012

REPORT OF INVESTIGATION –CASE REFERENCE DU/MO/132

Report from: Angela Drum, Deputy Monitoring Officer

Summary

This report brings before the Sub-Committee the Investigating Officer's report into an allegation against a Councillor, which was referred for investigation by the Referrals Sub-Committee of the Standards Committee.

1. Budget and Policy Framework

- 1.1 The procedures for dealing with allegations of misconduct by Councillors are currently set out in the Standards Committee (England) Regulations 2008 and the Council has established appropriate arrangements for the Standards Committee and its Sub-Committees to deal with such matters. Whilst the Standards Framework is subject to change under the Localism Act 2011, current cases are being processed under the Council's existing arrangements.
- 1.2 The investigation report concludes in a finding of a failure to comply with the Member's Code of Conduct. The Sub-Committee is now required to consider the report of the Investigating Officer and decide what findings to make and whether sanction(s), if any, should be imposed.

2. Background

- 2.1 The Referrals Sub-Committee of the Standards Committee met on 10 March 2011 to consider a complaint that Councillor Stamp breached the Members' Code of Conduct (the "Code") by issuing leaflets and conducting an email campaign against other Councillors. The sub-committee agreed to forward the complaint to the Deputy Monitoring Officer for investigation.
- 2.2 The Deputy Monitoring Officer appointed an Independent investigating Officer to undertake the investigation on her behalf and a copy of the final investigation report is attached at Annex 1. The comments on the report from the complainant, the subject member and the response from the Investigating Officer to the comments are attached at Annexes 2, 3 and 4 respectively to the final investigation report. The purpose of the report is to establish the

facts, apply this to the Member's Code of Conduct (attached at Annex 5) and relevant law and to make a finding of whether or not there has, in the Investigating Officer's opinion, been a breach of the Code.

2.3 In this case, the finding of the Investigating Officer is that there has been:

2.3.1 No failure to comply with paragraph 3(2) (b) of the Code: You must not bully any person;

2.3.2 No failure to comply with paragraph 6 (a) of the Code: You must not use or attempt to use your position as a member improperly to confer on or to secure for yourself or any other person, an advantage or disadvantage; and

2.3.3 A breach of paragraph 3(1) of the Code: You must treat others with respect.

3. Role of the Hearings Sub-Committee

3.1 A consideration meeting of the Hearings Sub-Committee of the Standards Committee took place on 23 January 2012 under Regulation 17 of the Standards Committee (England) Regulations 2008. The Sub-Committee was required to consider the report of the Investigating Officer and decide that the matter should either be considered at a hearing of the Standards Committee or be referred to the First-tier tribunal.

3.2 The Hearing Sub-Committee considered the report of the Investigating Officer and decided that the matter should be considered at a hearing under Regulation 18 of the Standards Committee (England) Regulations 2008.

3.3 As part of the pre-hearing process Councillor Stamp was formally written to proposing the date for this meeting, outlining the hearing procedure, his rights and asking him for a response to the questions in the Standards for England guidance relating to attendance at the hearing and representation, findings of fact, evidence at the hearing, witnesses, the hearing being held in private and keeping documentation private.

3.4 Councillor Stamp has responded and the completed forms are attached at Annex 6.

3.5 Councillor Stamp has disagreed with the findings of fact contained within the final investigation report at two sections.

3.5.1 Paragraph 5.4 – Councillor Stamp stated on Form A that “the report says that information in the press statements/articles did not emanate from Councillors Ruparel and Sutton and that they contain “considerably more knowledge of the case than the bare bones reported on the Council’s website”. Councillor Stamp suggests that the paragraph should read as follows: “the first two press articles appendices G and H, only contain information published on the Council’s website. The final press article, Appendix ‘I’, contains considerably more knowledge of the case, was published before the Standards Committee had even met to make a decision on the report and could only have been written by obtaining a leaked copy of the confidential investigation report”.

- 3.5.2 Paragraph 5.5 – Councillor Stamp states on Form A that, “the leaflet distributed (Appendix E) does not pre-determine the result or imply guilt. I did not mention the outcome of the internal Liberal Democrat investigation in the leaflet because at the time their investigation was still ongoing and they informed me they would not be telling me of their findings. These points are outlined more fully in my comments on the draft report; points 1 – 8 of Appendix 4, of the Hearings Sub-Committee report considered on 23 January 2012” (Annex 3 of this agenda). Councillor Stamp also states; “I completely disagree with the last two sentences of paragraph 5.5. Without the benefit of hindsight, I tried to balance the need to be transparent with and accountable to local residents, with the obligation to respect other elected Members”.
- 3.6 Councillor Stamp had also requested that two witnesses attend, but it was determined at the pre-hearing process meeting, held on 27 March 2012, that only written statements from the two witnesses would be included with the paperwork for this meeting and that the Hearings Sub-Committee would not wish to hear from the witnesses at this meeting. The two witness statements are attached at Annex 7 and 8.
- 3.7 Furthermore, Councillor Stamp has presented additional documents for consideration, which the Hearings Sub-Committee, at the pre-hearing process meeting, agreed to include these documents in the paperwork for this meeting. The documents are as follows: -
- 3.7.1 Tales from Gun Wharf blog of 12 March 2012 – Annex 9
 - 3.7.2 Medway Messenger online article of 18 June 2010 – Annex 10
 - 3.7.3 Medway News online article of 2 July 2010 – Annex 11
 - 3.7.4 Tales from Gun Wharf blog of 20 August 2012 – Annex 12
- 3.8 Councillor Stamp has asked that his representations set out in Form C of Annex 6 be taken into account if he is found to have failed to follow the Code of Conduct.
- 3.9 At the conclusion of the hearing, the Hearings Sub-Committee must make one of the following findings:
- 3.9.1 that the subject member had not failed to comply with the Local Authority’s Code of Conduct;
 - 3.9.2 that the subject member had failed to comply with the Local Authority’s Code of Conduct but that no action needs to be taken in respect of the matters which were considered at the hearing; or
 - 3.9.3 that the subject member had failed to comply with the Local Authority’s Code of Conduct and that, in the circumstances of this case a sanction or sanctions as mentioned under paragraph 3.10 below should be imposed.
- 3.10 If the Hearings Sub-Committee were to make a finding under paragraph 3.9.3 above, then in the circumstances of this case, it must impose any one of, or any combination of, the following sanctions:
- 3.10.1 Censure of that member;

- 3.10.2 Restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions:
 - 3.10.2.1 Are reasonable and proportionate to the nature of the breach; and
 - 3.10.2.2 Do not unduly restrict the person's ability to perform the functions of a member;
- 3.10.3 Partial suspension of that member for a period not exceeding six months;
- 3.10.4 Suspension of that member for a period not exceeding six months;
- 3.10.5 That the member submits a written apology in a form specified by the Standards Committee;
- 3.10.6 That the member undertakes such training as the Standards Committee specifies;
- 3.10.7 That the member participate in such conciliation as the Standards Committee specifies;
- 3.10.8 Partial suspension of the member for a period not exceeding six months or until such time as the member submits either:
 - 3.10.8.1 A written apology in a form specified by the Standards Committee; or
 - 3.10.8.2 Has undertaken such training or has participated in such conciliation as the Standards Committee specifies;
- 3.10.9 Suspension of the member for a period not exceeding six months or until such time as the member has either:
 - 3.10.9.1 Submitted a written apology in a form specified by the Standards Committee; or
 - 3.10.9.2 Has undertaken such training or has participated in such conciliation as the Standards Committee specifies.
- 3.11 Subject to paragraph 3.12, any sanction imposed under this regulation shall commence immediately following its imposition by the Standards Committee.
- 3.12 A sanction imposed under any of sub-paragraphs 3.10.2 to 3.10.9 or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.
- 3.13 The Hearings Sub-Committee should also note the pre-hearing process summary attached at Annex 13.

4. Risk Management

Risk management is an integral part of good governance. The procedure set out in this report complies with the relevant legislation and the transitional arrangements, which allow the Council to apply the Standards for England ("SfE") guidance, to ensure that the process is conducted fairly and in line with best practice.

5. Financial and legal implications

- 5.1 The procedure for handling the outcome of investigations into complaints about member conduct are set out in the Standards Committee (England) Regulations 2008 and associated SfE guidance.

5.2 There are no financial implications arising from this report.

6. Decision required

6.1 The Hearings Sub-Committee is asked to consider the report of the investigation into a complaint against Councillor Stamp which makes the findings as set out in paragraph 2.3 above and decide:

6.1.1 Whether the subject member failed to follow the Code; and

6.1.2 If so, which sanction(s), if any, should be applied.

Lead officer contact

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Background papers

SfE guidance on local investigations and other actions

SfE guidance on Standards Committee Determinations

www.standardsforengland.gov.uk

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FINAL REPORT

LOCAL INVESTIGATION DU/MO/132

Report of a local investigation under Section 82A of the Local Government Act 2000 into allegations concerning Councillor Stamp, a member of Medway Council.

W.D.Milne TD, LL.B, LARTPI
Solicitor

Investigating Officer
October 2011

CONTENTS

| | | |
|---|--|---|
| 1. INTRODUCTION..... | | 3 |
| 2. METHODOLOGY..... | | 3 |
| 3. SUMMARY OF ALLEGATIONS AND RELEVANT PART OF THE CODE OF CONDUCT..... | | 3 |
| 4. THE LEGAL POSITION..... | | 4 |
| 5. EVIDENCE..... | | 4 |
| 6. CONCLUSION..... | | 6 |

APPENDICES

- (a) Mr Alan Jefferies – Agreed Notes of Interview
- (b) Councillor Stamp – Agreed Notes of Interview
- (c) Original Letter of Complaint
- (d) Decision Notice DU/MO/124
- (e) “A Message from Councillor Stamp”
- (f) Letter from Councillor Andy Stamp and enclosure
- (g) News – 27th January 2011
- (h) Medway Messenger – 28th January 2011
- (i) Medway Messenger - 17th June 2011

1. INTRODUCTION

1.1 This matter was first considered by the Referrals Sub-Committee of the Standards Committee of 10th March 2011, with the result that the decision was made that it was appropriate for the matter to be referred to the Deputy Monitoring Officer for local investigation. In due course I was appointed by the Deputy Monitoring Officer to carry out the investigation.

1.2. I am the former Head of Legal for Swale Borough Council and before my retirement from full time work had been in Local Government service for 35 years. I accordingly have considerable experience of Monitoring Officer / Standards Issues. At the start of the investigation the Deputy Monitoring Officer supplied me with a copy of the Decision Notice reference DU/MO/132 together with the background papers.

2. METHODOLOGY

2.1 In addition to considering the information specified above, interviews were carried out with the Complainant, Mr Alan Jefferies, and also with the subject member, Councillor Andy Stamp. After the interviews a note of the interview was prepared by myself as Investigating Officer and sent to the interviewees for consideration and comment. These agreed notes and enclosures referred to therein are attached to this report and were used in conjunction with all the written material to assist in completing and reaching a conclusion. The agreed notes and additional information should be read in conjunction with the report.

3. SUMMARY OF ALLEGATIONS AND RELEVANT PART OF THE CODE OF CONDUCT

3.1 The general summary of complaint in Decision Notice DU/MO/132 is that: “the Complainant alleged that the breach of the Code occurred in recent months when Councillor Stamp reported and re-reported the complaints that he made to Medway Council Standards Committee concerning the behaviour of two other Councillors (DU/MO/124 and 125). The complaint related to the issuing of leaflets and conducting an email campaign against other Councillors.

3.2 The Complainant alleged that Councillor stamp was acting in an official capacity.”

3.3 The Referrals Sub Committee identified paragraphs 3(1), 3(2)(b) and 6(a) of the Members Code of Conduct as potentially relevant in relation to the alleged conduct:

- Paragraph 3(1) of the Code:
You must treat others with respect.
- Paragraph 3(2)(b) of the Code:
You must not bully any person.

- Paragraph 6(a) of the Code:
You must not use or attempt to use your position as a member improperly to confer on or to secure for yourself or any other person, an advantage or disadvantage.

3.4 The Complainant had originally considered paragraph 4(b) of the Code to be a potential breach but withdrew that ground at the interview, wishing to offer no evidence on the matter. For the sake of completeness Paragraph 4(b) specified: “you must not prevent another person from gaining access to information to which that person is entitled by law.”

4. THE LEGAL POSITION

4.1 The main issues in this case as specified in the above paragraph are primarily matters to be determined on the facts of each case with the exception of the question of bullying. With regard to bullying the Standards for England provide a definition in their published information. They characterise bullying as:

- 4.1.1 “Offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim’s confidence, capability and health.
- 4.1.2 Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of the Code of Conduct). It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a member will be found guilty of bullying when both parties have contributed to a breakdown in relations”.

4.2 The guidance goes on to provide the helpful advice that “anyone alleging bullying should provide examples of the words or actions used to provide clear objective evidence of bullying. They should try to describe the specific behaviour they are concerned about, providing dates, times and locations. This is because it is more difficult to judge bullying from general remarks”.

5. EVIDENCE

5.1 The agreed notes of interview are attached to this report and are very comprehensive and when read together with the enclosures referred to therein clearly set out the opposing arguments. The two main elements of the complaint concern the re-reporting of details relating to a complaint made by the subject member against Councillors Ruparel and Sutton in September 2010 (reference numbers DU/MO/124 and 125) and an associated email campaign against other Councillors. The original complaint by Councillor Stamp was referred to the Referrals Sub Committee of the Standards Committee on 22nd October 2010 and was referred to the Deputy

Monitoring Officer for Investigation. At around this time it is understood that the matter was also reported in the local press. There was then a significant gap in time until 27th/28th January 2011 when the matter was re-reported in the local press following a press release and a press conference organised by Councillor Stamp.(see pages 15 and 16 of the appendices to the report). It was this act of re-reporting and associated activities which in the Complainant's view was a breach of the Councillors Code of Conduct as specified earlier in this report. In the Complainant's view "to seek further publicity demonstrated that Councillor Stamp was not treating Councillors Sutton and Ruparel or the process with respect and was seeking to obtain two bites of the cherry purely for party political purposes whilst the matter was still under investigation."

5.2 Councillor Stamp for his part makes it equally clear in his notes of interview that he was aware of the restraints on publishing information relating to ongoing Standards enquiries and that in his view he worked within the rules. With regard to the publication of the document entitled "A message from Councillor Andy Stamp" he makes the point that because of the ongoing Standards investigation he "made every effort to ensure that the leaflet contained no details regarding that investigation which had not previously been published on the Council's web site and no names of the Councillors being complained about". Similarly with regard to the later press conference he states that there was very little he could say about the ongoing Standards investigation "outside of what had already been published on the Medway Council web site". His main concern throughout was to set the record straight within the rules.

5.3 At the time of the re-reporting the information concerning the case appearing on the Medway Council web site would have been a copy of the Decision Notice / Referral for Investigation in cases DU/MO/124 and 125. The two notices concern the same facts and the wording in each is identical (see page 9 of the appendices and paragraph 3.1 above).

5.4 With benefit of hindsight in dealing with such matters it is clear that it is either best to say nothing about ongoing Standards enquiries or at least prudent to say very little. In this case the matter received significant press coverage, as can be seen from the appendices, the tone and manner of which infer to my mind considerably more knowledge of the case than the bare bones reported on the Council's web site. It is however difficult to establish at this point in time where such information came from, although in my view it is fair to assume that it did not emanate from the subject members in that case. There is no clear evidence as to what was said at the press conference.

5.5 Councillor Stamp's stance on the matter can however be clearly ascertained from the leaflet entitled "A message from Councillor Andy Stamp" which deals with the matter on the second page and was widely circulated. He states quite clearly "I have been shocked and disgusted by the actions of two Liberal democrat Councillors." He then goes on to deal with the case in two further paragraphs. That sentence in the leaflet is to my mind the key to this case as in my view it goes further than it should have done at that stage of the proceedings. It appears to pre-determine the result and implies guilt, even though the investigation had not been completed and despite the fact that the two Councillors concerned had already been exonerated by an internal

Lib/Dem enquiry, which was another factor not mentioned in the leaflet. Hence irrespective of the press coverage, which cannot be attributed to any particular source, it is my opinion that by the publication of the pamphlet Councillor Stamp breached paragraph 3(1) of the Code by not treating others, namely Councillors Ruparel and Sutton, with respect.

5.6 With regard to the other element of the case, namely the email campaign against another Councillor, it is my view that there is insufficient evidence to establish a case. The Complainant has been unable to supply details due to reluctance on the part of email recipients to agree to disclosure. Paradoxically the only email and text message evidence supplied has been put forward by the subject member and is fairly selective showing in my view only one side of the case. The evidence including a letter and enclosure from Councillor Stamp of 19th July 2011 appears at pages 13 /14 of the appendices and the recipient of the email of 9th December 2009 has been redacted to comply with data protection legislation. It is clear however that there has been much political cut and thrust connected to this case which is still ongoing as is evident in the copy of the newspaper report of the Medway Messenger of 17th June 2011 which appears at page 17 of the appendices. This may however be viewed as political tit for tat following on from the initial re-reporting incident.

6. CONCLUSION

6.1 Having considered this matter in some detail and based on the reasoning set out in the evidence section above, it is my view that there has been no breaches of the Code of Conduct with regard to paragraphs 3(2)(b) and 6(a) of the Code of Conduct.

6.2 With regard to paragraph 3(2)(b) which states that “you must not bully any person”, it is my view that the definition of bullying specified at paragraph 4 above does not cover the current situation. Similarly with regard to 6(a) it is in my view impossible to prove on a balance of probabilities that subject member gained an advantage as a direct result of his actions.

6.3 However with regard to paragraph 3(1) of the code, which specifies that you must treat others with respect, it is submitted that on the balance of probabilities the evidence indicates that a breach of the Code of Conduct took place for the reasons specified in the evidence section.

6.4 In summary I therefore find that there has not been a failure to comply with the code with regard to paragraph 3(2)(b) and 6(a), but that there has been a failure to comply with the Code with regard to paragraph 3(1).

WD Milne
Solicitor
October 2011.

(a)

Local Investigation – Interview with Mr Alan Jefferies, the Complainant, held at Medway Council Offices, Gun Wharf on 18th May 2011 between 11.00 and 12.30pm.

1. At the start of the interview I referred to the Decision Notice of the Referrals Sub Committee of the Standards Committee of 10th March 2011 reference DU/MO/132 and you confirmed that you had received a copy of the same. In addition to that information reference was also made to your letter of complaint of 26th January 2011 which formed an enclosure to the Referrals Sub Committee agenda.

2. You explained that you had been chairman of the Liberal Democrat Local Party consisting of Gillingham, Rochester, Rainham and Strood, known collectively as Medway Local Party, for 3 years between 2008 and 2010. Prior to this you had been a local councillor from 2000 to 2003 and inter alia had been the whip for your party and a member of the Standards Committee. With regard to the Decision Notice you informed me that you wished to withdraw the fourth ground of the breach of the code marked (d) in the notice referring to access to information matters, in view of the fact that your witness has withdrawn his support, feeling unable to pursue the matter further.

3. The main thrust of your argument is the fact that the complaint made by Councillor Stamp to the Standards Committee regarding Councillors Sutton and Ruparel was not only reported in the press, but was re-reported on 7th January 2011. In this connection you produced a copy of two newspaper articles showing the re-reporting. One was from a newspaper entitled "News" circulating in Chatham, Rochester, Gillingham, Rainham and Strood which was published on 27th January 2011 and contained a front page article entitled "Councillor Accused of Abusing Position - Investigation into Attempt to Leap Homes List". The second article appeared in the Medway Messenger of 28th January 2011 which contained an article on page 33 entitled "Ex-Lib Dems Will Make Stand Against Old Party", which also included reference to the ongoing Standards investigation.

4. In addition to this you also produced a copy of a press release made by Councillor Andy Stamp as an independent member for the Gillingham North Ward, which was issued just prior to the press conference held at the Sunlight centre in Medway which resulted in the above mentioned press reports. The re-reporting of the Standards investigation was included in an announcement at the press conference by Councillor Stamp that he would stand independently for the Gillingham North Ward. Copies of all three documents are appended hereto.

5. You recall that the sequence of events regarding the complaints made about Councillors Sutton and Ruparel was that the original complaint was made to the Standards Committee in September 2010 and was followed shortly thereafter by a press release from Councillor Stamp and resulting articles in the press. There was then a considerable gap until the press conference and re-reporting of the matter towards

the end of January 2011 and it is this act of re-reporting which in your view was a breach of the Councillors Code of Conduct as specified in the Decision Notice.

6. You are aware that it is normal practice for the Monitoring Officer to inform all Complainants that once an investigation by the Standards Committee has commenced further publicity should be avoided. In your view to seek further publicity demonstrated that Councillor Stamp was not treating Councillors Sutton and Ruparel or the process with respect and was seeking to obtain two bites of the cherry purely for party political purposes whilst the matter was still under investigation. At the time of the re-reporting incident you recall that an email trail was created between Councillor Stamp and members of the Lib Dem Party (copies to follow), attempting to clarify the situation.

7. To put the matter in context you made it clear that the relationship between the Lib Dem Party and Councillor Stamp had not always been on bad terms, but had deteriorated due to the Standards Committee investigation. In the past you had supplied references for Councillor Stamp for his parliamentary candidacy and you regarded him as the future of the Local Party. In fact you had advised him with regard to the incident concerning Councillors Sutton and Ruparel. When he spoke to you about the matter on the 9th December 2009, you disagreed with his views, but made the point that if he thought there was a case, he was obliged to report the same. You recall saying to him words to the effect that "if you don't report the matter you are as guilty as they are – if they are guilty at all." For the record you wish to make it clear that an independent regional Lib Dem Party inquiry was led by a Barrister into the complaints against Councillors Sutton and Ruparel, with the result both Councillors were exonerated. Councillor Stamp did not get a copy of this report because by that time the Local Party had suspended him and he had announced his resignation from the Party. He was formally expelled in February 2011.

8. You were accordingly amazed when the press conference took place at the Sunlight centre followed by the press release and the re-reporting of the matter on 27th / 28th January 2011. You felt that by doing this Councillor Stamp had gone too far. He ought to have followed the correct procedure and having made the complaint, should have remained silent on the matter until the Standards Committee investigations were complete. You were also concerned that the Monitoring Officer had been dragged into the debate by the re-reporting which you do not feel should have happened. This was because the effect of the re-reporting in your view made it look like there was collusion between the Monitoring Officer and the Councillors who were the subject of the complaint.

9. After the re-reporting of the incident, the matter was discussed by the Lib Dem Group and local party members. Subsequently Councillor Geoff Juby accompanied by the current Local Party Chair, Ms Hammant, had a meeting with the Chief Executive regarding the incident. The meeting did not however produce a solution as the Chief Executive apparently explained that he was powerless to do anything or even to discuss the matter with the Monitoring Officer. (I also interviewed Councillor Juby on this point who confirmed that the meeting had taken place and that one reason why the Chief Executive was reluctant to take action was because in other Standards investigations, such as that involving the Chief Constable, statements had also been made after the initial reporting to the Standards Committee. He also confirmed that

the Chief Executive was of the view that it was not his role to deal with such matters i.e. he was not the Monitoring Officer who held an independent position.)

10. Additionally you explained that you felt that the Standards system lacked any means for bringing a person who wished to ignore the rules to order. The system whilst well intended seemed not to work as planned. Hence this complaint.

These were the points you wish to raise with regard to this investigation.

W D Milne.
Solicitor
28th May 2011

Amended 19th June 2011

Local Investigation – Interview with Councillor Andy Stamp held at Medway Council Offices at Gun Wharf Chatham on 29th June 2011.

1. At the start of the interview I confirmed that you had received a copy of the Decision Notice DU/ MO/132 of the Referrals Sub Committee of the Standards Committee of 10th March 2011. The interview was also attended by Mr Dan McDonald as a friend. During the course of the interview reference was also made to the agenda for the above committee and to the newspaper reports for 27th and 28th January 2011 and the document referred to as “A Message From Councillor Andy Stamp” all of which documents are appended to the main report.
2. With regard to the last mentioned document namely “A Message From Councillor Andy Stamp” you made the point that this was not specifically a party political leaflet, but rather an open letter to residents in the local area that comprised the ward which you represented. The document was published at the start of October 2010 and sent to about half of the houses in your ward amounting to about 2000/ 3000 deliveries. You accept that the main theme is of a party political nature, but make the point that because of the ongoing Standards investigation you made every effort to ensure that the leaflet contained no details regarding that investigation which had not previously been published on the Council’s web site and no names of the Councillors being complained about.
3. The timing for the letter was dictated by events and was brought about because you had recently resigned from the Liberal Democrats and had decided to sit as an independent Councillor on Medway Council. The letter was primarily to explain the reasoning behind your decision.
4. Following on shortly from the publication of the letter you arranged a press conference to ensure that the reasoning behind your resignation could be fully explained and to reach a wider audience than the recipients of the letter. The primary reason for the press conference was thus to explain your dissatisfaction with the coalition government and to deal with various local issues. At the conference you explained that there was very little you could say about the ongoing Standards investigation outside of what had already been published on the Medway Council web site. You feel that with all your dealings with members of the public you have always tried to be as open and accountable as possible. You made it clear throughout that you could not say too much about the ongoing Standards investigation and were primarily concerned about setting the record straight within the rules. It was not your intention to “ramp up the situation” but rather to make it clear why you had left the party.
5. You recall that reporters from the paper entitled “News” did attend the press conference, but that no representative from the Medway Messenger was present although a report concerning the matter appeared in that paper. You were asked for a comment latterly by the Medway Messenger but declined to comply.
6. You are aware that after the publication of the article in the paper called “News” Councillor Sutton, who was one of the Councillors being complained about, was very concerned that her address had been released. You wish however to make it clear that

it was not released by yourself, but merely picked up by the press from a Medway Council web site.

7. With regard to the Complainant in this case you feel that it is also relevant to make the point that since the outset of the Standards investigation the position between the two of you has completely polarised. You feel that lately he has personalised his attack against you and has acted in an improper manner towards yourself. In this respect you have supplied a copy of email correspondence of an increasingly vituperative nature and explained your reasoning in a covering letter dated 19th July 2011. You also produced a text message which I have seen of 9th May 2010 in which the complainant stated, "you have to 4pm to withdraw your email or I shall commence legal proceedings. It is completely untrue in all respects." This threat apparently followed on from a withdrawal of funding issues.

8. Finally you wish to make the point that in your view the campaign against you is still continuing as is evidenced by a report in the Medway Messenger of Friday June 17th 2011 which is appended to this report. By publishing the article the newspaper leaked the findings of the Investigating Officer in a previous complaint involving you, prior to the same being considered by the Medway Standards Committee. This in your view could only have been done by one of a handful of individuals and indicates continuing harassment and party political pressure against you.

These are the points you wish to raise with regard to this investigation.

W D Milne
Solicitor
27th July 2011

log, scan, file ack thating Br letter advising that as this is a Standards matter
 to letter is being passed to DU (title) to look into + forward direct 26 JAN 2011
 e-mail to DU/DA + ask Br copy in due course + if DU would
 keep well updated please. ORIGINAL back to me Br NY/DU 1401 file. thanks.
 Complaint by Alan Jefferies to the Standards for England via Medway Council

Dear Sir

Further to the various media stories and the large amount of public disquiet that is evident I the undersigned, request that Standards for England investigate whether Councillor Andrew Stamp has breached the Code of Conduct for Elected Members and/or the rules that govern any complaint in respect of his behaviour in the media of reporting and re-reporting the complaint he made to the standard committee at Medway Council.

The specific grounds for this complaint is I believe there are potential breaches of the following parts of the Code of Conduct as follows:

- Paragraph 3(1) – Failure to treat others with respect.
- Paragraph 3(2)(b) – Bullying of another person
- Paragraph 3(2)(d) – Compromising the impartiality of a Council employee
- Paragraph 4(b) – Seeking to prevent another person from gaining access to information.
- Paragraph 6(a) – Using the position of member of the authority to improperly secure an advantage
- In addition there is evidence that Councillor Stamp has breached the instructions of the monitoring Officer by bringing the details of his complaint to the media. These rules of the Standards of England are designed to ensure impartially and protect those complained about and those doing the complaining.

In making this complaint I note that there has been a lot of media and public interest about this matter generated by Cllr Stamp including a number of comments on various websites, in the press and at a media event called by Cllr Stamp. He is issuing leaflets to members of the public in his ward and in the neighbouring ward repeating his complaint and attempting to suggest that they are guilty already. He is also conducting an Email campaign against the two Cllrs who upon the instructions of the Deputy monitoring Officer are denied any right of reply. This lacks natural justice and balance, either all involved are silent or all can speak. These unjust actions by Cllr Stamp are clearly of political nature and designed to ensure that the reputation and perception of Cllr Ruparel and Cllr Sutton is damaged and to ensure they are tried and perceived as guilty in the media before the Local Committee or Standards for England have resolved the complaint made by Cllr Stamp.

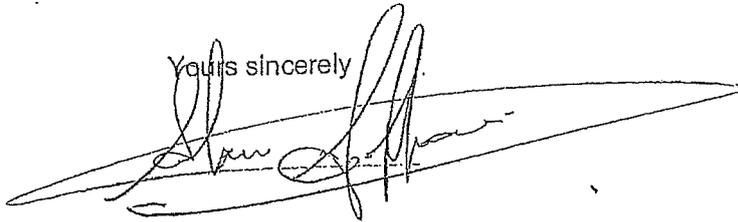
In no way is this complaint made to affect the actions of committee or Standards for England in the outstanding complaints made by Cllr Stamp against Cllr Ruparel and Cllr Sutton. These complaints must be investigated fairly and with out regard to this complaint.

I also note the dicta in the case of Mullaney -v- The Adjudication Panel for England [2009] EWHC 72 which I believe supports an argument that Councillor Stamp is acting in his 'official capacity' at all times and in no way can he suggest he is acting in a private capacity.

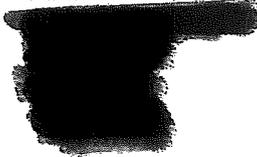
I believe that the matters required by the 'Complaint Form' that appears on the Medway Council website are covered in this letter but if you require that a form is filled in or require any further information please let me know. No doubt Cllr Stamp will deem this complaint as political and I would like to firmly reject this. I believe he has abused his

position as a member of the Council and has sought to use the existence of his complaint as a weapon in his campaign for re-election. Lastly I would note that, as this matter concerns a complaint already raised by Cllr Stamp and the lack of action locally to stop him abusing his position. I feel the handling of it locally would raise the issue of bias and in order for it to be considered properly and in a fair and neutral manner, it should not be dealt with by the local Ethical Standards Committee but should be passed on to Standards for England.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Jefferies', written over a horizontal line.

Alan Jefferies



(ed)

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: DU/MO/124

Complaint

On 22 October 2010 the Referrals Sub-Committee of the Standards Committee of this authority considered a complaint by Councillor Stamp concerning the conduct of Councillor Ruparel, a member of Medway Council.

A general summary of the complaint is set out below:

The complainant alleged that the breach of the Code occurred in October 2009 when Councillor Ruparel accompanied Councillor Sutton to a meeting with Deborah Upton, the Council's Assistant Director of Housing & Corporate Services. It is alleged that at this meeting (or thereabouts) Councillor Ruparel and Councillor Sutton breached the Code, as set out below, by putting excessive pressure on the Assistant Director to act in a certain way (i.e. to urgently rehouse Councillor Sutton in Council owned housing).

The complainant alleges that Councillor Ruparel was acting in an official capacity.

The complainant considered that Councillor Ruparel's conduct had breached the following paragraphs of the Member's Code of Conduct:

- a) Paragraph 3(2)(d) of the Code:
You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- b) Paragraph 6(a) of the Code:
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.

Although the complainant did not specifically refer to paragraph 5 of the Code which states "*You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*", the complaint did state that the complainant felt that Councillor Ruparel had brought her office in to disrepute and referred to the principles of Standards in Public Life with which the complainant considered Councillor Ruparel had failed to comply.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals Sub-Committee of the Standards Committee decided to refer the allegation to the Deputy Monitoring officer for investigation.

Reasons

The Referrals Sub-Committee of the Standards Committee considered the complaint against its adopted assessment criteria. It was decided that the complaint satisfied the assessment criteria as follows:

1. The complaint was against a named Member of Medway Council;
2. The named Member was in office at the time of the alleged conduct and that the Code of Conduct was in force at the time; and
3. The complaint (if proven) would be a breach of the Code under which the member was operating at the time of the alleged misconduct.

It was determined that the complaint was one, which, in accordance with the assessment criteria, should be taken forward for investigation by the Deputy Monitoring Officer.

Potential breaches of the Code of Conduct identified

The Referrals Sub-Committee identified paragraphs 3(2)(d), 5 and 6(a) of the Members' Code of Conduct as potentially relevant in relation to the alleged conduct:

- Paragraph 3 (2) of the Code:
You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- Paragraph 5 of the Code:
You must not conduct yourself in a manner, which could reasonably be regarded as bringing your office or authority into disrepute.
- Paragraph 6(a) of the Code:
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.

Publication

This decision notice is sent to the complainant, and the member against whom the allegation was made. A summary of the decision shall be made available for public inspection at our offices, and on the Council's website for a period of six years.

Signed Date

Chair of the Referrals Sub-Committee of the Standards Committee

(e)

A Message from Councillor Andy Stamp

50 Grange Road, Gillingham ME7 2PU
 Tel: 01634 579787
 Email: andrew_stamp@hotmail.com



Dear Resident,

You may be aware that I recently resigned from the Liberal Democrats and now sit as an Independent Councillor on Medway Council. This letter helps to explain my reasons for doing this.

Firstly, thank you to everyone who voted for me as the Liberal Democrat Candidate at May's General Election. During the election I campaigned for smaller class sizes, the scrapping of tuition fees, a better NHS, for fairer taxes and to protect Britain's jobs.

But when Nick Clegg decided to form a coalition with David Cameron's Conservatives, all of these promises were broken immediately.

People who voted Liberal Democrat tell me they feel let down by Nick Clegg. The coalition government has already made several decisions which I cannot defend and completely disagree with, including:

- Making huge spending cuts straight away, which threaten the economic recovery by putting thousands of people out of work.
- Reducing funds for local education and scrapping existing plans to build new schools
- Releasing plans which will lead to a fragmented NHS and a return to the postcode lottery
- Not taking any action to reform our failed banking system and letting the super-rich continue to avoid taxes.
- Cutting free swimming for young people and stopping the building of new play areas.

All of the cuts that are being made will hit the poorest and most vulnerable hardest, while it's business as usual for the banks and the wealthy.

To make matters worse, I have lost faith in the local Liberal Democrats. Here in Gillingham they have become more complacent and less professional in the way they serve local residents on the Council.

hoped last year's MPs expenses scandal would be a wake-up call for local politicians of all parties. But I have been shocked and disgusted by the actions of two Liberal Democrat Councillors.

I complained several months ago to local Liberal Democrat bosses about the Councillors' behaviour and all they have tried to do is cover it up. I have been bullied by a small minority and was even asked to keep the Councillors' actions quiet.

But I could not keep my silence any longer. So I have reported the two Liberal Democrat Councillors to the Councillors' Watchdog, The Standards Board as I believe they have broken the Councillors' Code of Conduct. Local residents – local taxpayers – have a right to know about it. I will keep you updated on the outcome of the investigation into their actions.

So you may be thinking, where does this leave me?

I am continuing to fight for local residents in lower Gillingham, the area I represent on the Council. I am also helping to set up a Gillingham South Action Team, as an alternative to the Liberal Democrat Councillors currently representing this part of Upper Gillingham.

The Gillingham South Action Team will put your interests first, listen to your views and take action. Over the past few months, the Gillingham South Action Team and I have been working with local residents on lots of local issues, including:

- Securing road resurfacing for **Sturdee Avenue** as a result of the petition collected in February 2010.
- Allocating ward improvement funds for new trees along **Gillingham High Street**
- Helping residents lobby the Council for housing repairs to be carried out
- Highlighting graffiti and litter problems in the area
- Requesting the street sign on **Ferndale Road** to be replaced
- Condemning the mindless vandalism at **Woodlands Cemetery**
- Securing road resurfacing for **Gordon Road**
- Getting the drains cleared on **Seaview Road**

With your help and support, the Gillingham South Action Team will continue to push for even more improvements. There's certainly a lot more problems that need sorting. The Gillingham South Action Team will help fight for our area and will be unveiled shortly.

Many thanks and best wishes,

Andy

Andy Stamp

Councillor for Gillingham North Ward

(F)
Also Duncan Milne



ANNEX 1

Councillor
Andy Stamp

Member for Gillingham North Ward
50 Grange Road
Gillingham
Kent ME7 2PU
Tel: 01634 579787
Mobile: 07736 327002
e-mail: andy.stamp@medway.gov.uk

Medway

Serving You

Tuesday 19th July 2011

Dear Mr Milne,

Please find enclosed a copy of the email I referred to during my interview. Sorry for the delay in sending it to you, I was unable to scan it in and send over and have had problems with my photocopier.

You will see that this email was sent by Mr Jefferies just a couple of days after I challenged him regarding the actions of former Councillors Ruparel and Sutton, and I discovered that he had deliberately misled me by falsely claiming he had raised the issue of their conduct with the Liberal Democrat Regional Party Chairman.

The language Mr Jefferies uses to describe me is highly offensive and defamatory. I strongly believe that this should be considered when deciding how genuine Mr Jefferies' motives are for pursuing this complaint against me.

It is also relevant to note in the same email that Mr Jefferies uses the threat of "exploding" it to the press and "dropping him in it."

Finally, I would like to confirm the full text of the SMS message which I showed you during our interview. Mr Jefferies sent the text to me at 14:08 on 09/05/2010: *"You have till 4pm to withdraw your email or I shall commence legal proceedings. It is completely untrue in all respects."*

Both the email and the text message demonstrate that Mr Jefferies has a personal vendetta against me and he resorts to using offensive and threatening language when his actions are questioned.

I believe Mr Jefferies is only interested in seeking to tarnish my character and cause stress to me personally, rather than any genuinely held belief that any wrongdoing has occurred.

Yours sincerely,

Andy Stamp

Andy Stamp
Councillor, Gillingham North Ward

From: Alan Jefferies
To:-----
Sent: 09 December 2009 15:27
Subject Re: Last nights phone call.

At the moment just officers of the exec. The new exec.

You and I have to talk to see if its worth mediating this situation at all. Me personally I have no wish to speak to him again and will let you if you want deal with the twat.

I'm still considering dropping him in it. The only reason I'm holding back for is the effect it will have on ----- . This is the only reason I have not exploded this to the press.

Alan

(The copy of the email given to me had been high lighted in pink and therefore would not photo copy. I confirm that this is a true copy of the same. - W D Milne)

(9)

Councillor accused of abusing position

Investigation into attempt to leap homes list

EXCLUSIVE

by Max Evans and Sam Christie

AN INVESTIGATION has been launched into accusations that a councillor abused her position by trying to jump to the top of the housing list.

Medway Council will investigate the allegations made by Councillor Andy Stamp, accusing fellow ward councillor Cathy Sutton of trying to speed herself into a council-approved property during a meeting with the assistant director of housing and corporate services, Deborah Upton, in October 2009.

Resignation

Mr Stamp also claimed the former Lib Dem group leader Councillor Maureen Ruparel attended the meeting, when he complained to the referrals sub-committee of the standards committee.

The complaint has been referred to the council's deputy monitoring officer for investigation.

Miss Sutton and Mrs Ruparel have vehemently denied the claims.

Mr Stamp quit the Lib Dems in June, citing the party's decision to form a coalition with the Conservatives as the reason for his resignation.

But during a press conference on Monday, he said: "While I have been



Former colleagues: Cathy Sutton and Andy Stamp worked together before the complaint

angry about a lot of the policy U-turns the Lib Dems have made in Government nationally, I am in no doubt that the conduct of local members was just as important when making my decision to leave the Lib Dems."

Mr Stamp had previously served as deputy leader of the group and finished third as the Lib Dem parliamentary candidate for Rainham and Gillingham, polling 8,434 votes in

last year's general election.

He alleged that his fellow ward councillors breached the councillors' code of conduct by trying to put "excessive pressure" on the assistant director Deborah Upton - also the council's monitoring officer - to urgently rehouse Miss Sutton in a privately rented property.

The code of conduct prohibits councillors from doing anything that is

likely to compromise the impartiality of those who work for the council. It also forbids them from using their position "improperly" or to "confer or secure an advantage" for themselves or any other person.

An internal investigation by the Lib Dems' regional party found no wrongdoing on the part of the councillors.

Miss Sutton, of Beaconsfield Road, Chatham, declined to comment until the investigation was complete.

Exonerated

Mrs Ruparel, who also serves as Medway Lib Dems' media officer, said: "I never flout the rules. Cathy and I were put in front of a panel and were exonerated. I would have been very unhappy if my party found me guilty, but they didn't."

"I am under embargo not to discuss the matter further until the standards board inquiry is held - I'm unsure when that will be."

If the deputy monitoring officer finds that Miss Sutton and Mrs Ruparel breached the code of conduct, the complaint will be passed on to the standards sub-committee.

Mr Stamp, 27, an environmental manager, of Grange Road, Gillingham, will be standing as an independent candidate for the Gillingham North ward during the local elections in May.

REPORT PUBLISHED IN "NEWS" ON
JANUARY 27th. 2011.

Date set for boxing champion's funeral

ANNEX 1

DETAILS of former British boxing champion Gary Mason's funeral have been announced.

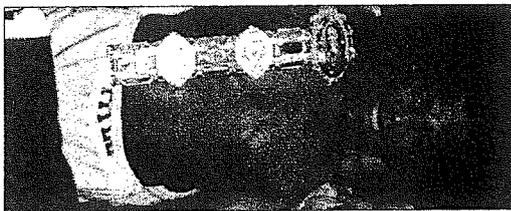
A service will be held for popular Mason, well-known in Medway in the Eighties and Nineties, at All Saints Church in Carsington near Croydon on Friday, February 11, at noon.

A private burial, for family members only, will then take place at Croydon Cemetery.

The 48-year-old died after his bicycle was in collision with a van near his flat in Wallington, Surrey, earlier this month.

Mason will be remembered for his lovable character and infectious laugh.

Four years after moving to Medway, aged 29, he was crowned British heavyweight champion in 1989. Soon after turning pro he lived in Clandon Road, Lordswood, before moving to Waldenslade. He also owned a Gillingham High Street shop called Punch and Jewellery. A man arrested for causing Mason's death by careless driving remains on police bail until March while police continue investigating the crash.



Gary Mason's funeral will be on February 11

Ex-Lib Dems will make stand against old party

THE chief executive of Medway Citizens Advice Bureau is standing for election as an independent Medway councillor in May.

He is one of three former Liberal Democrats planning to fight the established parties in the Gillingham North ward.

Dan McDonald was the party's press officer while Pat Cooper was chairman of Medway Council's education committee at one time.

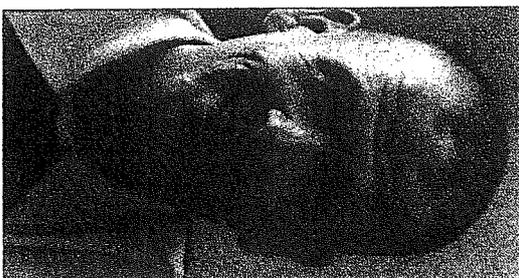
ROW

They will be standing alongside Andy Stamp, the former deputy leader of the council's Liberal Democrat group, who resigned last year in a row with ex-colleagues.

Mrs Cooper said: "It has been hard for me to make this decision after 18 years as a Liberal Democrat."

She said she could not support the party after it went into a government coalition with the Conservatives and decided to increase tuition fees for students.

"We campaigned with promises to stop that happening," she said. "It made us look like liars, and while I don't condone a



INDEPENDENT: Dan McDonald, former press officer for the Lib Dems, is standing for election



INDEPENDENT: Andy Stamp, former deputy leader of the Lib Dems group



INDEPENDENT: Pat Cooper, former chairman of the education committee

lot of the violence, I understand the students' frustrations."

She said higher tuition fees would hit many people in her ward. Cllr Stamp held a press conference to announce his independent campaign team. He also renewed his criticism of his former colleagues,

Cllr Maureen Ruparel and Cllr Cathy Sutton, over the way Cllr Sutton sought council housing help when a relationship with her former partner broke down.

The matter is the subject of a standards committee investigation but a separate party investigation has exonerated both the councillors.

Alan Jefferies, the Medway Lib Dem immediate past chairman said they were "seeing" that they were not allowed to speak about the matter until after the committee's decision.

Mr Jefferies said: "This is sheer harassment, especially as there is no case to answer. The thing any decent

Herby: 'I'm no spring chicken'

Another councillor is standing down in May. He is Herby Crack, 72, who represents the Welling ward for the Liberal Democrats.

Party officials paid tribute to his work, but said he had decided to retire following the death of his wife last year.

He confirmed it was an amicable decision to step down.

"I'm no spring chicken," he said. "I'm 72 and I want to do things for myself while I am still fit and able."

His resignation brings to 12 out of 55 the number of councillors on Medway Council retiring in May.

person would do is wait until the result of the standards board and then make a suitable press release."

Cllr Ruparel has already announced she will not be standing for re-election. Cllr Sutton will seek re-election with two new candidates.

A separate investigation by Liberal Democrat regional officials rejected a claim by Cllr Stamp that the party stripped his parliamentary campaign of funds and manpower during last year's general election.

FAMILY ANNOUNCEMENTS

www.kentannouncements.co.uk

Births

Birthday Milestones



Education

16.

Cheeky Monkeys have fun for NCT

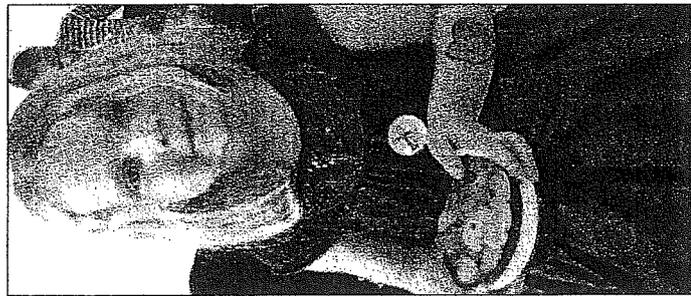
YOUNGSTERS helped raise money for charity and had fun at the same time.

The parenting charity NCT had its annual Cheeky Monkeys Tea Party at the King's School in Rochester.

Young and old enjoyed an afternoon filled with arts and crafts, face painting, dancing and competitions.

A total of £140 was raised.

Event organiser Nicky Tuffin said: "We had a fantastic turn out and the money raised will be used to fund the NCT's invaluable work in supporting new parents."



Children got involved in arts and crafts, face painting and dancing. Picture: NCT Medway

Bears invited to a picnic

to enter our competition."

The picnic is run in partnership with the Medway Cloth Nappy Network, which will celebrate its fifth birthday at the event, and is supported by Medway Council.

Jenny Hicks, parent support co-ordinator of NCT Medway, which is organising the event, said: "There will be lots of fun and games for families with under-fives."

"Bring your best-dressed bear
■ Tickets cost £4 per family, email jenny@medwayclothnappy.es.org.uk to reserve your place.

STANDARDS COMMITTEE SET TO RULE ON ACRIMONIOUS DISPUTE BETWEEN COLLEAGUES

Lib Dem ex-councillors cleared of intimidation

by Alan Watkins
awalkins@thekmgroupp.co.uk

TWO ex-councillors accused by a former colleague of intimidation and misusing their positions have been cleared.

Cathy Sutton and Maureen Ruparel, Liberal Democrats in Gillingham North, were reported by their former party and ward colleague Cllr Andy Stamp.

Cllr Stamp, who left the party to become an independent, was unhappy at the way Ms Sutton obtained housing advice from the council as he felt she had received preferential treatment.

Unfounded

Cllr Stamp also accused Mrs Ruparel, his former group leader, of intimidation for parking outside his house while the dispute between the trio was ongoing.

But independent investigator Duncan Milne will tell Medway's standards committee when it meets on Tuesday that none of the allegations stand up on investigation and are unfounded.

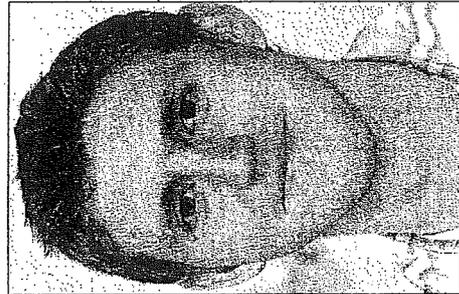
Ms Sutton had been in a relationship with former Conservative councillor Nick Brice which broke down and she needed to move house quickly.



CLEARED: Cathy Sutton



CLEARED: Maureen Ruparel



ACCUSER: Cllr Andy Stamp

She went with Mrs Ruparel to the chief of the council housing department, Deborah Upton, for advice.

Ms Upton has told the investigator she was concerned about Ms Sutton's vulnerability because of her personal circumstances. She insisted it was exactly the same process anyone in a similar position would face.

When Ms Sutton had to move again because her new address was made public it sparked further problems between the former colleagues.

Ruparel who suffered from arthritic hips had been on her own, 70, while Cllr Stamp was with two colleagues at the time.

The row split the Liberal Democrat group last year. Cllr Stamp had been their parliamentary candidate in the 2010 elections.

Ms Sutton lost her seat at the elections in May and Mrs Ruparel had already decided to stand down.

Cllr Stamp was re-elected.

If you have a south facing roof we would like to install a solar panel system on it worth up to £15,000!

GET YOUR POTENTIAL

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Response to the Investigating Officer's draft report from the complainant – (sent via email on 6 October 2011)

Dear Mr Milne

The report you asked me to comment on only arrived yesterday and this is why you have had no response from me. I can see it was posted some three weeks ago but it only turned up yesterday.

I do not wish to request any clarifications save to make two points. There are others but why drag it all up again.

- A indirect suggestion is made in Mr Stamps paperwork that I or a member of the Liberal Democrats released privileged information to the press and I for one strongly object to the suggestion. From my conversations with others locally we were all rather surprised to see the information in the press and can only suggest its release benefited Mr Stamp's cause in this matter.
- It is also a shame he chose to repeat his complaint allegations by letter to the press about our two ex cllrs after the result of their enquiry which of course cleared them of any misdeed.

This says to me he does not care about the committees decision and again proves to me he cares nothing for the democratic process. A process he commenced because it suited his election plans. How this man can now sit in judgement of others on the standards committee leaves me stunned.

I accept your recommendations to the committee but I doubt this will have any effect upon him.

Thank you for your time and efforts in investigating this matter. Sorry to put you to such work.

Regards

Alan Jefferies

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Councillor Andy Stamp
50 Grange Road
Gillingham
ME7 2PU

29th September 2011

Mr W D Milne
Investigating Officer
c/o Medway Council
Gun Wharf
Chatham
ME4 4TR

Re: DU/MO/132 Comments on Draft Report investigating a complaint made by Mr Jefferies.

Dear Mr Milne,

Thank you for sending me a copy of your draft report. I would like to make some comments in relation to this.

I disagree with your recommendation that I breached paragraph 3(1) of the code, namely "you must treat others with respect", for the following reasons:

My actions should be considered in the wider context of the matters relating to former Councillors Mrs Ruparel and Ms Sutton

- 1) Prior to the leaflet being issued, I had already been threatened with legal action by Mr Jefferies because I dared to question the behaviour of two Liberal Democrat Councillors.
- 2) I had also received a copy of an email sent by Mr Jefferies to a colleague, in which Mr Jefferies threatened to publicly criticise me and "explode it to the press".

The leaflet entitled "A message from Councillor Andy Stamp"

- 3) This leaflet to local residents, whom I represent on the Council, was solely to explain my reasons for leaving the Liberal Democrats, after having been a member of the party for 14 years. This is an entirely reasonable thing to do, particularly as they had elected me under a party banner. I believed it was important to be completely transparent and accountable to local residents.
- 4) The leaflet followed comments which had been made in the press by Liberal Democrat councillors speculating – wrongly - about why I may have left the party. I therefore felt I had every right to set the record straight and respond to questions being asked by members of the public about why I had left the Liberal Democrats.

- 5) The bulk of the content of the leaflet referred to my dissatisfaction with the newly-formed coalition government, not the impending standards investigation. The local issues with Mrs Ruparel, Ms Sutton and Mr Jefferies had been a significant factor in my decision to leave the Liberal Democrats, and I strongly felt the public deserved to know that it was a culmination of several factors, rather than any single issue. Therefore this was included as a secondary issue on the back page.
- 6) Former Councillors Mrs Ruparel and Ms Sutton were not even mentioned in this leaflet. I took great care not to disclose their names because of the investigation into their conduct. I wanted to respect their privacy when issuing this leaflet.
- 7) At no stage did I state that the Councillors were guilty of anything, or pre-determine the standards investigation. I merely gave a statement of my personal reaction to being informed of their actions, namely that I was “shocked and disgusted”. If I hadn’t been concerned about their actions, then I wouldn’t have reported the matter to the Standards Committee in the first place.
- 8) In paragraph 5.5 you state that the leaflet *“appears to pre-determine the result...despite the fact that the two Councillors concerned had already been exonerated by an internal Lib/Dem enquiry, which was another factor not mentioned in the leaflet.”* I did not mention the outcome of the Lib Dem enquiry in the leaflet because I was told by South East Region Lib Dems that their investigation was still ongoing and that they would not be informing me of the outcome of the internal enquiry. To date, I have still not been informed of their decision.

I strongly believe that I have not breached the code of conduct for the reasons listed above. The leaflet should be considered in the wider context of the actions of the Liberal Democrats, and it was a measured response to their inaccurate press statements and personal threats towards me.

Furthermore, I feel that the standards committee needs to be careful not to stifle freedom of speech and healthy political debate by making a harsh judgement on my actions, at what was an extremely stressful time for me personally.

Without the benefit of hindsight, I tried to balance the need to be open and transparent with those who elected me to public office, with the obligation to respect other elected members.

Yours sincerely,

Andy Stamp
Independent Councillor, Gillingham North Ward

Copy to: Angela Drum, Deputy Monitoring Officer

Investigating Officer's response**Re: DU/MO/132 –Comments on Councillor Andy Stamp's submissions on the Draft Report relating to a complaint made by Mr Jefferies.**

With reference to the detailed response from Councillor Andy Stamp to the above report of 29th September 2011, my comments are as follows:

In my view the majority of the points he makes do not raise new issues, but merely emphasise his disagreement with my interpretation of the facts as Investigating Officer.

In his first bold paragraph heading he makes the point that his actions should be considered in the wider context of the matters relating to former Councillors Mrs Ruparel and Ms Sutton. I agree with this point and feel that the report makes the wider picture abundantly clear throughout. Similarly I do not dispute the right of any member to issue a political leaflet, particularly during the election season, but feel that it is essential that any such document is balanced in approach, particularly when dealing with matters which are the subject of an ongoing Standards investigation.

Finally at numbered paragraph 7 of his response Councillor Stamp makes it clear that if he had not been concerned about the actions of the two former Councillors mentioned above, then he would not have reported the matter to the Standards Committee in the first place. In regard to this comment it is important, however, to note that his reporting of the incident was not a knee jerk reaction as the actual reporting only took place some eleven months after the incident had occurred.

These are the main points I wish to bring to the attention of the committee relating to the Subject Member's submissions. As can be seen it is my view that nothing raised in those submissions would cause me to alter the report in any way.

W D Milne
Investigating Officer.

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CHAPTER 5 - CODES AND PROTOCOLS

Preamble

The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

PART 1 - MEMBERS' CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
"meeting" means any meeting of—
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;"member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
 - (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
- in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

- (a) 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; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You

- (a) 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
- (b) 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 (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a

- class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3**Registration of Members' Interests****Registration of members' interests**

- 13.** (1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

FORM A

Subject member's response to the evidence set out in the investigation report

Please enter the number of any paragraph in the investigation report where you disagree with the findings of fact, and give your reasons and your suggested alternative.

| Paragraph number from the investigation report | Reasons for disagreeing with the findings of fact provided in that paragraph | Suggestion as to how the paragraph should read |
|--|---|---|
| 5.4 | <p>THE REPORT SAYS THAT INFORMATION IN THE PRESS STATEMENTS/ARTICLES DID NOT EMANATE FROM CURS RUMAREL + SUTTON, AND THAT THEY CONTAIN "CONSIDERABLY MORE KNOWLEDGE OF THE CASE THAN THE BARE BONES REPORTED ON THE COUNCIL'S WEBSITE"</p> | <p>THE FIRST TWO PRESS ARTICLES, APPENDICES 'G' AND 'H', ONLY CONTAIN INFORMATION PUBLISHED ON THE COUNCIL'S WEBSITE. THE FINAL PRESS ARTICLE, APPENDIX 'I', CONTAINS CONSIDERABLY MORE KNOWLEDGE OF THE CASE WAS PUBLISHED BEFORE THE STANDARDS COMMITTEE HAD EVEN MET TO MAKE A DECISION ON THE REPORT, AND COULD ONLY HAVE BEEN WRITTEN BY OBTAINING A LEAKED COPY OF THE CONFIDENTIAL INVESTIGATION REPORT.</p> |
| 5.5 | <p>THE LEAFLET DISTRIBUTED (APPENDIX 'E') DOES NOT PRE-DETERMINE THE RESULT OF IMPULS GUILTY. I DID NOT MENTION THE OUTCOME OF THE INTERNAL DISCIPLINARY INVESTIGATION IN THE LEAFLET BECAUSE AT THE TIME THEIR INVESTIGATION WAS STILL ONGOING AND THEY INFORMED ME THEY WOULD NOT BE TELLING ME OF THEIR FINDINGS. THESE POINTS ARE OUTLINED MORE FULLY IN MY COMMENTS ON THE DRAFT REPORT: POINTS 1-8 OF APPENDIX 4, OF THE HEARINGS SUB-COMMITTEE REPORT CONSIDERED ON 23RD JANUARY 2012</p> | <p>I COMPLETELY DISAGREE WITH THE LAST 2 SENTENCES OF PARAGRAPH 5.5. WITHOUT THE BENEFIT OF HINDSIGHT, I TRIED TO BALANCE THE NEED TO BE TRANSPARENT WITH AND ACCOUNTABLE TO LOCAL RESIDENTS, WITH THE OBLIGATION TO RESPECT OTHER ELECTED MEMBERS.</p> |

FORM B

Other evidence relevant to the complaint

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

| Paragraph number | Details of the evidence |
|------------------|---|
| 1 | "TALES FROM GUN WHARF" BLOG INDICATING "WHISPERS" THAT I WAS GOING TO HAVE THE WHIP WITHDRAWN. THE REPORTER LATER CONFIRMED THAT THIS STORY HAD ORIGINATED FROM LIBERAL DEMOCRAT COUNCILLORS. |
| 2 | ONLINE PRESS REPORTS WITH INCORRECT SPECULATIVE COMMENTS FROM LIBERAL DEMOCRAT COUNCILLORS ABOUT WHY I MAY HAVE DECIDED TO LEAVE THE LIB DEM GROUP. |
| 3 | |

FORM C

Representations to be taken into account if a member is found to have failed to follow the Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the standards committee should take into account if it finds that a member has failed to follow the Code of Conduct. Please note that no such finding has been made yet.

| Paragraph number | Factors for the standards committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, suspension or partial suspension |
|------------------|---|
| 1 | THE LEAFLET DISTRIBUTED WAS A PROPORTIONATE RESPONSE TO COMMENTS PUBLISHED IN THE PRESS BY THE LIBERAL DEMOCRATS: INITIALLY STATING THAT I WAS GOING TO LEAVE THE WHIP WITHDRAWN, AND SUBSEQUENTLY SPECULATING WRONGLY ABOUT WHY I CHOSE TO LEAVE THE LIBERAL DEMOCRATS. |
| 2 | THIS HAS BEEN A HIGHLY STRESSFUL PERIOD FOR ME WHICH HAS EXTENDED OVER A SIGNIFICANT LENGTH OF TIME; ANY FURTHER SANCTION WOULD GROSSLY ADD TO THESE LEVELS OF STRESS AND ANXIETY. |
| 3 | I AM A HARD-WORKING COUNCILLOR REPRESENTING ONE OF THE MOST DEPRIVED WARDS IN MEDWAY. SINCE MAY 2011 I HAVE BEEN DIVERGING MY COUNCILLOR ALLOWANCE INTO A FUND WHICH HAS BEEN SET UP TO PAY FOR COMMUNITY PROJECTS IN THE AREA THAT I REPRESENT. RESTRICTION OF RESOURCES, ALLOWANCES OR SUSPENSION WOULD AFFECT THE REPRESENTATION OF LOCAL RESIDENTS. |

FORM D

Arrangements for the standards committee hearing

Please tick the relevant boxes.

| | | | |
|-----------------|--|--|---|
| <p>1</p> | <p>Are you planning to attend the standards committee hearing on the proposed date in the accompanying letter?</p> <p>If 'No', please explain why.</p> | <p>Yes <input checked="" type="checkbox"/>*</p> <p>No <input type="checkbox"/></p> | <p>Reason: * SUBJECT TO THE PROPOSED DATE BEING CHANGED.</p> |
| <p>2</p> | <p>Are you going to present your own case?</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | |
| <p>3</p> | <p>If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> | <p>Name: IAN BURT</p> |

| | | | |
|-----------------|--|---|------------------------|
| <p>4</p> | <p>Is your representative a practising solicitor or barrister?</p> <p>If 'Yes', please give their legal qualifications. Then go to Question 6.</p> <p>If 'No' please go to Question 5.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | <p>Qualifications:</p> |
| <p>5</p> | <p>Does your representative have any connection with your case?</p> <p>If 'Yes', please give details.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | <p>Details:</p> |
| <p>6</p> | <p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in Form E.</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> | |
| <p>7</p> | <p>Do you, your representative or your witnesses have any access difficulties? For example, is wheelchair access needed?</p> <p>If 'Yes', please give details.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | <p>Details:</p> |

| | | | |
|------------------|---|---|-----------------|
| <p>8</p> | <p>Do you, your representative or witnesses have any special needs?</p> <p>For example, is an interpreter needed?</p> <p>If 'Yes' please give details</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | <p>Details:</p> |
| <p>9</p> | <p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | <p>Reasons:</p> |
| <p>10</p> | <p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> | <p>Reasons:</p> |

FORM E

Details of proposed witnesses to be called

| | | | |
|------------------------------|---|---|--|
| Name of witness or witnesses | 1 | DAN McDONALD | |
| | 2 | PAT COOPER | |
| | 3 | | |
| Witness 1 | | | |
| a | <p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> | <p>Outline of evidence:</p> <p>To follow AT A LATER DATE</p> |
| b | <p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> | <p>Outline of evidence:</p> <p>To follow AT A LATER DATE</p> |

| Witness 2 | | |
|---|---|---|
| <p>a</p> | <p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>Outline of evidence:</p> <p>TO BE ADVISED AT A LATER DATE</p> | | |
| <p>b</p> | <p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
| <p>Outline of evidence:</p> <p>TO BE ADVISED AT A LATER DATE.</p> | | |

| Witness 3 N/A | | | |
|---------------|---|--|----------------------|
| a | <p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> | Outline of evidence: |
| b | <p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> | <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> | Outline of evidence: |

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Thursday 22nd March 2012

Teri Reynolds
Democratic Services Officer
Medway Council
Gun Wharf
Chatham
ME4 4TR

Re: Witness Statement for Andy Stamp regarding a complaint made by Mr Jefferies to Medway Council Standards Committee

Andy Stamp is my partner and I make this statement in a private capacity.

I believe it is essential to recognise the background behind Mr Jefferies' complaint, and I feel that the reasons for him making this complaint are not entirely genuine and are of a party political nature.

I have witnessed at first hand Mr Jefferies' threatening behaviour towards Andy Stamp ever since Andy dared to question the behaviour of former Councillors Ms Sutton and Mrs Ruparel. During this time I was the Medway Liberal Democrats Press Officer.

On Sunday 6th December 2009 Mr Jefferies visited our home to discuss Andy's concerns about Ms Sutton and Mrs Ruparel's conduct. Mr Jefferies intentionally misled Andy and I about how he had supposedly already raised the issue with the regional Liberal Democrat Chair; we were subsequently informed by the Regional Chair that Mr Jefferies hadn't made any contact with him about the Ruparel / Sutton issue, which aroused further suspicion.

This caused a breakdown of trust between Andy and Mr Jefferies and their relationship quickly deteriorated from that day on.

The following day, Monday 7th December 2009, the issue was discussed at a party Council Group meeting. Both Mr Jefferies and myself were present. Later that evening I received a threatening text message from Mr Jefferies saying that he would be issuing a press release in the morning, withdrawing his support for Andy as Parliamentary Candidate, in his official capacity as Chairman of Medway Liberal Democrats.

I responded to the text by phoning Mr Jefferies who continued in a threatening vein towards Andy. Mr Jefferies said that he would "do everything he can to ruin Andy's political career", even if it meant that he himself got thrown out of the party.

The text message and verbal threats were intentionally designed to cause stress and anxiety to Andy, and a clear attempt to keep Andy quiet in relation to the Ruparel / Sutton housing issue at a time when Mr Jefferies knew Andy would not want to arouse controversy (ie during a General election campaign). Throughout the period between December 2009 and June 2010 (when Andy left the Liberal Democrat Group), Andy was treated appallingly by Mr Jefferies and fellow colleagues, which I can only liken to bullying.

They referred to Andy and his campaign team as "Camp Stamp", obviously a play on words and alluding to his sexuality, which we found hard to accept from people who were supposedly members of a "liberal" party.

This caused Andy immense stress during a period which spanned before, during and after the 2010 General Election. The Regional Liberal Democrats pressured Andy into keeping quiet during the general election period, on the basis that they would investigate the housing matter in the Summer of 2010.

Mr Jefferies and a couple of his Councillor colleagues made several attempts to undermine Andy's campaign, including leaking lies to local journalist Alan Watkins about Andy losing the party whip, who published a blog about it on 12th March 2010. Alan Watkins later informed Andy and I that the "whispers" came from 2 Liberal Democrat Councillors.

The way the local Liberal Democrats, including Mr Jefferies, have treated Andy is appalling. Andy made a complaint against former Cllrs Ms Sutton and Mrs Ruparel because of a genuine concern that they had acted improperly. In contrast, Mr Jefferies has made a complaint about Andy because he has had a personal vendetta against Andy ever since December 2010 when Andy exposed Mr Jefferies to party colleagues as a liar.

Yours sincerely,



Dan McDonald

Pat Cooper

Date: Friday 23rd March 2012

Teri Reynolds
Democratic Services
Gun Wharf, Chatham
ME4 4TR

Statement - Mr Jefferies complaint made about Councillor Andy Stamp

I have seen from very close quarters the way that Andy has been treated by Mr Jefferies and other Liberal Democrats in Medway. I was a member of the party for several years and there were a few key people including Mr Jefferies who felt they were in charge and could dictate to everyone else.

I honestly believe that Mr Jefferies and others felt threatened by Andy's confidence, enthusiasm and hard work. It was obvious to me that Mr Jefferies had it in for Andy and wanted to "put him in his place".

This is evidenced in the email I received from Mr Jefferies on 9th December 2009 where he called Andy a "twat" and was threatening to "explode" the internal party issues to the press and criticise Andy publicly. I gave permission for Andy to use this email as evidence of Mr Jefferies behaviour. Hopefully you have a copy already.

During this period, in the run-up to the 2010 General Election campaign, it was clear that Mr Jefferies wanted to do all he could to undermine Andy's position and criticise him within the party. I feel that this should be taken into consideration when looking at the standards complaint against Andy.

Finally, I want to make it clear that Andy did not seek to make the housing issue involving Cathy Sutton and Maureen Ruparel an election issue during last year's Council elections. From November 2010 through to the day of the local elections in May 2011 we concentrated on tackling local issues and problems on behalf of local residents. This was reflected in the leaflets we delivered to local residents which were totally about local successes and pledges if we were elected.

I think it would be highly unfair if Andy were to be criticised for issuing a letter in October 2010 for explaining his reasons for leaving the Liberal Democrats, in response to the constant sniping and misleading public statements about Andy issued by the local Lib Dems .

Yours sincerely,



Pat Cooper

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Tales From Gun Wharf Blog

http://www.kentonline.co.uk/medway_messenger/news/2009/tales_from_gun_wharf.aspx

Friday March 12 2010

It's been fun and games on the local political scene this week.

One or two of the candidates have been practising mixing earth and water to prepare missiles for the forthcoming campaign season.

Getting in some early net practice against the young Tory batsman, Reh Chishti, has been the new spin bowler in the English Democrats team, Dean Lacey.

He tried an early yorker by demanding Cllr Chishti came clean on Lord Ashcroft's contributions to his battle fund.

The youngest councillor on Medway cabinet (and one of the youngest barristers on the local scene) played a straight bat.

"Ashcroft has given us no money," he said.

"We do our own fund-raising."

Cllr Chishti could end the week by winning the First Test: the Ee-Dee's blog played on to his own wicket by resurrecting the saga of the E on the hill.

This was the Conservative administration's test run to see whether emblazoning "Medway" above the bridges carrying Eurostar and the M2 motorists over the river would finally tell the world where we are.

That it would cost £12,000 to put up, that the "E" did not have the requisite planning permission, that Hollywood had already got there first, and that the readers would be fleeing the country anyway, didn't matter to the administration.

But Mr Lacey told his readers: "Recently it spent £2,000 erecting the enormous letter 'E' from MEDWAY to get an idea of what the whole sign will look like.

"But engineers pulled it down after four days because the council has yet to achieve funding or planning consent."

Trouble was - it happened a year ago.

If the candidates are going to have a go at the Cllr Chishti's colleagues, they really should identify up to the minute things.

Heaven's above - Someone could next resurrect concerns that the Short Brothers have started flying boats off the river!

Whispers have it that the darling of the Liberal ranks, Andy Stamp, has upset his party faithful.

There is even talk that he could have the whip removed.

Bit rough - just as you are entering the election campaign, and bringing out the party Noddies.

Our two ministerial faces, the transport minister Paul Clark and Jonathan Shaw (the Chatham and Aylesford MP who is also Minister for the South East) have already taken the austerity message to heart.

As Mr Clark's boss announced 250mph trains taking 30 minutes to Birmingham, the Medway twosome have begun sharing press officers.

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Gillingham Cllr Andy Stamp resigns from the Liberal Democrats to join Independent group

http://www.kentonline.co.uk/medway_messenger/news/2010/june/18/cllr_andy_stamp_resigns.aspx

by Jenni Horn

Former Lib Dem parliamentary candidate Andy Stamp has resigned from the Liberal Democrat group.

Cllr Stamp, the youngest serving member of Medway Council, has now joined the Independent group in Medway.

His resignation follows an unsuccessful bid for Medway Lib Dem leadership, just days after his defeat in the general election, it has emerged. Cllr Stamp had already stood down as deputy leader.

Lib Dem leader Cllr Geoff Juby confirmed Cllr Stamp's resignation, today, Friday, following days of rumours.

He said: "I don't think he was too happy with the Lib Dem and Conservative coalition at a national level and he also sited other issues which he did not discuss with me."

"Cllr Stamp stood against me as leader and didn't get it. I don't know if that was something that had any bearing on his decision."

Cllr Juby said he was sad to see Cllr Stamp, who was the party's candidate in Gillingham and Rainham in last month's general election, leave the group.

He added: "I'm rather sad that we have lost him because I thought he was part of the future."

"I still hope he might change his mind and come back."

Cllr Stamp's membership of the Independent group was formally announced to the council by its founder member, Cllr Ian Burt, at last night's full council meeting.

Cllr Stamp said afterwards: "There's lots of sensitive issues involved. I don't want to put my position in jeopardy. I cannot say any more at this stage."

Independent group leader, Cllr Tony Goulden, said: "He is a young man of principle and great intellect. He will have to tell you his reasons himself."

His move is expected to lead to a number of changes in the council's committee structures in the run up to the local elections next May.

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Stamp posts allegiance to Independents

<http://www.thisiskent.co.uk/Stamp-posts-allegiance-Independents/story-11994704-detail/story.html>

FORMER parliamentary candidate and deputy leader of the Medway Liberal Democrats Andy Stamp has resigned from the party.

Councillor Stamp, 27, who represents the Gillingham North ward, has defected to the Independent group.

Mr Stamp, the youngest member of the council, lost a battle with Cllr Geoff Juby for the leadership of the Medway Lib Dem group just weeks after standing as the party's parliamentary candidate for Gillingham and Rainham.

Sheila Kearney, Lib Dem deputy leader, confirmed councillor Stamp's resignation and said: "I believe he left because he was not very happy with the coalition Government.

"He didn't seem very happy after the election. I don't know about any other issues."

"I'm personally saddened because I like Andy. We need people like him. He's our future."

Mrs Kearney said she hoped Mr Stamp would return to the party.

Amid a cloud of rumours, the Lib Dem group confirmed Cllr Stamp had cited other reasons for his departure, but have so far refused to elaborate.

A council insider told the *News*: "Andy wasn't very impressed with the way three of his colleagues in the political group were making their decision [on the coalition] two nights before the vote.

Leader of the Independent group, Cllr Tony Goulden, said: "Andy Stamp applied to join our party. We welcomed him on board. He's a very intelligent young man and very principled.

"But I can't give you his reasons for leaving the Lib Dems."

Councillor Stamp, of Gillingham, who works for the Environment Agency, received 8,434 votes in the recent general election, a 2.8 per cent positive swing from 2005.

He was unavailable for comment as the *News* went to press.

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Tales from Gun Wharf Blog

http://www.kentonline.co.uk/medway_messenger/news/2009/tales_from_gun_wharf.aspx

Friday August 20

Holiday over for another year...

Those CCTV mobile spy vans may be Smart cars, but you have to question whether any of it has rubbed off on those responsible for them.

I have kept away from the rows about the cars because I think they are a necessary evil in Medway. Far too many people think a few seconds on the double yellow lines to drop off a letter, pick up a pupil from school, ask directions or greet a friend is perfectly all right. It isn't.

Equally as many believe the only reason for the CCTV cars is to provide the council with a ready-made source of additional cash.

It might be - but it wouldn't be the million pound earner that it is if there was not so much flaunting of the law by drivers.

Having said that, there is a clear lack of customer training for staff and a failure to crack down on the numerous abuses which they inflict.

I know one woman booked by the cars. A reasonable lady, she shrugged, accepted the penalty and got on with her life. Yet she apparently got a lot of abuse when there was a problem passing the CCTV car in the street.

The warden who recently accused a local resident armed with his own CCTV camera of harassment when they dared to turn it on him didn't know one vital bit of law: anyone can take photographs or film in the street, despite what some individual police officers may think in the wake of the anti-terrorism rules. Kent Police recently issued some simple guidelines to its own officers. One says: "The media do not need a permit to photograph or film in public places."

It also says: "In normal circumstances we have no legal power or moral responsibility to prevent or restrict what they record....Once images are recorded we have no power to delete or confiscate them without a court order, even if we think they contain damaging or useful evidence."

The public has exactly the same rights and powers as the press. No more. No less. Given the rapidly improving quality of mobile phone cameras, we will all have to get used to being filmed.

After all, the CCTV car wardens and the 500 CCTV cameras in Medway and Swale monitored by their colleagues in Strood are operating under exactly the same rights and powers. It's just that members of the public are more visible than people sitting in a bunker in Strood, or behind a Smart car windscreen.

(In case anyone thinks I might have a personal axe to grind, I don't. On the other hand, I was booked by one of the ground patrols yesterday while interviewing delighted students who have just completed their education in Medway...)

The election of David Craggs as Medway's 34th Conservative councillor must be causing some angst in the ranks of the Labour party as they lose another seat.

Meanwhile the four independent councillors who formed their own group (*sans* the ultra-right wing former chairman of Audit) are whispered to be planning to put up candidates of their own next May.

That could cause fears in the ranks of the Liberal Democrats. They saw their competent deputy leader suddenly move into the ranks of the indies only weeks after standing as their candidate in the Gillingham and Rainham constituency where he polled 8484 votes.

There have been investigations taking place into what happened to cause his sudden departure. Andy Stamp himself has to date refused to explain his reasons for crossing the Chamber.

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PRE-HEARING PROCESS SUMMARY

Name of Authority: Medway Council

Name of the subject member: Councillor Stamp

Name of the complainant: Alan Jefferies

Case reference number: DU/MO/132

The name of the Standards Committee member who will chair the hearing: Tony Dance

Name of the Deputy Monitoring Officer: Angela Drum

Name of the Independent Investigating Officer: Duncan Milne

Name of the clerk of the hearing: Teri Reynolds

Date the pre-hearing process summary produced: 11 May 2012

Date of hearing: 28 May 2012

Time of hearing: 7pm

Place of hearing: Gun Wharf, Dock Road, Chatham

Summary of the complaint: The complainant alleged that the breach of the Code occurred in recent months when Councillor Stamp reported and re-reported the complaints that he made to Medway Council's Standards Committee concerning the behaviour of two other councillors (DU/MO/124 and 125). The complaint related to the issuing of leaflets and conducting an email campaign against other councillors.

The relevant sections of the Code of Conduct:

Paragraph 3(1) of the Code: "You must treat others with respect".

The findings of fact in the investigation report that are agreed:

The only parts of the investigating officer's report, which the subject member disagrees with are paragraphs 5.4 and 5.5 as detailed below.

The findings of fact in the investigation report that are not agreed:

Paragraph 5.4 – The subject member states on Form A that "the report says that information in the press statements/articles did not emanate from Councillors Ruperal and Sutton and that they contain "considerably more knowledge of the case than the bare bones reported on the Council's website". The subject member suggests that the paragraph should read as follows: "the first two press articles appendices G and H, only contain information published on the Council's website. The final press article, Appendix 'I', contains considerably more knowledge of the case, was published before the Standards Committee had even met to make a decision on the report and could only have been written by obtaining a leaked copy of the confidential investigation report".

Paragraph 5.5 – The subject member states on Form A that, “the leaflet distributed (Appendix E) does not pre-determine the result of imply guilt. I did not mention the outcome of the internal Liberal Democrat investigation in the leaflet because at the time their investigation was still ongoing and they informed me they would not be telling me of their findings. These points are outlined more fully in my comments on the draft report; points 1 – 8 of Appendix 4, of the Hearings Sub-Committee report considered on 23 January 2012. The subject Member also states; “I completely disagree with the last two sentences of paragraph 5.5. Without the benefit of hindsight, I tried to balance the need to be transparent with and accountable to local residents, with the obligation to respect other elected Members”.

Whether the subject member will attend: Yes with Ian Burt presenting the subject member’s case.

Whether the Deputy Monitoring Officer will attend: Yes

Whether the Investigating Officer will attend: Yes

The names of any witnesses who will be asked to give evidence: None

An outline of the proposed procedure: set out at appendix one.

Appendix one**MEDWAY COUNCIL: STANDARDS COMMITTEE
HEARING PROCEDURES****Interpretation**

1. 'Member' means the member of the authority or an ex-member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative.
2. 'Investigator' means the Monitoring Officer or other investigating officer and his or her nominated representative.
3. 'Committee' also refers to 'a standards sub-committee'.
4. 'Legal advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

5. The member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person.

Legal advice

6. The committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee will be shared with the member and the investigator if they are present.

Setting the scene

7. After all the members and everyone involved have been formally introduced, the Chair will explain how the committee is going to run the hearing.

Preliminary procedural issues

8. The committee will then resolve any issues or disagreements about how the hearing will continue, which have not been resolved during the pre-hearing process.

Making findings of fact

9. After dealing with any preliminary issues, the committee will then move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

10. If there is no disagreement about the facts, the committee will move on to the next stage of the hearing.
11. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the member an opportunity to challenge any evidence put forward by any witness called by the investigator.
12. The member will then have the opportunity to make representations to support his or her version of the facts and, with the committee's permission, to call any necessary witnesses to give evidence.
13. At any time, the committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the member.
14. If the member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
15. If the member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigator is not present, the committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the member's explanation for not raising the issue at an earlier stage, the committee may then:
 - (a) continue with the hearing, relying on the information in the investigator's report
 - (b) allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary, or
 - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if he or she is not already.
16. The committee will usually move to another room to consider the representations and evidence in private.
17. On their return, the Chair will announce the committee's findings of fact.

Did the member fail to follow the Code?

18. The committee then needs to consider whether or not, based on the facts it has found, the member has failed to follow the Code of Conduct.

19. The member will be invited to give relevant reasons why the committee should not decide that he or she has failed to follow the Code.
20. The committee will then consider any verbal or written representations from the investigator.
21. The committee may, at any time, question anyone involved on any point they raise in their representations.
22. The member will be invited to make any final relevant points.
23. The committee will then move to another room to consider the representations.
24. On their return, the Chair will announce the committee's decision as to whether or not the member has failed to follow the Code of Conduct.

If the member has not failed to follow the Code of Conduct

25. If the committee decides that the member has not failed to follow the Code of Conduct, the committee will move on to consider whether it should make any recommendations to the authority.

If the member has failed to follow the Code

26. If the committee decides that the member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the member as to:
 - (a) whether or not the committee should set a penalty; and
 - (b) what form any penalty should take.
27. The committee may question the investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
28. The committee will then move to another room to consider whether or not to impose a penalty on the member and, if so, what the penalty should be.
29. On their return, the Chair will announce the committee's decision.

Recommendations to the authority

30. After considering any verbal or written representations from the investigator, the committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among members.

The written decision

31. The committee will announce its decision on the day and provide a short written decision on that day. It will also issue a full written decision shortly after the end of the hearing.