



## ASSESSMENT DECISION NOTICE

### NO FINDING OF A BREACH OF THE CODE OF CONDUCT FOR LORTON PARISH COUNCIL AND NO FURTHER ACTION NEEDS TO BE TAKEN

<b>Reference:</b>	2017-N002
<b>Complainant:</b>	Mr Ian Williams
<b>Subject Member:</b>	Councillor Deeks and Lorton Parish Council
<b>Person conducting the Assessment:</b>	Brendan Carlin (Acting Head of Governance and Monitoring Officer), Paul Burns (Independent Person) and Councillor Janice Wood (Chair of Standards Committee)
<b>Date of Assessment:</b>	17 July 2017 and 28 July 2017

#### Complaint

On 17 July 2017 Brendan Carlin (Acting Head of Governance and Monitoring Officer), Paul Burns (Independent Person) and Councillor Janice Wood (Chair of Allerdale Borough Council's Standards Committee) considered a complaint from Mr Ian Williams concerning the alleged conduct of Councillor Deeks of Lorton Parish Council and Lorton Parish Council generally. A summary of the complaint is set out below:

The complaint comprises seven numbered items. In the first and main element of the complaint the Complainant has alleged that at a special planning meeting of Lorton Parish Council on 29 June 2017, Councillor Deeks failed to declare an interest in a planning application, having previously declared a personal interest when a similar application relating to the site was considered at a meeting on 3 November 2016. The Complainant considered that this was inappropriate and queried what had changed sufficiently that Councillor Deeks no longer considered it necessary to declare an interest and he could now take part in the meeting. The Complainant alleges that the Councillor and the applicant have a personal and professional relationship.



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The remaining elements of the complaint relate to the decision-making and the ultimate decision reached by Lorton Parish Council at the meeting. The Complainant states that he has no confidence in the Parish Council.

On receipt of the complaint the Monitoring Officer met with the Independent Person and the Chair of the Standards Committee to consider the complaint. Following initial consideration of the information requested, the Monitoring Officer contacted the clerk of Lorton Parish Council to request the minutes and their comments on the complaint.

On 28 July 2017 the minutes and the response from the clerk were considered together with the complaint.

### **Decision**

The finding at assessment is that there is no finding of a breach of the Code of Conduct for Councillor Deeks or Lorton Parish Council and no further action needs to be taken in respect of councillors.

### **Reasons for the Decision**

In assessing this complaint the Monitoring Officer had regard to:

- the complaint as submitted by the Complainant;
- Lorton Parish Council Minutes dated 29 June 2017;
- a response from Lorton Parish Council dated 21 July 2017
- the views of the Independent Person and Chair of the Standards Committee

The Monitoring Officer considered that there was insufficient information provided to evidence a potential breach of the Code of Conduct by the Councillor Deeks or Lorton Parish Council generally.

- The planning application considered by the Parish Council was a separate planning application from that which was considered previously;
- The councillors received advice from the Clerk on the Parish Council's Code of Conduct;
- There is sufficient evidence to suggest that the councillors, including Councillor Deeks, took the advice into consideration and applied it to their circumstances on reaching their decision including the relationship between the individual councillor and the applicant;
- The fact that the applicant was friendly with a Member of Lorton Parish Council or that they have previously done business together is not sufficient

evidence to suggest that there is an interest in that application. Each councillor must consider the relationship and whether it would affect their decision-making in relation to the application;

- It is the responsibility of the individual councillor to decide whether they have an interest in any business of the Authority.
- The remaining elements of the complaint fall outside of the remit of the Code of Conduct and it is not appropriate to comment on those items.

In reaching this decision the Monitoring Officer had full regard to the views of the Independent Person.

### **What happens now?**

This decision notice is sent to the Complainant, the Parish Clerk and the member(s) against whom the allegation was made.

### **Terms of reference**

In line with the legislative requirements of the Localism Act 2011 the constitution of Allerdale Borough Council charges the Standards Committee of Allerdale Borough Council with promoting and implementing the local assessment process for Code of Conduct complaints against members of Allerdale Borough Council as well as members of the Parish and Town Councils within the Council's area.

### **Additional help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Brendan Carlin

Acting Head of Governance and Monitoring Officer

28 July 2017