

LEGAL SERVICES

Director of Law
Tasnim Shawkat

Mr Daffarn
(via email)

My reference: LP
Your reference:

Please ask for: LeVerne Parker

25 April 2016

Dear Mr Daffarn

Code of Conduct Complaint – Councillor Feilding-Mellen

Thank you for your complaint set out in your email of 23 March 2016.

I am the Council's Monitoring Officer and, in accordance with the "Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct" (the Arrangements), I am the person charged with considering whether or not complaints alleging breaches of the Members' Code of Conduct (the Code) should be investigated.

The Complaint

Your complaint is set out fully in your email to me of 23 March so I do not propose to repeat it here. I propose to deal with your complaint under the following headings;

- Councillor Feilding-Mellen is using his position to increase the value of his own home
- Councillor Feilding-Mellen's businesses may be used to take advantage of opportunities arising from and for property speculation in the area.

Procedure

In accordance with Paragraph 4.1 of the Arrangements, I am required to consider whether or not the complaint merits formal consideration. The relevant criteria are set out in paragraph 4.3. Before coming to a decision, I have consulted the Independent Person, Ms Johanna Holmes, and the Chairman of the Audit and Transparency Committee, Councillor Warrick.

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Monitoring Officer Decision

The issue I have to consider is whether or not there is evidence that Councillor Feilding-Mellen has, by his individual conduct, breached the Code and, if so, whether or not the complaint should be investigated further.

In coming to my decision I have considered the following;

- Your email of 23 March 2016
- Information from the Council's Governance Services Department about when Cllr Feilding-Mellen was elected as a councillor and when he was appointed to the Cabinet
- HMLR office copies
- Cllr Feilding-Mellen's register of interests form
- Comments from Cllr Feilding-Mellen on the complaint

In my view the statutory principles in the Code relevant to the complaint are;

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

In accordance with these principles all Members of the Royal Borough of Kensington and Chelsea are required to conduct themselves in such a way as to not allow other pressures, including their financial interests, to deter them from pursuing constituents' casework, the interests of the Royal Borough of Kensington and Chelsea's area or the good governance of the authority in a proper manner. The Code also sets out detailed provisions about the registration and declaration of disclosable pecuniary and other interests.

Councillor Feilding-Mellen is using his position to increase the value of his own home

If the situation postulated in the complaint were to be the true position, it would be a serious breach of the Code, and I am therefore responding at some length. Overall, in considering the complaint and the documents I refer to above however I have seen no evidence that would substantiate the concerns raised.

There are two related questions associated with Councillor Feilding-Mellen's purchase of his house in Bramley Road: firstly did he have privileged information as to the future regeneration of the area and its potential effect on the value of the property, and secondly did he have any realistic expectation of being able to influence future Council policy on this score?

Addressing the first question, the property was purchased on 7 May 2010 some years before the Council had started its estate regeneration programme either in the Latimer area or in other areas of the Borough.

On the second issue, although Councillor Feilding-Mellen had previously been a councillor for St. Charles Ward between May 2006 and May 2010, on the date of

purchase he was not a councillor and had no knowledge of any future position with the Council which he might occupy.

Councillor Feilding-Mellen was elected as a councillor in Holland Ward on 7 October 2010 and was not appointed as a member of the Cabinet until 20 April 2011 when he became Cabinet Member for Civil Society. On 22 May 2013 he was appointed, by the newly appointed Leader of the Council, as Cabinet Member responsible for housing and property, including estate regeneration, a position which is indeed concerned to a considerable degree with the regeneration of the Latimer area.

The Council has rigorous procedures for the declaration of personal interests in decisions taken by individual Cabinet Members or collectively by the Cabinet. Councillor Feilding-Mellen has always been open about his home address and, until as recently as 14 March 2016, listed his home address in his register of interests published on the Council's website. On that date, as Monitoring Officer, I decided that the details of his home address should be removed following the protest outside Councillor Feilding-Mellen's home and in the light of concerns about the safety of his young family.

Decisions taken by individual Cabinet Members or collectively by the Cabinet are taken in accordance with procedures in the Council's Constitution following the consideration of reports containing recommendations from Council officers and legal and other professional advice. There is no evidence that Councillor Feilding-Mellen has exercised undue influence over these decision-making processes.

I have decided therefore not to refer this part of the complaint for further investigation.

Councillor Feilding-Mellen's businesses may be used to take advantage of opportunities and for property speculation in the area

Councillor Feilding-Mellen has declared interests in businesses (companies and limited liability partnerships) including those which are registered at his home address. Councillor Feilding-Mellen has confirmed that none of his businesses have bought or intend to buy property in the Royal Borough. The Code does not prevent Councillor Feilding-Mellen or such businesses acquiring properties in any part of the Borough but it does require him to disclose his interests and not to take part in decisions in which he has a disclosable pecuniary interest or other significant interest. I am satisfied that Councillor Feilding-Mellen clearly understands the requirements of the Code in this regard and, in the absence of any evidence that there has been a breach of the Code, have decided that this part of the complaint does not require further investigation.

Views of the Independent Person and the Chairman of the Audit and Transparency Committee

I have consulted both the Independent Person and the Chairman of the Audit and Transparency Committee who agree with my decision.

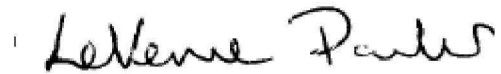
Conclusion

My decision is that the complaint does not merit further investigation for the reasons I have set out above. I am sending copies of this letter to Councillor Feilding-Mellen, Ms Holmes and Councillor Warrick.

Appeal

You are entitled to appeal my decision to the Town Clerk, Mr Holgate. If you wish to appeal please could you advise me in writing within 21 days of today's date and I will forward the papers to Mr Holgate.

Yours sincerely



LeVerne Parker
Chief Solicitor (Property and Planning) and Monitoring Officer

Cc. Councillor Feilding-Mellen
Ms Johanna Holmes
Councillor Warrick