

**Standards Committee**

**Report of the Director of Law & Property (Monitoring Officer)**

**Guidance to Members in Relation to  
Their Use of the Marked Copy of the Electoral Register**

**Purpose of Report**

1. To determine guidance to be issued to Members of the Council in relation to use of the marked copy of the Electoral Register, following a Standards Committee hearing of the 7th April 2005.

**Background**

2. At a Local Investigation Hearing on the 7th April 2005 the Standards Committee found that a Member was in breach of paragraph 4 of the Members Code of Conduct, which reads:-

A Member must not in his official capacity, or in any other circumstances, conduct himself in a manner that could reasonably be regarded as bringing his office into disrepute.

3. The basis for this finding was that in a telephone conversation with the complainant, a local constituent, in early August 2004, the Member concerned had raised the question of the complainant's failure to vote at previous elections and had unwittingly placed in the complainant's mind the thought that his entitlement to have housing repairs carried out at his property was in some way linked to his failure to vote.
4. Following the hearing, the Standards Committee requested that the Monitoring Officer look into various legal issues in relation to the use and supply of the Electoral Register, in order that guidance for Members can be produced.
5. As a result, the Monitoring Officers has obtained an opinion from a Barrister who is an expert in relation to Electoral Law.
6. Counsel has confirmed that while there is no legislative restriction on the use of the marked copy of the Electoral Register, misuse of such copies could easily give rise to a breach of paragraph 4 of the Members Code of Conduct. Whether or not any conduct amounts to a breach of the Code will vary with the particular circumstances of each case.
7. Accordingly, it is very difficult to devise guidance to Members that would suit every occasion, but Counsel has suggested the following wording be issued as general guidance:-

“Members should take care to ensure that when making use of or making reference to any marked copies of the Electoral Register they do not engage in any conduct that could suggest misuse of such information in breach of paragraph 4 of the Members Code of Conduct. This could occur, for example, by linking, unwittingly or otherwise, a decision to take action on a person’s behalf to that person’s voting record”.

### **Finance**

8. There are no direct financial implications arising from this report

### **Law**

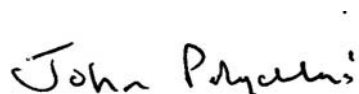
9. Section 111 of the Local Government Act 1972 enables the Council to do anything which is calculated to facilitate or which is conducive or incidental to the discharge of its functions.
10. The relevant provisions regarding local investigations are set out in the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.
11. The relevant provisions regarding the Members Code of Conduct are contained in Part III of the Local Government Act 2000 and regulations made by the Secretary of State.

### **Equality Impact**

12. This report complies with the Council’s policies on equality and diversity.

### **Recommendation**

13. It is recommended that:-
  - the Standards Committee determine the guidance to be issued to Members in respect of their use of the marked copy of the Electoral Register.



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### **List of Background Papers**

Report to the Standards Committee of 7th April 2005.