

# **Investigation into a complaint that members of Desborough Town Council may have breached the Council's Code of Conduct**

## **1. The Complaint**

1.1 A large amount of background information accompanies the complaint in this matter. A lot of the detail provided assists in setting the scene, and has clearly coloured the view of the complainant, but does not greatly assist in keeping the focus on those matters which are capable of being addressed via the Council's Code of Conduct and its procedures.

1.2 Put briefly, the complaint surrounds the promotion by members of Desborough Town Council of its wish to purchase Desborough Library. A number of the members of DTC are members – indeed they are registered as Trustees – of Desborough Library and Community Hub (DLCH), which proposes to run the library in place of Northamptonshire County Council. The County Council is currently rationalising its library service across the county and so Desborough library faces an uncertain future.

1.3 The Monitoring Officer for Desborough Town Council is Kettering Borough Council's Monitoring Officer. The complainant set out the majority of his issues in his letter to Kettering Borough Council dated 29 March 2019. The Deputy Monitoring Officer at KBC has reduced the complaint into six core elements:-

*1. That the formation of Desborough Library Community Hub (DLCH) charity with five Desborough Town Councillors as Trustees is a conflict of interest between being a trustee and councillor in all five cases.*

**The subject members admit this element of the complaint.**

*2. None of the five councillors declared themselves as members of DLCH until December, having a duty to do so within 28 days particularly noting that all five councillors have been significantly active on the library since 2018.*

**The subject members admit this element of the complaint.**

*3. Desborough's new code of conduct has been rewritten to support the formation of DLCH and supported the alleged conflicts in 1. above.*

**I have found no evidence to support this element of the complaint.**

*4. Desborough Town Council/ DLCH persisting with an unfounded directive that to purchase Desborough Library is the only option available. At least five DLCH members have exploited their positions*

*as councillors to robustly weigh favour towards Desborough Library being purchased when purchase is not the sole option.*

**I have found insufficient evidence to support this element of the complaint.**

*5. Desborough Town Council under the Localism Act must clearly demonstrate restraint and provide substantive evidence on financial issues and in regards to the DLCH/ DTC joint venture on the business plan pending and future costs that Desborough residents will be expected to pay, this has not been the case.*

**I have been unable to investigate this element of the complaint.**

*6. The Desborough Library consultation not being held in a transparent form and cannot be used as a formal result (despite assurances by councillors calling it to a vote) with which to decide to purchase the library building on particularly looking at the response rates.*

**I have found insufficient evidence to support this element of the complaint.**

1.4 The Complainant names five Councillors, who are members of DTC and also Trustees of DCLH, who he believes have breached the Code of Conduct applicable to them. They are:

Cllr Linda Burnham  
Cllr Steve Draycott  
Cllr Gilbert Holmes (former Chair)  
Cllr Bill McElhinney  
Cllr Jean Read (current Chair)

1.5 One further Councillor is also a Trustee of DLCH and another is a member of its management committee but the complainant has not included them in his complaint.

## **2. Method of investigation**

2.1 I have studied a hard copy of the complaint letter dated 29 March 2019, and its enclosures, which I received from the Deputy Monitoring Officer of Kettering Borough Council.

2.2 I have periodically received additional communication from the complainant and from some of the subject members.

2.3 I disclosed a copy of the original letter of complaint to the subject members and met with each of them individually to discuss the elements of the complaint.

2.4 I have had a general discussion with the Town Clerk and raised some additional queries with him to clarify issues as they arose during my investigation.

2.5 When investigating complaints such as these, the requirement to utilise public funds and staff resources prudently means that investigations should be proportionate. Time should not be spent in evaluating minor or irrelevant aspects. I have therefore not pursued those matters which may have been raised or mentioned in the letter of complaint but which do not in themselves mean that the Code of Conduct is engaged and do not fundamentally add to the six elements identified by the Deputy Monitoring Officer.

### **3. Desborough Town Council**

3.1 The Town Council is based in the Library building in Desborough, Northamptonshire. In common with a number of other lower tier councils of its type, the Council's history has been beset by local controversy and levels of personal vitriol which could well hamper debate and discourage many residents from getting involved in local democracy. In February 2018 the Council was left with only two Members when a large number resigned complaining of abuse, harassment and intimidation. Kettering Borough Council used its powers to temporarily appoint three additional Councillors so that Council business could continue until elections in May of 2018.

3.2 I understand the former Clerk to the Council also left during the first half of 2018 following a period of difficulty, and the Administration Officer (temporarily appointed as Acting Proper Officer) was absent on sick leave from the end of May. There was then a gap until the end of August when the current Clerk took up the role.

3.3 The complainant himself is the former leader of Independents for Desborough (the group to which all five subjects of his complaint belong).

3.4 Of the five subject members, all but one were elected in May 2018. Cllr Holmes had been elected in November 2017. All of them accept that they undertook to abide by the Council's Code of Conduct upon taking office. All of them have confirmed to me that, very soon after their election, there was a training or induction day arranged by the Monitoring Officer at Kettering Borough Council. A number of them remembered that the Council's Independent Person was present at that induction day.

### **4. The applicable law and the relevant Code of Conduct**

4.1 For ease of reference, a copy of Desborough Town Council's Code of Conduct accompanies this report.

4.2 The Code of Conduct was adopted in July 2012 and has been subject to reviews and updates since then.

4.3 The concept of 'personal interests' and 'pecuniary personal interests' is clearly explained in the Code.

4.4 The DLCH is clearly a 'body' as defined in paragraph 8(a)(i)&(ii) of the Code and therefore paragraphs 10.2 (Personal Interests) and 10.3 (Pecuniary Interests) are engaged.

4.5 To be clear, there is no evidence (and there is no suggestion in the letter of complaint) that any of the subject members have or had a 'disclosable pecuniary interest' as defined in s31 Localism Act 2011 in connection with which criminal sanctions may be applied.

4.6 The Monitoring Officer (in this case the MO is that of Kettering BC) must maintain a register of Members' interests and the Council (DTC) must publish this on their website. The dispensations granted to each of the subject members in December 2018 are published on the TC's website.

## **5. Detailed findings of the investigation in respect of each element of the complaint**

5.1 *That the formation of Desborough Library Community Hub (DLCH) charity with five Desborough Town Councillors as Trustees is a conflict of interest between being a trustee and councillor in all five cases.*

5.1.1 Paragraphs 10.2 (Personal Interests) and 10.3 (non-participation in cases of pecuniary interests) are engaged by this element of the complaint.

5.1.2 My investigation revealed that there was not sufficient understanding by any of the subject members of where their personal interest (as a Trustee of the DLCH which seeks funding from the Town Council) may place them in difficulty. The assumption seemed to be that, as both the Town Council and the DLCH wishes to support the preservation of the library for its residents, there is no 'conflict'.

5.1.3 I put the following question to each of the subject members: "When discussing the library issue at Town Council meetings, which organisation do you consider yourself to be representing"?

5.1.4 Cllr Holmes said he represented the Town Council. When pressed on the conflict of interest between the TC and DLCH he said that the two are 'hand in hand' and that 'conflict is a moot point'.

5.1.5 Cllr Read was very clear that during TC meetings she was a Councillor and said she felt very able to keep the two roles utterly separate.

5.1.6 Cllr McElhinney also said that at these meetings he was a Councillor. He agreed that it could be seen as an issue but there was "not a conflict of interest". He believed he could separate the two roles.

5.1.7 Cllr Draycott told me that if the library was discussed at TC meetings then he took part as a Town Councillor, not as a Trustee.

5.1.8 Cllr Burnham stated that she acted as Town Councillor at TC meetings and told me that in fact she had felt uncomfortable at the TC meeting on 18 July 2019 when the decision to award £150,000 to the DLCH was on the agenda. She had requested that the decision be deferred for further financial information to be produced and so the decision was deferred until Thursday 25 July.

5.1.9 In discussions with myself all five subject members acknowledged that they were appointed as Trustees of DLCH on 2 July 2018 and were not granted dispensations until 20 December 2018. The Library issue was discussed at meetings of the TC in July, September, October and November 2018 and all have accepted that they should have declared an interest at each of those meetings but did not do so.

5.1.10 The responses I received from a number of the subject members demonstrated a likely misunderstanding of the relevant part of the Code – appearing to conflate ‘conflict between interests’ with ‘personal interest’ – that is, if the former didn’t exist then the latter wasn’t relevant.

5.1.11 It is clear to me that, through inexperience or lack of guidance, there has been no proper division between the Council’s business and Trust business at Council meetings. Every set of the Council’s Minutes between May and December of 2018 show that the Library project was discussed. A casual reader would have great difficulty in identifying that the DLCH was a truly separate entity from the TC. For example, at the meeting of May 2018 it was “Resolved: A letter asking the Maud Elkington Charitable Trust to consider making a grant to Desborough Town Council to purchase the library be sent”. I understand that the Maud Elkington Trust declined to provide funds to a local government organisation and that this, in part, was why the DLCH was quickly formed and a further grant request submitted. Progress reports on the request for this grant were then given at subsequent Town council meetings. Further, the Minutes of 18 October 2019 show a decision to carry out a public consultation exercise (presumably utilising TC funds) “to ascertain public support for the possibility of using public funds held by the Council to purchase and operate the Desborough Library and Community Hub...” In addition, the Minutes of the Town Council meeting held on 18 October 2018 state that a meeting had taken place between County Council officers and the DLCH “and a representative of the (Town) Council...” All the subject members agreed that the Town Council has never formally appointed one its members to attend such a meeting to represent its views.

5.1.12 It appears that there has been a failure to recognise the importance of keeping an ‘arm’s length’ between the Council’s business and DLCH business. I don’t believe this was deliberate but it is difficult to accept at face value the subject members’ assertions of their ability to act in the best interests of the Council, and not the DLCH, when discussing the library at Council meetings. Any truly third party approaching the Council for support

and funding of this level would no doubt have been heavily scrutinised and approached with great caution. The subject members all appear to be of the view that robust repayment provisions within any grant to be made to the DLCH demonstrates that they are wearing their Councillor's 'hat', and shows that they have separated their roles sufficiently. However, it remains the case that the person asking for the money was the same person making the decision whether to give the money.

5.1.13 Any proposal to make an award of public funds must be evaluated objectively by those awarding it. It is unlikely that many observers would accept there could be true objectivity when the award maker is also the applicant for those funds. This principle could be said to be even more important when the sum being proposed is – as in this case – a large one.

5.1.14 It is an established “rule” that the obligation to abide by the Code of Conduct rests with the Council member, no matter whether they have received advice or are following the established practice of others. However, in this case the Monitoring Officer may wish to take account of the fact that each of the subject members were newly appointed and inexperienced when the failures to declare an interest took place (July – December 2018) and that the appointment of a new and experienced Clerk did not take place until August 2018. It would have taken some time for the Clerk to become fully apprised of the Council's activities and any omissions in terms of Standing Orders and the Code of Conduct.

5.1.15 I have found no evidence that the blurring of the relationship between the DLCH and the TC was a deliberate ploy. Rather, my interpretation is that it evolved during a period of intense activity in response to the County Council's plans for its libraries. The existence of a personal interest was not recognised as a possible issue under the Code of Conduct until the new Clerk alerted the relevant members to it.

**5.1.16 However, the subject members admit that there was a failure to declare an interest at each of the relevant meetings. This is a breach of paragraph 10.2 of the Code of Conduct. Due to the decision-making affecting the financial standing of the DLCH, this was also a breach of 10.3 of the Code.**

5.2 *None of the five councillors declared themselves as members of DLCH until December, having a duty to do so within 28 days particularly noting that all five councillors have been significantly active on the library since 2018.*

5.2.1 The statutory duty to make a declaration within 28 days arises only in relation to disclosable pecuniary interests and there is no suggestion that such interests exist in this case.

5.2.2 However, the Code of Conduct adopted by Desborough Town Council additionally provides for notification of pecuniary interests (separately to disclosable pecuniary interests) and it must be accepted that a Town

Councillor's position as a Trustee of DLCH is a pecuniary interest as defined within the Code.

**5.2.3 This element of the complaint is essentially the same as the issue dealt with in 1. above. The subject members each again accept that there has been a breach of section 10.2 of the Code of Conduct, and it follows that this also constitutes a breach of paragraph 10.3.**

5.3 *Desborough's new code of conduct has been rewritten to support the formation of DLCH and supported the alleged conflicts in 1. above.*

5.3.1 It is my understanding that this element of the complaint refers to the Council's Standing Orders rather than the Code of Conduct, and specifically to the revised set of Standing Orders which were approved by the Town Council in October 2018 and which provided for the grant of dispensations to members. However, I am aware that the previous Standing Orders did in fact provide for dispensations – it was only the procedure under which they may be granted which was revised. I believe it is the timing of this revision which has led the complainant to suspect that the Councillors had it inserted in order to 'cover themselves', thereby enabling them to continue making decisions about the DLCH, of which they are Trustees.

5.3.2 I have found no evidence to support this allegation. When interviewed, all of the Councillors were spontaneous in their responses that it was the Clerk (who commenced end of August 2018) who wished to pursue this and a number of other amendments. The Clerk has confirmed that in fact the Standing Orders were unchanged in this regard, but that he had introduced new procedural elements into the Scheme of Delegation including how requests for Dispensations would be formally dealt with. He confirmed he was not specifically approached by members to make this change.

5.3.3 It seems clear that a great number of policies and procedures were out of date and in need of revision when the new Clerk took office. This is not unusual amongst smaller local government organisations where there is often minimal officer support and therefore no rolling programme of policy reviews and updates etc. Although unfortunate, in view of Desborough TC's troubled history and the departure of its previous Clerk it is not surprising that the new Clerk discovered these issues.

5.3.4 It should be noted that, whether or not a Council's Standing Orders explicitly deal with the grant of dispensations, the procedure is provided for by statute, namely the s33 Localism Act 2011.

5.3.5 There remains the question of why, when the revised Scheme of Delegation (including the Dispensations matter) was approved October, the subject members did not apply until December. Each of the subject members have indicated that it did not occur to them until the Clerk pointed out that dispensations were needed. They state that the Clerk was working extremely hard and producing large amounts of new draft policies and other

documentation and so the Dispensation matter was not a stand-alone item and did not immediately register with them individually.

5.3.6 Another issue highlighted by the complainant were some proposed amendments to the rules of the Town Council's Grants Committee. An Advisory Panel appointed by the TC had recommended, amongst other things, that there should be a prohibition on grants being awarded to the same local organisation on successive years. This fetter was declined by the full Council and I have surmised that the complainant believes this was in order to keep open the potential for funding the library in the future.

5.3.7 When I raised this issue with the subject members each appeared taken aback by the suggestion that it was linked in any way to the library project. They each pointed out that the level of awards made (most typically amounts of £500, £1,250 etc) would have little or no impact on the library project. In this case, unlike the Dispensation amendment referred to above, the suggested change came from the Advisory Panel but was declined by the Council Members who felt it would place too great a restriction on the ways in which grants could be made. Other restrictions had included a prohibition against grants to any organisation whose premises included the serving of alcohol. This restriction illogically prohibited grants to organisations such as the football club.

**5.3.8 I have found no evidence that the changes to procedure around Dispensations or to the Grants Committee rules were brought about in order to further the subject members' support for the library project. Therefore, I do not believe that paragraph 5.1 of the Code of Conduct ("using your position as a member to improperly confer an advantage) is engaged .**

5.4 *Desborough Town Council/ DLCH persisting with an unfounded directive that to purchase Desborough Library is the only option available. At least five DLCH members have exploited their positions as councillors to robustly weigh favour towards Desborough Library being purchased when purchase is not the sole option.*

5.4.1 It is common knowledge that Northamptonshire County Council's library rationalisation programme across the County has been the subject of much revision, change and further consultation, not least following an application for Judicial Review of its decision-making. That Council's whole programme was revisited following that court case and the appointment of its new Chief Executive. The severe difficulties in which the County Council has found itself over the years leading up to that appointment has been accompanied by a fairly high turnover of staff at various levels. Under the County Council's original plan, Desborough's was one of the libraries destined for closure.

5.4.2 An examination of the Minutes of Desborough Town Council meetings from May to December of 2018 give a confused impression of the County Council's position on Desborough Library at any given time. The complainant



has produced a letter from the County Council in response to an FOI request in which it states that no decisions had (yet) been taken on which (library) properties were available for purchase only or lease only. That letter was dated January 2019 and can presumably be referring only to the programme which was ongoing at the time, not the original programme in which 21 Northamptonshire libraries, including Desborough, were identified for closure.

5.4.3 The subject members were all of the view that the 'goalposts' kept moving in terms of the County Council's plans for Desborough Library. They say different plans had been communicated by different County Council officers, and different messages were communicated by individual officers than were indicated at public meetings. An example of these mixed messages was given by Cllr Burnham who stated that she had been told by a (named) Council officer that leasing the library building was no longer an option, but had then been told by another that it was. The first named officer had then also stated that leasing was still an option.

5.4.4 Cllr McElhinney stated, however, that he didn't think the TC had been told that leasing was no longer an option. He told me he believed it still was. Cllr Draycott said he couldn't recall being told leasing is not an option. Cllr Read named a council officer and a former council portfolio holder who she believes stated that leasing was no longer an option.

5.4.5 I have not been provided with any documentary evidence that the County Council has ever stated unequivocally that the 'leasing' or 'supported libraries' options has been withdrawn in relation to Desborough. However, I think it is highly likely that TC members and/or DLCH representatives have received this message verbally on a number of occasions. The County Council is pursuing a significant rationalisation of its library provision and a large driver for this will be the need to reduce its built estate. Its officers have been tasked with achieving this and it is only realistic to accept that the message they were conveying – privately if not formally and publicly – was that various closures were inevitable.

5.4.6 In my view it would not be a proportionate or a proper use of public funds to attempt an exhaustive investigation to establish what the County Council's specific intentions towards Desborough were at the various stages of its rationalisation programme, what meetings took place between current and former officers of the Council and Desborough representatives, or what current or former officers of the County Council may have verbally communicated. I believe a clear or reliably accurate account of what has been said is highly unlikely to be established.

5.4.7 The complainant alleges that there has been misrepresentation by the subject members that purchase of the library building is the only option available in respect of Desborough. The subject members are clear that the 'message' received (in whatever form) from the County Council has formed their belief the library was at continuing and high risk of being lost.

5.4.8 Although there is an absence of documentary proof that the County Council would only countenance an outright purchase of the building, the Monitoring Officer may have some sympathy with the subject members' belief that the library would in fact eventually be closed down and the building sold, and that decisive local intervention was required. The fact remains, however, that the Town Council has acted on the basis that purchase was the only available option and this is the message that has gone out locally.

5.4.9 In fact, Minutes of TC meetings over the Autumn of 2018 record that the following information was shared at TC meetings:

September – the JR had been successful; the County Council was completing a review of library services; meetings with community groups would take place in late September; library options were being reviewed.

October – a meeting had taken place between Desborough representatives and County Council officers who would feedback to the Chief Executive to inform her decision making on the County-wide library provision.

November – confirmation of a decision in respect of Desborough Library was expected from the County Council by early November, but no information had been received.

December – A County Council decision had been received that Desborough Library would continue as part of the County Council's statutory provision, as a community run library. The minutes go on to record a comment from the Clerk's report that "there is no guarantee that the decision will not be reversed in the future". The discussion at this meeting was recorded as including a suggestion that "attempts be made to run the library before any building purchased", and that 'a new business plan would be necessary to take into account the changed position of NCC' and that the first draft business plan had been prepared "on the basis of leasing the library which it was added was no longer an option".

5.4.10 It is difficult to establish how such a definitive statement (that leasing is no longer an option) could have been made at the December meeting without further explanation in the light of the minutes of the previous meetings and in the absence of any clear documentary evidence that this was the case.

5.4.11 It seems quite plausible, although I have not pursued any further line of investigation on this point, that the proposals to run the library which were put forward by DTC/DLCH during the consultation process may have effectively 'leapfrogged' any decision to close or preserve the library and so no definitive decision to withdraw the leasing option at Desborough was ever made at County level.

5.4.12 It also seems likely that the subject members formed the view at a very early stage that, as Desborough Library had been initially identified for closure by the County Council, any reprieve – under whatever locally run arrangements – would be temporary and accordingly the facility would remain at risk of loss for the foreseeable future. There has been some indication of this reasoning in the documents I have seen, and it accords with my interviews with the subject members. However it does appear to me that, amid the confusion and concern about the future of the library, the nuances of the different formats under which it might continue were gradually blurred and that this evolved into the assumption or belief that purchase was the only option.

**5.4.13 From my investigation, the actions of the subject members in this regard do not appear to amount to a deliberate misleading of the residents which would support the allegation that they “have exploited their positions as councillors to robustly weigh favour towards Desborough Library being the only option”. Therefore, I do not believe that paragraph 5.1 of the Code of Conduct (“using your position as a member to improperly confer an advantage) is engaged.**

*5.5 Desborough Town Council under the Localism Act must clearly demonstrate restraint and provide substantive evidence on financial issues and in regards to the DLCH/ DTC joint venture on the business plan pending and future costs that Desborough residents will be expected to pay, this has not been the case.*

5.5.1 Although the need for sound financial decision making when utilising public funds is obvious, I can find no specific provision within the Localism Act which sets the complainant’s assertion within statute.

5.5.2 It would seem that the inclusion of this element within the complaint is directly relatable to the decision to award funding towards the Library project. However, at the time the complaint was submitted no such decision had been made. It follows that the allegation that the subject members had “failed to demonstrate restraint and provide substantive evidence” cannot not be supported in this context.

5.5.3 I am aware that the decision to fund the purchase of the library building was on the Council’s agenda for 18 July but was deferred and in fact the decision was made at an extraordinary meeting on 25 July (after my investigation had started). **I am unable to investigate a complaint about a matter which had not taken place at the time the complaint was submitted.**

*5.6 The Desborough Library consultation not being held in a transparent form and cannot be used as a formal result (despite assurances by councillors calling it to a vote) with which to decide to purchase the library building on particularly looking at the response rates.*

5.6.1 The consultation leaflet, headed “Desborough Town Council Autumn 2018 Update”, was circulated in late 2018. The leaflet states that the library “has been threatened with closure for more than a year now”, and that the “DLCH has been set up to take over the library if NCC agrees”, and “we believe the only way to protect it is for the town to own it”.

5.6.2 None of these statements are intrinsically untrue or obviously misleading. The last comment expresses an opinion rather than fact. All the subject members confirmed to me that they were happy with its contents and none felt that it was biased in favour of the library project. None of the subject members were surprised by the low response rate (417 responses : Desborough’s population is just under 11,000), and they acknowledged that many residents don’t have a strong view, many don’t use the library but would probably prefer it to stay, some claimed not to have received the leaflet but many will have thrown it away along with other unsolicited fliers, and that the people most likely to respond would be the ones who wished to retain the library.

5.6.3 The leaflet explains that the Council has large reserves which it would like to utilise for the benefit of the town and makes it clear that its own desire is to purchase the library. It includes a tear-off questionnaire which asks just three questions:-

- Whether the resident thinks using the reserves to buy the library would be “a good thing” (Yes/No).
- What reasons does the resident have for their answer to the first question.
- What other suggestions the resident may have for utilising the reserves.

5.6.4 The largest space on the tear-off slip is given to the “other suggestions” part.

5.6.5 In my view an objective reader of this leaflet is likely to consider it properly respectful of the residents and that, whilst it certainly highlights the Town Council’s idea for using the funds, it provides plenty of scope for responders to disagree and to provide alternative suggestions.

5.6.6 The complainant has provided screenshots of part of what I believe to be a consultation “FAQs” page on the Town Council’s website. One of the ‘Questions’ is “Why not lease the building instead?” The answer given is “The County Council is not currently offering to lease the building.”

5.6.7 The wording of this response is slightly ambiguous. A reader might interpret it as meaning either “The County Council has refused to give us a lease”, or as “The County Council has not yet made a final decision but is not currently offering us a lease”. I think the latter is the fairer interpretation. The FAQs webpage displays several more questions and responses and I have found nothing within them that could be said to demonstrate an attempt to

mislead readers or conceal facts. The webpage makes it clear that the County Council is still deliberating and that Desborough library is at risk.

5.6.8 I have therefore been unable to establish any facts to support the complaint that the consultation was not 'transparent'.

5.6.9 I am informed that 7,500 consultation leaflets were printed and these were delivered to households and also placed in public places around the town. As outlined above, the consultation and more information about the Town Council's proposal was also available online. In addition, I understand Town Councillors made themselves available for questions by residents at the Gala night in Desborough in Autumn 2018 and the proposal was included in the Public Discussion meeting on the proposed 2019/2020 Budget which took place on 8 January 2019.

5.6.10 It is difficult to identify many more steps that a Town Council of this size could take in the way of public consultation.

5.6.11 It should also be remembered that the results of any consultation are not binding on a local authority – they are required to take responses into account but are not bound by them. In any event, the responses (which were perhaps predictably relatively few in number) were in the majority in favour of the library purchase.

**5.6.12 I have found insufficient evidence to support this element of the complaint and I therefore do not consider that the Code of Conduct is engaged.**

## **6. Further developments**

6.1 At an Extraordinary Meeting of the TC on 25 July 2019 the Council resolved to approve the funding of the library purchase (as outlined in the report and recommendations).

6.2 I understand that one of the subject members, Cllr McElhinney, resigned shortly after the meeting on 25 July and is therefore no longer a member of Desborough Town Council.

6.3 A draft of this report has been shared with each of the five subject members and, whilst a number of them very helpfully highlighted a few factual errors (which have now been corrected), my conclusions have not been disputed.

Janet Kealey  
18 August 2019