



Decision Notice

Date of Meeting:	19 November 2020
Subject Member:	Councillor Jo Beavis
Complainant:	Mrs Burrows-Wren
Committee:	Corporate Governance Group
Monitoring Officer:	Kim Cole
Investigating Officer:	Stephen Pearson, Freeths

Summary of Complaint:

In April 2018, the Council received a complaint from Mrs Burrows-Wren (the Complainant), regarding an application that had been to the Council made by Councillor Joanne Beavis under the Councillors Community Grant Scheme on behalf of the Braintree Community Foundation Community Interest Company (the Company). Councillor Beavis was at that time a Director of the Company, together with the Complainant, who had resigned as a director on 13 November 2017.

The Complainant was concerned that Councillor Beavis had submitted the application form on 27 March 2018 for a Grant of £1,383.80, and that within the application Councillor Beavis had confirmed that there were two directors of the Company and that there were a minimum of two authorised signatories to all financial transactions, listing the Complainant and Councillor Beavis as the Directors and authorised signatories.

An independent investigation into the allegation was commissioned by the Council's Monitoring Officer, and Stephen Pearson, Solicitor at Freeths was appointed as the Investigating Officer.

Code of Conduct

The Complaint was considered against the following provisions set out within the Council's Code of Conduct:

- Conferring an advantage or disadvantage under paragraph 7:
 - 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.

Findings of the Investigating Officer:

The Investigation Officer completed their investigation and submitted their final report to the Council on 4 January 2019. The Investigating Officer determined that:

- (a) the declaration made within the grant application form was false, as the Complainant had resigned as a Director on the 13th November 2017 and the application for the grant was made on the 25th March 2018.

Accordingly Councillor Beavis had breached the Councils Code of Conduct under paragraph 7.1.

- (b) there remained, at the time the application was made, two signatories to the Company bank account, one of which included the Complainant.

Accordingly Cllr Beavis was not in breach of the Councils Code of Conduct under paragraph 7.1.

On 1 February 2019, Councillor Beavis resigned as a District Councillor.

In light of the findings of the Investigating Officer, the Council determined that whilst noting the community purpose of the Company, and the grant was applied for purposes consistent with the grant scheme, the grants were paid from public funds, which the Council has a duty to safeguard and ensure are used appropriately. Accordingly the Council sought recovery of the full value of the grant obtained using a false statement. This was repaid in full by Councillor Beavis in March 2019.

Committee Consideration:

Where a breach of the Code of Conduct is identified the Monitoring Officer may seek informal resolution or may refer the matter to the Committee for consideration. However, if a Member ceases to be a Member of the Council, the Committees ability to determine the investigation or impose any sanction also ceases. This ability is not restored upon the Members re-election to office.

On 19 November 2020 the Committee noted:

- (a) the outcome of the investigation into the Complaint; and
- (b) that there will be no further action taken by the Council in respect of this complaint.

A copy of the Committee Agenda and reports can be found here:

<https://braintree.cmis.uk.com/braintree/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1012/Committee/19/Default.aspx>

Costs of the Investigation:

The costs of the investigation into this complaint was £2,499.



Kim Cole

Head of Governance and Monitoring Officer