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Hampshire County Council

Weightmans' reference: SG/112705/2

Report of an investigation into an allegation concerning the conduct of  
Councillor Sean Woodward of Hampshire County Council

The logo for Weightmans, featuring the word "Weightmans" in white text on a dark teal, rounded rectangular background.

Weightmans

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### Contents

Summary	Page 3
Relevant legislation	Pages 3–6
Councillor details	Page 6
Background	Pages 6–8
The evidence obtained	Pages 8–29
Findings of fact	Pages 29–31
Reasoning as to whether there is a breach of the Code of Conduct	Pages 31–37
Comments received on the draft report	Page 37–40
Finding	Page 40–41
Schedule of evidence	Page 42

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### Summary

1. Complaints were made that Cllr Sean Woodward, an elected member of Hampshire County Council (“the Council”), failed to comply with the Council’s Code of Conduct (“the Code”). The complaints were made by Mr Russell Collier and Mr Jason Morris. The complaint was referred to me by the Council’s Monitoring Officer, Barbara Beardwell, to investigate.
2. The complaints relate to Cllr Woodward’s alleged behaviour in relation to grant applications made to the Council by The Rockets Motorcycle Display Team (“the Rockets”).
3. I have investigated whether Cllr Woodward acted in the way alleged, whether in so doing he was acting as a councillor and whether he failed to comply with the Code as a result.
4. As a result of the investigation, I have concluded that Cllr Woodward was acting as a councillor when he engaged in the behaviour complained about.
5. I have also found that Cllr Woodward **failed to comply with the code of conduct** in relation to the way he acted in respect of one of the grant applications.

### Relevant Legislation

6. The Localism Act 2011 (“the 2011 Act”) has governed standards of conduct for elected members in England since July 2012.

Under the 2011 Act, the Council:

- a. is under a duty to promote and maintain high standards of conduct;
- b. must adopt a Code of Conduct which is consistent with the statutory principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership;
- c. must have in place arrangements for investigating allegations of failure to comply with the Code, and taking decisions about them, including appointing one or more Independent Persons, one of whose views must be sought before a decision is made, and one of whose views may be sought by the member against whom an allegation is made.

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7. Section 27 (2) of the 2011 Act states:

*In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.*

Therefore, the Code applies only when a councillor is acting in their capacity as a councillor.

8. The Council has adopted the Code pursuant to the 2011 Act (SG1).

9. So far as material, the Code provides as follows:

### **2. Scope**

*This Code applies to all Members and Co-opted Members of the County Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the County Council....*

### **3. General obligations of Members and Co-opted Members**

*As a Member of Hampshire County Council, your conduct will address the principles of the Code of Conduct by:*

- 3.1. Representing the needs of residents, and putting their interests first.*
- 3.2. Dealing with representations or enquiries from residents, members of communities within the administrative area of Hampshire County Council and visitors fairly, appropriately and impartially.*
- 3.3. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the County Council's area, or the good governance of the County Council in a proper manner.*
- 3.4. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.*

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- 3.6. *Being accountable for your decisions and co-operating when scrutinised internally and externally.*
- 3.7. *Contributing to making the County Council's decision-making processes as open and transparent as possible.*
- 3.8. *Restricting access to information when the wider public interest the County Council's Constitution, or the law requires it.*

**Part 5: Registration and Disclosure of Personal Interests**

2. *You have a "personal interest" in an item of business where it relates to or is likely to affect any of the following bodies of which you are a member: a public or charitable body, any body to which you have been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.*
3. *You also have a "personal interest" in an item of business where a decision in relation to it might reasonably be regarded as affecting the well being or financial position of yourself, a member of your family or person with whom you have a close association, more than other council tax payers, ratepayers or inhabitants of the authority's area.*
4. *You shall disclose a "personal interest" at a meeting of the County Council, its Committees or the Executive, where you consider that interest to be relevant to an item of business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.*
5. *Disclosure of a personal interest does not affect your ability to participate in discussion or vote on the relevant item, provided it is not also a disclosable pecuniary interest. If you consider, having taken advice in appropriate circumstances, you should not participate in the business being considered, you should leave the chamber or room where the business is being considered, after exercising any right to speak which a member of the public would have.*

**Councillor details**

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10. Cllr Woodward has been a member of the Council for approximately 15 years. He explained that he has been the Executive Member for Recreation and Heritage since May 2018 and had previously been the Executive Member for Economy, Transport and Environment between 2013 and 2016. Cllr Woodward is also a member and leader of Fareham Borough Council ("FBC").

### Background

11. This complaint arose as a result of alleged conduct by Cllr Woodward. The Rockets made two grant applications to the Council. The complainants were directors of the Rockets at the time the applications were made and processed by the Council. The first application was to Cllr Woodward in his capacity as a local member for £2,000. This grant was awarded but Cllr Woodward requested that a councillor for a neighbouring area, Cllr Evans, make the decision, which he did. Cllr Woodward did not explicitly state why he asked Cllr Evans to make the decision. However, he has stated that he did so because Ms A, a Director of the Rockets, had by this time become an employee of a company owned by Cllr Woodward.
12. The second application was for a grant for £15,000 towards the cost of a lorry for the team from the Council's Recreation and Community Heritage Fund. As Cabinet member for Recreation and Heritage, Cllr Woodward is the decision maker for these grants.
13. Cllr Woodward indicated that he would not make the decision because of his interest and the decision to award the grant was made by another Cabinet member, Cllr Heron. Cllr Heron agreed the application. The grant was subject to matched funding, including a grant of £15,000 from FBC.
14. However, Cllr Woodward had extensive contact with officers about the grant. He also assisted Ms A with the grant application. The Council officers state that he also requested that the decision day on the grant application be brought forward. The complainants state that they were told by Ms A that Cllr Woodward did this because there had been a change of leader and he was concerned that the leader might appoint another councillor to the Cabinet portfolio and he wanted the grant application determined before that. Cllr Woodward told me that he recalled the decision day being changed but he did not recall why.
15. After the decision was made by Cllr Heron there was a falling out between the directors of the Rockets. This led to Ms A setting up a separate organisation, Solent Stars. Ms A asked that the Rockets grant be made

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instead to Solent Stars. Cllr Woodward had contact with officers in support of this. The complainants objected. Another similar organisation also objected. Ultimately the grant was not paid to any organisation.

16. In addition the Solent Stars also made an application for a grant of £2,000 to Cllr Woodward as a local member. This was also determined by Cllr Evans who agreed to award the grant.
17. The complainants allege that Cllr Woodward wrote the Rockets grant application for the £15,000 grant and was inappropriately involved in the authorisation of the grant.

### The evidence obtained

18. The following witnesses were interviewed during the investigation:

Russell Collier	(SG2)
Jason Morris	(SG3)
Felicity Roe	(SG4)
Cllr Heron	(SG5)
Cllr Evans	(SG6)
Cllr Woodward	(SG7)

19. All have agreed a written record of their interviews.
20. The Council's Monitoring Officer described the process leading to my instructions and supplied me copies of the complaints (SG8). She also supplied me with the Executive Decision Record of the decision of Cllr Heron (SG9). She provided me with further relevant information including a note of a conversation which she had with Cllr Woodward about the Solent Stars application (SG10)
21. I also exchanged correspondence with Cllr Woodward's solicitors (SG11).

### Evidence of Russell Collier

22. Mr Collier confirmed that he had made a complaint against Cllr Woodward. He confirmed that the complaint was accurate to the best of his knowledge and that he wished the complaint to be pursued.
23. Mr Collier explained that he first became aware of Cllr Woodward through the Rockets. He explained that the Rockets applied for grants from the Council and from FBC. He stated that the grant application to the Council was for £15,000 to be matched by FBC. He stated that the limit for such

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grants had been raised by FBC from £5,000 to £15,000. Mr Collier stated that all of the information which he had about the grant application came from Cllr Woodward and Ms A.

24. Mr Collier stated that he was told by Ms A and Cllr Woodward that the decision by the Council about the grant had been brought forward. He stated that this was in around May/April 2019. He stated that the new leader of the Council had been due to appoint a new cabinet at 10.00am on a day so the decision on the grant had been brought forward to 9.30 in case Cllr Woodward was replaced as the cabinet member. Mr Collier stated that he was told this by Cllr Woodward and Ms A before the meeting to take the decision had taken place. Mr Collier stated that he could not remember the specific date when the conversation had taken place and he had nothing in writing about it.
25. Mr Collier stated that Cllr Woodward had turned up at every training event, show and events for the Rockets.
26. I asked Mr Collier about a comment in the complaint about texts which he said Mr Morris had told him about which Ms A had sent to him about Cllr Woodward "being creepy". He stated that he had not seen the texts himself but had been told by Mr Morris about them.
27. Mr Collier stated that, for example, a car crashed outside Ms A's house and Cllr Woodward called her to say that he happened to be in the area when it happened. He stated that Cllr Woodward lives about 5-6 miles away from Ms A which is about a 20-25 minute journey.
28. Mr Collier stated that he and Mr Morris raised their concerns with Ms A but it was all very tongue in cheek as they were friends and got on well. He explained that they had set up the Rockets together. Mr Collier stated that Cllr Woodward clearly wanted a relationship with Ms A. He stated that Ms A was influenced by Cllr Woodward's power and status. He stated that Ms A was closer to Mr Morris than him. He said that both Ms A and Mr Morris had said to him that Cllr Woodward was obsessed with Ms A.
29. Mr Collier stated that Cllr Woodward also kept ringing chief inspector Mark Lewis of Hampshire Police. Mr Collier stated that CI Lewis had told him that he had told Cllr Woodward to leave him alone because Cllr Woodward was always asking him for favours. Mr Collier stated that Cllr Woodward thought CI Lewis was his borough commander but he is not. He stated that during the altercation near Ms A's home which had led to complaints to Hampshire Police, Cllr Woodward had told Mr Collier that he was on the phone to his borough commander.

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30. Mr Collier stated that he had just wanted all of this to go away but Cllr Woodward was pursuing them and interfering with his life. He stated that Cllr Woodward had got him placed on directed duties.
31. Mr Collier stated that the head teacher had asked for information from professional standards. He stated that the police professional standards had confirmed that no further action would be taken. I asked if he could provide confirmation of this and Mr Collier said that he would check and send me what he had. He stated that it had been confirmed that no further action would be taken against him. He stated that he had been told that Ms A had assaulted him but no further action would be taken against her because it was not in the public interest. Mr Collier stated that Cllr Woodward had complained about the investigation and about the police sergeant who attended the incident.
32. I asked Mr Collier about the statement in the complaint that Cllr Woodward had written up and signed off the grants himself. He stated that Ms A had told them that. He stated that they did not know about these grants but Cllr Woodward told them about it. He stated that Ms A asked Cllr Woodward how to do it. He explained that when they did an audit there were emails back and forward between Ms A and Cllr Woodward about the application. Mr Collier stated that one of the applications was done in his name and Ms A had told him that Cllr Woodward had approved it.
33. Mr Collier stated that there was a grant which had been given to them of £2,000 for ramps. He stated that Cllr Woodward had been told that they no longer needed the ramps and Cllr Woodward had told them that as long as they spent it on other things for the Rockets they could do so. He stated that they spent it on clothing for the children. Mr Collier stated that Cllr Woodward told them that they could do it but when they fell out he complained about it. He stated that he assumed that it was Ms A or Cllr Woodward who had complained about it. He stated that they had been told this by Cllr Woodward before they received the grant. Mr Collier stated that he had nothing in writing about this. Mr Collier stated that the Council was now threatening the Rockets with legal action to recover the grant.
34. Mr Collier stated that the £15,000 grant was also stopped by the Council. He stated that they asked the Council why it had been stopped. He stated that they were told that FBC had stopped their grant so the Council had stopped theirs too.
35. Mr Collier stated that Ms A tried to get a grant for her new team as she had a grand plan to buy a lorry. He stated that eventually she realised it would

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look bad so withdrew the application but the lorry was bought using sponsorship money instead.

### Evidence of Jason Morris

36. Mr Morris confirmed that he had made a complaint against Cllr Woodward. He confirmed that the complaint was accurate to the best of his knowledge and that he wished the complaint to be pursued.
37. I asked Mr Morris about a comment in his complaint that Cllr Woodward managed to secure two training grounds for the Rockets. Mr Morris stated that this did not seem out of place at the time as it was in the early days of Cllr Woodward's involvement. He stated that the first site was Knowle Village field which was great at the time and he understood it belonged to a local developer who subsequently obtained planning permission to build on the site. He stated that the Rockets subsequently moved. Mr Morris stated that he had no specific information to suggest that there was anything untoward in this.
38. Mr Morris stated that Cllr Woodward gave a grant of £2,000 to the Rockets from his personal grant. He stated that this was allocated to buy some ramps. He stated that he said to Ms A that they were getting the ramps free from SEMMCO as part of sponsorship. He said that Ms A said that she would talk to Cllr Woodward about it. He stated that Ms A told him that Cllr Woodward had said it was ok and they would put it down as being used for ramps but as long as they used it for the team that was fine. Mr Morris stated that this did not sit well with him and he told Ms A it would come back to bite them but Ms A said that Cllr Woodward had said it was fine.
39. Mr Morris stated that this had now come back to bite them. He explained that a complaint had been made to the Council that the money had not been used for the purpose it had been granted. He stated that he assumed that the complaint had been made to the Council about this, he assumed by Ms A or Cllr Woodward. He stated that the Council had asked for the money back. Mr Morris stated that Ms A did all the accounts for this. He said that Ms A had completed the application for this grant with help from Cllr Woodward.
40. I asked Mr Morris about the comment in his complaint that Cllr Woodward had completed the grant application for the £15,000 grant, how did he know that? He said that Ms A had said to him that Cllr Woodward had done the application. He stated that they also applied for a grant of £15,000 from FBC. He stated that FBC had increased the level of the grant from £5,000 to £15,000. Mr Morris stated that all of the information he had

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## CONFIDENTIAL

about the grant application came from Ms A. He stated that it was Ms A who told him that Cllr Woodward had written the application.

41. Mr Morris stated that, at that time, Ms A did not want the same out of the relationship with Cllr Woodward as Cllr Woodward did. He stated that one day he received a telephone call from Ms A asking him if he would go round to her house because Cllr Woodward was there and would not leave and was getting touchy feely. He stated that the call was at 9.30pm and he went to Ms A's house. Mr Morris stated that his wife was not very happy when he told her what was happening. He stated that he went to Ms A's house and made an excuse for being there and Cllr Woodward left. He stated that Ms A thanked him and said that Cllr Woodward had been getting full on. He stated that he left straight afterwards.
42. Mr Morris stated that Ms A got into a panic about getting the grant. He explained that Ms A told him that the executive leadership of the Council was due to change at 10.00am on a particular day and the leader could choose to replace Cllr Woodward and he might not be in a position to sign off the grant. Mr Morris stated that he had an email from the Council saying when the grant would be being discussed, which he would send to me.
43. Mr Morris stated that all the information which he had about the grant came from Ms A; he had not had any direct discussions with Cllr Woodward. Mr Morris stated that he had not had much direct contact with Cllr Woodward apart from him coming to the Rockets' events.
44. Mr Morris stated that he had challenged Cllr Woodward about driving a Mazda car which he had obtained through sponsorship. He stated that Cllr Woodward had told him that he was insured. He stated that he checked with Mazda who told him that Cllr Woodward was not insured. Mr Morris stated that when he told Cllr Woodward this Cllr Woodward said that he was insured through the Council's insurance.
45. Mr Morris stated that the grants were pulled away. He stated that they were not told much. He stated that they suspected that Ms A had taken the grants over to the new outfit she had set up. He said they found out that she had withdrawn her applications for grants but had been given a very large grant upwards of £30,000 from a local developer.

### **Evidence of Felicity Roe**

46. Ms Roe confirmed that she was employed by the Council as its Director of Culture, Communities and Business Services. She explained that she has

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been in post since December 2018. She stated that Cllr Woodward is the cabinet member for some of her services.

47. Ms Roe explained that each Council member has a budget of £8,000 per year for local grants. She stated that payments out of these budgets are approved by the members themselves and administered by member services.
48. Ms Roe stated that her directorate oversees the Recreation and Community Heritage Fund grants. She stated that part of her department's budget is set aside for these grants. She explained that the grants are administered in accordance with criteria and applications are made online. She stated that administrative staff vet all applications and then, if they meet the criteria, put them to Cllr Woodward as the cabinet member to approve. She explained that there will be a report to Cllr Woodward which will either recommend the grant for approval or, if it is not recommended for approval, set out the reasons why.
49. Ms Roe stated that Cllr Woodward's decisions are published. She stated that there is usually one report with a fairly long appendix with details of all of the grants.
50. Ms Roe explained that the Assistant Director who works in her team had produced a note setting out the chronology and actions in relation to the grant applications made by the Rockets and the Solent Stars Motorcycle Display Team ("Solent Stars") (SG12). She stated that she had limited direct involvement with Cllr Woodward over the grants and most of the discussions or emails had been with the Assistant Director and Officer A, another officer in her department.
51. Ms Roe stated that Cllr Woodward became the cabinet member in May 2018. She stated that he spoke to the Assistant Director some time afterwards about how funding worked. He wanted to change the system of funding and to widen the criteria. She stated that the system was changed in accordance with Cllr Woodward's wishes in January 2019.
52. Ms Roe stated that there were two conversations between Cllr Woodward and The Assistant Director in the lead up to the decision in January 2019. She explained that there were no notes of the discussions but The Assistant Director recalled them. Ms Roe explained that Cllr Woodward had told The Assistant Director that there was a grant by a motorcycle club coming up.
53. Ms Roe stated that, immediately after the changes to the grant scheme were approved on 14 January 2019, Cllr Woodward talked to The Assistant

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Director and Officer A about his preferred approach to the new grants and specifically mentioned a grant of £15,000 towards the costs of a lorry for a children's motorcycle team.

54. Ms Roe stated that on 19 March 2019 Cllr Woodward had emailed Officer A, on behalf of the Rockets, stating that after partially completing the application form they had lost it.
55. Ms Roe stated that there were then a further 8 emails between Cllr Woodward and Officer A about issues to do with the grant application. Ms Roe stated that, in one of the emails, Cllr Woodward asked when the grant application would come to him for a decision and Officer A replied hopefully the decision day in May 2019.
56. Ms Roe stated that the application by the Rockets was submitted in March 2019 but it lacked detail and Officer A requested more information.
57. Ms Roe stated that throughout March and April 2019 Cllr Woodward spoke to her about getting his HGV driver's licence.
58. Ms Roe stated that Cllr Woodward had telephoned The Assistant Director to ask the May decision day to be moved. She stated that there was no written record of the conversation but an email from Officer A to Ms Roe confirmed that The Assistant Director had asked for the day to be moved.
59. Ms Roe stated that Emma Clarke, an officer in the Council's democratic services team, emailed Cllr Woodward on 17 April 2019 stating that it was not possible to bring the decision day forward to April and suggested 7 May 2019 in the afternoon. Ms Roe stated that Cllr Woodward responded saying yes to 7 May 2019 but saying he wanted the decision day to be in the morning.
60. Ms Roe explained that, at the time, the Council was in the process of selecting a new leader as the previous leader had retired. She explained that the new leader was due to be appointed by the Council on the afternoon of 7 May 2019. She stated that the new leader would then appoint their cabinet, so Cllr Woodward might not have been the cabinet member after that.
61. Ms Roe stated that Cllr Woodward said that he had an interest and asked Cllr Heron to make the decision on the grant application.
62. In response to a question on whether Cllr Woodward left the room while Cllr Heron made the decision, Ms Roe stated that he did not leave the

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room, but that leaving the room would NOT be a normal process within the County Council decision making. She stated that she did not know whether there had been any discussion about the application between Cllr Woodward and Cllr Heron.

63. Ms Roe stated that the officer recommendation was to approve the application. She stated that they felt under pressure with the application. She stated that the number of emails from Cllr Woodward on this application was very unusual. She stated that she was in no doubt that the moving of the decision day was due to the Rockets' grant application. She stated that this was very unusual.
64. Ms Roe stated that the grant was approved and an email was sent to the Rockets on 7 May 2019 confirming this, which was followed by a formal offer letter on 21 May 2019. She stated that Mr Collier signed the letter on behalf of the Rockets on 22 May 2019 and returned the completed BACS form.
65. Ms Roe stated that on 14 May 2019 Cllr Woodward telephoned The Assistant Director to say that one of the directors, Ms A, had left the Rockets and had set up a separate CIC and all contracts were to be novated to the new organisation. Cllr Woodward asked if the Council could transfer the grant to the new organisation and said that FBC would be transferring its grant. Ms Roe stated that The Assistant Director asked Ms A for more details which Ms A provided on 17 June 2019. Ms Roe stated that The Assistant Director then spoke to David Kelly, the head of legal services, about the situation. Ms Roe stated that on 18 June 2019 the Council received a letter from solicitors on behalf of two of the three directors of the Rockets stating that the grant should go to the Rockets and not Ms A's new company.
66. Ms Roe stated that on 18 June 2019 Cllr Heron received an email from a director of the Tigers Children's Motorcycle Display Team asking why the Rockets had been awarded £15,000 which was giving them an advantage over other similar organisations.
67. Ms Roe stated that on 19 June 2019 Cllr Woodward telephoned The Assistant Director and said that he did not want the grant to be paid to either organisation. He stated that FBC had also received a letter from a solicitor and would not be giving a grant. Ms Roe stated that Cllr Woodward also told The Assistant Director that he had been witness to an assault which was being investigated by the police.

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68. Ms Roe stated that on 19 June 2019 The Assistant Director emailed Cllr Woodward asking for details of the assault, which he provided.
69. Ms Roe stated that on 19 June 2019 Cllr Woodward emailed The Assistant Director to say that FBC had cancelled their grant application for the Rockets. She stated that The Assistant Director received an email from FBC confirming this later that day.
70. Ms Roe stated that on 4 July 2019 the Council's legal department sent out a letter to the Rockets confirming that no grant would be paid.
71. Ms Roe stated that Ms A made a fresh application on behalf of Solent Stars to the Council on 2 October 2019. Ms Roe stated that a considerable amount of information was missing. She stated that, on the same date as the grant was submitted, Cllr Woodward also telephoned Officer A saying that he was keen for a decision to be made as soon as possible. Ms Roe stated that there was no written record of that telephone conversation. Ms Roe stated that the officers concerned had never previously experienced a member of the Council put as much pressure on in relation to a grant application.
72. Ms Roe stated that The Assistant Director emailed Cllr Woodward on 22 October 2019 at 11.17am and advised him that the advice of the legal department was that the grant should not be awarded. She stated that at 11.25am Cllr Woodward telephoned The Assistant Director to ask why the application was not eligible for a grant when FBC was awarding one. Ms Roe stated that The Assistant Director told Cllr Woodward that a complaint had been made to Cllr Heron, that the Council only had one quote for the work and that the majority of the application was now mostly for the fit out as the vehicle had been bought and this was not really within the grant criteria.
73. Ms Roe stated that on that same day The Assistant Director telephoned Mr Kelly. Ms Roe stated that at 11.40am Cllr Woodward telephoned The Assistant Director and told her that he had spoken to Barbara Beardwell, the Council's head of law and governance, who had said she was looking at it in more detail. Ms Roe stated that Cllr Woodward explained to The Assistant Director that the fit out costs were due to conditions laid down by The Showman's Guild.
74. Ms Roe stated that on 24 October 2019 Ms A sent the Council further information about the Showman's Guild.

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75. Ms Roe stated that in early November 2019 the Council's grants team advised Ms A that it had not been able to process the Solent Stars' grant application in time for the November decision day.
76. Ms Roe stated that on 21 November 2019 Ms A emailed the Council to withdraw the grant application and they had "many new recruits and a number of show bookings for 2020", which meant that they could pay for the lorry to be fitted out.
77. Ms Roe stated that Cllr Woodward never said that he had any interest in the Solent Stars' grant application but she had no doubt that he would have declared an interest and would not have made the decision had it proceeded. She stated that Cllr Woodward had showed a member of staff at the Council a video of him driving the Solent Stars' lorry.
78. After the interview Ms Roe provided me with copies of relevant emails to support the evidence provided (SG13).

### Evidence of Cllr Heron

79. Cllr Heron confirmed that he is a member of the Council. He explained that he has been a member for approximately 12 years. He explained that he has been a member of the executive member for just over a year.
80. Cllr Heron explained that executive members make a lot of decisions in their roles. He stated that he has done quite a few of them for other members; it is not common but not that unusual either.
81. He stated that if an executive member has an interest they go to the leader of the Council and he agrees that a decision can be made by another executive member. He stated that he is often in the Council's offices on decision days so can make a decision for others.
82. Cllr Heron stated that as far, as he could recall, Cllr Woodward did not discuss with him what his interest was in the application by the Rockets. He stated that he still did not know what Cllr Woodward's interest was. He said that either the application would be considered at his own decision day though it used to be more common that he would attend Cllr Woodward's decision day and take over for that item.
83. Cllr Heron stated that this application might have been the first he did for another member; it was certainly the first for Cllr Woodward. He stated that he always asks officers if they have anything to add to their reports on such applications.

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84. I asked Cllr Heron if Cllr Woodward left the room whilst he considered the application by the Rockets. He stated that he did not think that Cllr Woodward did leave the room. He stated that he approved the decision. He stated that he probably stayed for the rest of the meeting; he explained that decision day meetings are not usually that long.
85. Cllr Heron stated that he had not had any discussions with Cllr Woodward about the application since the meeting. He stated that he had received an email on 17 June 2019 from a gentleman inquiring why the grant to the Rockets had been made. He stated that he referred the letter to the director for a response. He stated that he had also been copied in to an email from the Council saying that the grant would not be paid.
86. Cllr Heron stated that there was no discussion of the details of the application and Cllr Woodward did not raise any issues. Cllr Heron stated that he would have assumed that Cllr Woodward and the director would not have any issues with the application if it was coming to decision day. Cllr Heron stated that he would have raised concerns if he had any. He stated that Cllr Woodward never discussed the application with him and never placed any pressure on him to reach a particular decision.

### Evidence Cllr Evans

87. Cllr Evans confirmed that he is a member of the Council and that he has been a member for approximately 14 years.
88. He stated that if a councillor feels that they have an interest in an application to them for a grant from their budget, then they can ask another councillor to endorse their decision. He stated that Cllr Woodward had asked him on one or two occasions if he would look at an application.
89. I asked Cllr Evans about an application for a grant by the Rockets. He stated that Cllr Woodward had asked him to look at it because he had an interest but he did not know what that interest was. He stated that he just looked at whether it was reasonable and if he would agree to it. He stated that he looked at it in exactly the same way as he would look at an application he had received in his own area.
90. Cllr Evans stated that Cllr Woodward emailed him asking if he would look at the application. He stated that Cllr Woodward did not tell him what his interest was and he did not ask.

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91. Cllr Evans explained that the system is online, so he did not see anything on paper. He stated that he sent back a message to Cllr Woodward saying that he was happy with the application. He stated that, as he was only counter signing it, he would not hear the outcome.
92. Cllr Evans stated that he had no concerns about the application. He explained that there are two types of grant applications and depending on financial levels for the higher amounts more data is required for some. He stated that the onus is on the applicant to provide the information. He stated that it is a quick process and, if it is approved, the officers process the payments unless they have any concerns.
93. Cllr Evans stated that he has not discussed the grant with Cllr Woodward since it was made.

### **Evidence of Cllr Woodward**

94. Cllr Woodward confirmed that he is a member of the Council. He explained that he has been a member for approximately 15 years. He explained that he has been the Executive Member for Recreation and Heritage since May 2018 and had previously been the Executive Member for Economy, Transport and Environment between 2013 and 2016.
95. Cllr Woodward confirmed that he had received no training on the Code that he could recall in his role as a member of the Council. He explained that as well as being a member of the Council he is also the leader of FBC. He confirmed that he understood the requirement to comply with the code of conduct whilst acting as a councillor.
96. Cllr Woodward stated that the complainants had made complaints to the Council and also to the Conservative Party and FBC. He stated that all the other complaints had been rejected with the conclusion that there had been no breach of the code of conduct. There had also been a complaint to the police which similarly was not upheld. He stated that he believed that letters had gone out to the complainants in the last few days from FBC informing them that their complaints were not upheld and that there had been no breach of the FBC code of conduct.
97. Cllr Woodward stated that he first heard from the Rockets in July 2018. He explained that one of the complainants, Mr Morris, came to see him together with another director, Ms A. He stated that they contacted him as they were not going to be able to stay on their training site in Millbrook and asked for his help. He stated that he found a field in Knowle for them and when he contacted Ms A to tell her she was delighted. Cllr Woodward

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stated that he had never heard of the Rockets or met any of them before this. He stated that the other complainant, Mr Collier, was not present at the meeting.

98. Cllr Woodward stated that in October 2018 Ms A contacted him again and asked if he would like to go and watch one of the Rockets' training sessions and to present the trophies at their award ceremony. He stated that he was impressed by what he saw when he attended with his son. He stated that the Rockets had 12 or more youngsters and families involved in a wholesome activity. He stated that they told him that they wanted to build the team and get more equipment and some transport for moving the equipment.
99. Cllr Woodward stated that in January 2019 a grant application was made to the Council. He explained that each councillor has £8,000 available to make grants to organisations in their area.
100. Cllr Woodward stated that he had been very impressed with Ms A as an individual. He stated that they are always looking for candidates to stand in local elections. He stated that he went to see her in November 2018 to talk with her about the possibility of becoming a councillor. She agreed to think about it.
101. Cllr Woodward explained that Ms A was also involved in marketing and the healthcare company he owns a 50% share in was looking for a marketing assistant. He stated that Ms A began working for the company. He stated that he is not involved in the day to day management of the company. He stated that the grant application from the Rockets came in just after the time Ms A had started to work for the company.
102. Cllr Woodward stated that he thought that as Ms A was now working for the company he owned he should not agree the grant and so contacted Cllr Evans who is a councillor for an adjacent area to him. He explained that it was an online process and he asked Cllr Evans if he would look at it. He explained that the first time he tried to do it he had not done it properly. He stated that 2 weeks later he contacted an officer, David Foley, and said that the grant application did not seem to have found its way to Cllr Evans. He explained that Mr Foley contacted Cllr Evans and the grant was approved and paid. He stated that this was in February 2019 and the complaint was not made until October 2019.
103. Cllr Woodward stated that the grant was for the Rockets to buy ramps. He stated that he subsequently found out in Mr Collier's complaint about a claim that the ramps had been provided for free. He said that he had

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formally made a complaint to investigate that as it had not been used for what the grant was paid for. I asked Cllr Woodward about a suggestion by the complainants that Cllr Woodward had said that they could use the grant for other purposes. He stated that he absolutely did not say that and that it was a complete lie. Cllr Woodward stated that he was advised that SEMMCO, who had supplied the ramps, had not been paid as they should have been. He stated that half of the order had been delivered and invoiced. Mr Collier and Mr Morris did not pay the bill so the other half of the order was not supplied.

104. Cllr Woodward stated that another project the Rockets were keen to pursue had been to get a lorry to transport the motorbikes. He explained that they had an old lorry which was not in the best of order and they wanted to get a newer, larger one to take to show bookings around the country. He explained that he told them that if they raised money themselves they could apply to the Council for a grant.
105. Cllr Woodward stated that the grant application was in the name of Mr Collier who signed the grant funding agreement. He stated that he believed that Ms A had done all the work on the application. He stated that they applied to the Council for £15,000, to FBC for £15,000 and were also going to work on raising £15,000 themselves. He stated that the grant came within his purview as Executive Member for Recreation and Heritage.
106. Cllr Woodward stated that Officer A sends him a spreadsheet periodically with details of the grant applications. He stated that in April 2019 he sent the spreadsheet to Officer A and filled in the section relating to the Rockets' application confirming that he had an interest, that it should be conditional on them being a community interest company or charity and FBC matching support and that they would perform free shows locally and there would be community access to the group.
107. I asked Cllr Woodward about the number of emails which he sent to officers about the application. He stated that he could only remember sending two emails. He stated that his contact with officers about the Rockets' grant was not unusual. He stated that it depends on the grant and that he had many discussions with different organisations on grant applications including visiting them. He stated that he had tried to formalise things through using the spreadsheet for his comments.
108. Cllr Woodward stated that the Leader had approved that a different Executive Member should make the decision. He stated that in reality the officers arrange this and the Leader approves it. He stated that he and Cllr

## CONFIDENTIAL

Heron often have the same decision day date so it was logical that he be asked to make the decision.

109. I asked Cllr Woodward why the decision day had been moved. He stated that he did recall that the decision day was moved but he did not recall why. He stated that he may not have been able to make a suggested date and so needed to move it but he could not remember. Cllr Woodward stated that the decision days can be quite ad hoc with little notice of change and be moved around depending on the business to be decided. He stated that this happens with all Executive Members.
110. Cllr Woodward stated that the decision was made at a separate meeting, not his meeting. He stated that Cllr Heron made it at his decision day meeting.
111. I asked Cllr Woodward about the allegation that he wrote the grant application. He stated that he did not but gave all the advice and support possible in the knowledge that he would not be making the decision. He often gave advice to grant applicants when asked, in the same way that the officers writing the report would do. He stated that the main issue for the Rockets was saving the application which was lost at one point. He stated that he also gave a link to a generic business plan at one point. He stated that he cast his eye over the application and responded to a couple of queries that Ms A raised with him. He stated that he did help Ms A but the application was not going to be decided by him.
112. I asked Cllr Woodward if he had any discussions with Cllr Heron about the application. He stated that he simply explained to Cllr Heron that he had decided that he would not make the decision as he had a personal interest but did not have any discussion about the application itself.
113. Cllr Woodward confirmed that he had contacted The Assistant Director when Ms A left the Rockets and set up her own team as Ms A had approached him to ask if the grant could be novated. Cllr Woodward stated that The Assistant Director suggested that Ms A should write to her. He stated that Ms A had contacted him and asked what she should do. He stated that he would find out an answer for her as any councillor would.
114. I asked Cllr Woodward about what involvement he had in the application to the Council by the Solent Stars Community Interest Company for a grant. He stated that he knew that Ms A had made an application which was probably identical to the previous application by the Rockets. He stated that Ms A then withdrew it. He stated that he thought he had asked officers about the progress of the application as it had not appeared on his regular

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spreadsheet. He stated that he prefaced the enquiry by saying it was not a decision he would be involved in as he knew the applicant. Officer A had advised that he spoke to The Assistant Director who advised him to speak to Ms Beardwell. They said the applicant needed to show how the grant would help the group as much of the funding was related to living accommodation. This related to obtaining Showman's Guild exemptions from testing regimes. He passed that information back to Ms A who subsequently wrote further to clarify. She then withdrew the application before it could be considered.

115. I asked Cllr Woodward if Ms A had attended Council functions with him. Cllr Woodward stated that Ms A had been selected as a prospective candidate for FBC elections in May 2020 and he had taken her to a small number of events with him as his guest so she could understand the role better. Cllr Woodward stated that Ms A had ceased working for his company in April 2019 so had only worked there for four months. He stated that he probably would not even have had an interest if the Solent Stars application had come to him as she would no longer have been an employee of his company though she was a friend so he still would not have taken the decision.

116. Cllr Woodward stated that he believed that the complaints were vexatious as he was sure they would not have been made if he had not been a witness to the assault. He stated that the grants which they were complaining of had been agreed many months before the complaints were made and in the event only the first grant for £2,000 had been paid. He had declared a personal interest in the grant and the Council's rules allow Members to both speak and vote on matters in which they have a personal interest. He had chosen to not only rightly declare his interest but to go even further than he needed to and not to make the actual decisions.

117. After the interview I asked Cllr Woodward some further questions. I asked him:

*You mentioned when we met that one of the complainants had told you that the grant monies had not been used to pay for ramps. Are you able to tell me when that was? Do you have anything in writing about that from them?*

*Also it has been suggested that you obtained your HGV licence and have been video driving the lorry purchased by the Solent Stars, is this true?*

118. Cllr Woodward instructed solicitors. The solicitors wrote to me stating:

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*...in your email to our client of 24 March 2020 following your interview with him you asked him various further questions, none of which seemed to have any real relevance to the specific areas of complaint (in particular we cannot see how our client obtaining an HGV Licence and been seen video driving a lorry can be at all pertinent to your investigation).*

*It is as much your raising these questions as the questions themselves that have given rise to the concern on the part of our client that your investigation seems to be broadening into matters that have nothing to do at all with our client's conduct as a County Councilor and also adding fuel to his perception that you are allowing yourself to be drawn into what are essentially personal matters that are nothing at all to do with the Code of Conduct. Our client has so far co-operated with the investigation, and remains willing to do so, but against a backdrop of persistent potentially defamatory statements about him by the complainants is concerned that frivolous and vexatious matters are being given greater substance than they deserve and valuable time and money is being expended on something which is unjustified and which, as we have said has already been summarily disposed of by two other bodies.*

*We would be grateful, therefore, if you would provide us with the appropriate reassurance that the scope of your investigation will indeed be limited to the essential elements of the complaints rather than extraneous matters that have no bearing on them. This is especially important given we understand the outcome of your investigation could become public and so risks repeating potentially defamatory allegations about our client. We are in the process of advising our client about his remedies in relation to those allegations.*

119. I responded to the solicitors reiterating the need for responses to the questions which I had raised to progress my investigation. The solicitors responded:

- 1. My client never said that one of the complainants gave him this information. A member of the team placed the orders with the ramp suppliers and Ms A arranged the collection of the ramps. She can certainly confirm that there was never any suggestion of the ramps being free. The value of the ramps was around £8,000 but the suppliers agreed to supply them for £2,000. There were four ramps and three were supplied. Half the order by value was supplied. When no money was*

*forthcoming the final ramp, the largest, a car ramp, was withheld.*

2. *Correct, the relevance of this question remains beyond us. How would our client know whether he was videoed driving the lorry. To put this matter to bed he does have the necessary licence and he has driven a number of lorries including the Solent Stars one in February 2020.*

## Findings of fact

120. I must make findings on the balance of probabilities and that is the test which I have applied in relation to the material facts. I make the following findings:

- a. Cllr Woodward was involved in the grant application for the £15,000 grant by helping Ms A with the application, by liaising with officers, by chasing officers and pressing for decisions;
- b. Cllr Woodward arranged with officers for the decision day for the determination of the grant application to be changed;
- c. Cllr Woodward arranged for the date to be changed to ensure that he would still be the relevant Cabinet member when the grant application was determined;
- d. Cllr Woodward did not make the decisions to award the grants;
- e. It is disputed whether Cllr Woodward remained in the room when Cllr Heron made the decision;
- f. Cllr Woodward did not indicate at the time what his interest was that meant that he should not make the decision on whether or not to award the grant;
- g. Cllr Woodward has since stated that he did not make the decisions because Ms A was employed by a company which he owned;
- h. Ms A is now a candidate for election for FBC and has accompanied Cllr Woodward at official Council events;
- i. The £15,000 grant was not paid to the Rockets by the Council;
- j. Cllr Woodward supported the Solent Stars' application after Ms A left the Rockets;
- k. Cllr Woodward obtained his HGV licence and has driven the Solent Stars' lorry which was not funded in any part by the Council;

121. I make these findings for the following reasons:

- a. This is the evidence of the officers involved which is supported by documentary evidence. It is not contradicted by Cllr Woodward's evidence;

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- b. This is the evidence of Ms Roe supported by the note prepared by The Assistant Director and the email evidence provided. It is also corroborated by the evidence of the complainants of what they were told by Ms A;
- c. This is the evidence of the complainants who say they were told it by Ms A who was told it by Cllr Woodward. The evidence of the officers supported by emails is that it was Cllr Woodward who requested that the grant application be brought forward to April from 23 May when it was due to be considered. Cllr Woodward told me that he did not recall why it had been brought forward but that it was at his request; he gave no reason and there did not appear to be any reason why the applications could not wait until the 23 May. When the officers suggested the day when the new leader was due to appoint his cabinet, Cllr Woodward asked for it to take place in the morning. All of the evidence put together supports the claim put forward by the complainants;
- d. This is clear from the evidence of the officers and members involved and the records of the decisions;
- e. The evidence on this is not clear. Ms Roe states that Cllr Woodward was present and remained in the room when Cllr Heron made the decision. Cllr Woodward suggested that Cllr Heron made it at his own decision day meeting. Cllr Heron stated that Cllr Woodward was present when he made the decision. The decision notice is silent on the issue.;
- f. This is the evidence of all the members and officers involved;
- g. This is the reason given by Cllr Woodward for why he chose not to take the decisions;
- h. This is the evidence of Cllr Woodward supported by the evidence of officers;
- i. This is not in dispute;
- j. This is supported by the evidence of the officers, including documentary evidence. It is not disputed by Cllr Woodward;
- k. This was accepted by Cllr Woodward;

**Reasoning as to whether there has been a failure to comply with the Code.**

122. The relevant paragraphs of the Code which I have considered during my investigation are paragraphs 3.1, 3.3, 3.3, 3.4, 3.6, 3.7, 3.8 and part 5.

123. The test in deciding whether or not there has been a failure to comply with the Code is objective: would a reasonable person aware of all the material facts and ignoring all immaterial factors consider that there has been a breach of the Code?

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124. The Act section 27(2) provides that the code of conduct only applies to the conduct of a member acting in their capacity as such. In my view, at all material times Cllr Woodward was acting in his capacity as a councillor. He and his solicitor have not sought to argue otherwise in respect of the complaint regarding his involvement in the Rockets' grant application. This involved him engaging with officers, other members and representatives of the Rockets about grants for which he was the ward or cabinet member. He was clearly acting as a councillor throughout these interactions.
125. Section 27(2) of the Act provides that the code of conduct only applies to the conduct of a member acting in their capacity as such.
126. The meaning of and extent of "official capacity" was considered by the courts in the cases of *(R) Mullaney v The Adjudication Panel for England* [2009] EWHC 72 (Admin) ("the Mullaney case") and *Livingstone v APE* [2006] EWHC 2533 (Admin) "the Livingstone case". These cases were considered under the previous legislation. However, the principles set out in the decisions in those cases remain relevant to the current law.
127. In the Mullaney case, Charles J recognised that applying the term "is inevitably fact sensitive and whether or not a person is so acting inevitably calls for informed judgment by reference to the facts of the given case."
128. In the Livingstone case, Collins J stated "official capacity will include anything done in dealing with staff, when representing the Council, in dealing with constituents' problems and so on"
129. In considering whether Councillor Woodward was acting in an official capacity, I have also taken into consideration the Standards for England's Case Review 2010, updated on 11 October 2011, which asks the question "When does the Code of Conduct apply?" and states:

*Most of the Code's provisions only apply to activities performed whenever members act in an official capacity. This means whenever members conduct the business of their authority, or act, claim to act or give the impression they are acting in their official capacity or are representing their authority...."*

*Otherwise the Code does not affect a member's private life.*

*Whether a member has been representing an authority or acting in a private capacity is something which must be established because it is crucial to whether or not the code applies at all. Ideally, this will be*

*established when assessing a complaint. However, sometimes it will only become clear during an investigation....*

*Although only activities linked to the functions of a member's office are covered by the Code if what they do is disreputable, a member cannot argue that by misusing their office they are not acting as a councillor and are, therefore, not caught by the provisions of the Code. So, a member who uses a council computer provided to him for council use but who uses it to download child pornography during his private time cannot escape the scope of the Code by arguing that he was not acting as a councillor when he did so.*

*The Code itself does not provide any further guidance on official capacity... However, there are circumstances when it is clear that the Code operates. These include any meetings of the authority, its executive or any of its committees or sub-committees. Participating in such meetings plainly involves carrying out the business of the authority. When an elected member exercises powers delegated to them as a member of the authority's executive, or holds a surgery for residents of their ward, the member is clearly performing the business of the office to which they have been elected. Members' face-to-face dealings with officers about the business of the authority will almost always mean they are conducting the business of their office under paragraph 2(1)(a) of the Code.*

*Similarly, members of police or fire authorities will be conducting the business of their office when they attend formal meetings with police or fire officers, or make formal visits to police or fire stations.*

*The scope of representing an authority is potentially very wide. Standards for England believes that this will cover situations where a member is appointed or nominated by their authority to another body, such as a board of directors or trustees.*

130. Standards for England has been abolished and its guidance no longer has any special standing, but the concept of "official capacity" derives from the old national model code and this is a useful analysis.

131. The Council's Code states that it will apply to members when they are "giving the impression that they are acting as a representative of the County Council."

132. I then consider whether, in acting as he did, he failed to comply with the Code.

## CONFIDENTIAL

133. I do not believe that there was anything done by Cllr Woodward in connection with the £2,000 grant application by the Rockets or the Solent Stars which could be said to amount to a failure to comply with the Code. There is no evidence that he was overly involved in either application and Cllr Evans determined the both on their merits.
134. In respect of the £15,000 grant application by the Rockets, the position is different. Cllr Woodward was heavily involved in supporting Ms A in making the application. He has shown an extensive interest in the application from before it was even made. This is supported by the fact that he raised it specifically with officers at the first decision day meeting with them. Ms Roe also indicated that the amount of contact which Cllr Woodward had with officers over this application (which then continued with the Solent Stars' application) was highly unusual. Cllr Woodward denies this but he does appear to have taken an unusually close interest in both the Rockets' and Solent Stars' applications.
135. The applications of both the Rockets and the Solent Stars related to the provision of a lorry for the team. Cllr Woodward told officers that he was taking his HGV licence when the application was being made and later showed a video to officers of him driving the Solent Stars' lorry (which was not funded by the Council). He was reluctant to answer my question when I asked him about this. His solicitors stated that this was because it was not relevant. In my view it was because it showed (in part at least) the true motive for his support for the application.
136. It was only very shortly before the decision was due to be made that Cllr Woodward notified officers that he would not be making the decision himself. He was not specific about the nature of his interest. He arranged for the decision to be made when he knew that he would still be the relevant executive member. He ensured that everything was lined up to give the very strong likelihood that the grant would be awarded. Cllr Heron had no reason to suspect any reason why it should not.
137. In my view, Cllr Woodward should not just have excluded himself from the formal decision to award the grant but should have taken no part in the application process. In fact, he was extremely active throughout the grant process both in supporting Ms A to complete the application, by pressing officers on progress and bringing forward the decision day. He may not have made the application but he was instrumental in ensuring that the decision to award the grant was made.

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138. In acting as he did, Cllr Woodward was influenced by his relationship with Ms A. This amounted to a failure on his part to act “fairly, appropriately and impartially” as required by paragraph 3.2 of the Code. He was certainly not impartial regarding the application.
139. In acting as he did, Cllr Woodward also allowed other pressures, namely the interests of himself (in wanting to utilise his HGV licence) and others connected to him (Ms A), to deter him from pursuing the good governance of the County Council in a proper manner. It may be that had he taken no part in the application process it would have been awarded in any event but he sought to push it through the process despite his personal interest in it which was entirely contrary to principles of good governance. This was a failure to comply with paragraph 3.3 of the Code.
140. In failing to be clear at the outset exactly what his interest in the application was, Cllr Woodward failed to exercise independent judgement and placed himself under obligations to Ms A and the Rockets (and subsequently Solent Stars) thus failing to comply with paragraph 3.4 of the Code.
141. In failing to declare his interest in the application at the earliest possible stage and fully set out what his interest was, Cllr Woodward failed to contribute to making the Council’s decision making as open and transparent as possible thereby failing to comply with paragraph 3.7 of the Code.
142. The process for Cllr Woodward declaring his interest in accordance with Part 5 of the Code at the decision day is unclear. In my view he should have clearly declared his interest and left the room when the decision was made. However, given the lack of clarity on this issue I do not find that there was a failure to comply with the Code on his part in respect of this.
143. Cllr Woodward states that he would be grateful if I confirm in the report that there is no failure to comply with the Code in respect of the applications for £2,000 grants. This is already in the report (and was in the draft report) at paragraph 156.

### Comments on the Draft Report

144. In accordance with the Council's procedures I gave Cllr Woodward, Mr Collier and Mr Morris the opportunity to read my draft report. Mr Collier and Mr Morris indicated that they did not have any comments on the draft report.

145. Cllr Woodward submitted comments and further evidence (SG14). These and my responses are considered below.

146. Cllr Woodward makes a comment about the changing of the decision day. He states that he asked for it to be changed in April 2019 and so there was no change of leader of the Council then. He also states that he checked his diary and he attended a Royal Naval gliding course on 23 May 2019 which was the day which was originally proposed for the decision day. Cllr Woodward states that he arranged for the day to be changed because he had another engagement.

147. Cllr Woodward also stated that the new leader appointed his cabinet on 17 May not 7 May 2019, therefore, he states that the date of 7 May had no significance.

148. I have considered these points carefully. They do not alter my findings on this point. Cllr Woodward asked for the decision day to be brought forward to April because there were grant applications he wanted to consider. He did not give a reason. He has not stated when he was asked to attend the other event but if that was the only reason to alter the decision day why did he ask that the day be brought forward to April? It could have been moved to a later date rather than him asking it to be brought forward by nearly a month. Although the Leader was confirmed by full Council the decision to appoint Cllr Mans as leader of the conservative group was reported in the local press on 7 May 2019, the press reports highlighted the de facto position that in being appointed as leader of the controlling group Cllr Mans effectively confirmed that he would be elected as leader of the Council which would be confirmed at the annual meeting on 17 May 2019. The key points are as follows:

- a. the date of the AGM on 17 May 2019 was before the originally scheduled Recreation and Heritage decision day on 23 May 2019;
- b. Cllr Woodward requested the meeting be brought forward and to April, well before any change of leader and portfolio holder changes could be made;
- c. Although the meeting could not be in April, it was proposed for 10 May which was before any change of Leader could take place;

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- d. Whilst some details of the evidence of others maybe unclear or inaccurate the thrust of what they allege is supported by the evidence; and
- e. In my view it is highly unlikely, indeed incredible, that the complainants could have made up this story about the moving of the decision date which so clearly fitted the facts of what actually happened.

149. In my view the evidence that Cllr Woodward sought to move the date to ensure it was heard when he remained the cabinet member for that portfolio remain compelling. It would be an incredible coincidence that Mr Collier and Mr Morris made up this story about what they were told which happened to match Cllr Woodward's actions and Cllr Woodward specifically asked for the grant application which he had an interest in to be brought forward.

150. Cllr Woodward also states that he was not in the room at the time the decision was made. The evidence I was provided with was that he did remain in the room. There is some uncertainty about the circumstances of the decision and the decision record is not clear on this point. Whether he stayed in the room was not a significant factor in reaching the conclusions which I did. The main concern was the overall involvement of Cllr Woodward in the application process. I also had not found that Cllr Woodward failed to comply with Part 5 of the Code in any event.

151. In the draft complaint there was an inconsistency of the wording regarding my findings in respect of Part 5 of the Code and this has been corrected in the final report to make clear that my finding is that there was no failure to comply with Part 5 by Cllr Woodward.

152. Cllr Woodward highlighted a number of disagreements which he had with the evidence of others. I have carefully considered these but none of them add anything to the evidence which I already considered.

153. Cllr Woodward states that he set out his interest in the Rockets application in February 2019. He provided me with a copy of a spreadsheet but that spreadsheet was not dated. This does not affect my findings. The main point being that he should not have had anything to do with the application given the interest which he had. He was involved in every step of the process apart from the actual decision at which point it was very unlikely that Cllr Heron would look behind the information in any detail.

154. Cllr Woodward seeks to hide behind the fact that it was an officer's recommendation for approval. However, the officers did not have all of the

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relevant information. They did not know the extent of his involvement with the Rockets or in the grant application.

155. Cllr Woodward also makes comments on my reasoning in considering that there has been a breach of the Code. He states that in respect of paragraph 3.2 of the Code he does not see how a grant application can be a “representation or inquiry.” The word representation has a broad meaning when used as a noun and can be described as “a description or statement, as of things true or alleged...” Therefore, the contents of any grant application will include representations to the Council. Given Cllr Woodward’s acknowledged interest he should not have involved himself at all in the application.
156. Cllr Woodward states that there was no breach of paragraph 3.3 of the Code because he was not influenced by his financial interests or of others. However, paragraph 3.3 is not limited to merely financial interests it refers to “pressures, including financial interests...” I have set out the external pressures which I believe influenced Cllr Woodward inappropriately.
157. I accept that Cllr Woodward did identify that he had an interest at an earlier stage. However, he did not state what that was in any detail and he provided considerable support to the application both through supporting the applicant to complete the application and in pressurising officers to progress the application and in bringing forward the decision date. In my view this still clearly amounts to a failure to contribute to making the Council’s decision making fully open and transparent.

### Other comments

158. Cllr Woodward states that his refusal to answer my questions was not a refusal but merely because he did not believe that they were relevant. The fact that he was obtaining his HGV licence at the time the grant applications to the Council by the Rockets and the Solent Stars to obtain an HGV licence for lorry and he actually drove the Solent Stars lorry on at least one occasion (albeit that it was funded via another source) is clearly relevant to the issues being investigated and I find the suggestion by Cllr Woodward that he did not see the relevance highly implausible.
159. Cllr Woodward also makes a number of comments about lack of training on the Code. He is an experienced Councillor, a Cabinet Member of the Council and a leader of another authority. It is his personal responsibility to understand and abide by the Code.

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**Finding**

160. My finding is that there **has been a failure** on the part of Cllr Woodward to comply with paragraphs 3.2, 3.3, 3.4 and 3.7 of the Council's Code of Conduct in respect of his involvement in the grant application in respect of the £15,000 grant application by the Rockets; and

161. I am sending a copy of this report to Barbara Beardwell, the Council's Monitoring Officer.

**Simon Goacher, Partner  
Weightmans LLP**

**10 September 2020**

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### Schedule of evidence

SG1	Hampshire County Council Code of Conduct for Members
SG2	Record of interview of Russell Collier
SG3	Record of interview of Jason Morris
SG4	Record of Interview of Felicity Roe
SG5	Record of Interview of Cllr Heron
SG6	Record of interview of Cllr Evans
SG7	Record of interview of Cllr Woodward
SG8	Complaints
SG9	Executive Decision Record
SG10	File note of conversation between Barbara Beardwell and Cllr Woodward
SG11	Correspondence with Cllr Woodward's solicitors
SG12	Note and chronology prepared by the Assistant Director
SG13	Emails provided by Ms Roe
SG14	Comments on the draft report submitted by Cllr Woodward together with additional evidence

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