

ASSESSMENT DECISION NOTICE

NO FURTHER ACTION

Reference: 2015/N003

Complainant: Mr Ian Wright

Subject Member: Councillor Peter Bales, Allerdale Borough Council

Person conducting the Assessment: Allerdale Borough Council's Standards Committee

Date of Assessment: 27 July 2015

Complaint

On 27 July 2015 Allerdale Borough Council's Standards Committee considered a complaint from Mr Ian Wright concerning the alleged conduct of Councillor Peter Bales of Allerdale Borough Council and Chair of the Development Panel. A general summary of the complaint is set out below:

The Complainant has alleged that when planning application reference 2/2014/0582 was considered by Allerdale Borough Council's Development Panel on 4 and 25 November 2015; Councillor Bales did not correct an untrue statement made by Councillor Wood to the Development Panel that no one within 800 metres of the proposed site had objected.

The Complainant has also alleged that Councillor Bales allowed Councillor Jim Lister (the Applicant) to speak during the meeting in breach of the Code of Conduct and Guidance.

A potential breach of the Code of Conduct raised by the Complainant is in relation to paragraph 5(4):

- 5 When acting in your capacity as a Member:
 - (4) You must not bring your office into disrepute

Decision

The finding at assessment is that there is no finding of a breach of the Code of Conduct for Allerdale Borough Council and no further action needs to be taken.

Reasons for the Decision

In assessing this complaint the Standards Committee had regard to;

- the complaint as submitted by the complainant;
- the subject member's response to the complaint;

- the Council's response in relation to the Ombudsman Complaints in respect of this application
- the Council's response to a Judicial Review pre-action protocol letter in relation to this application.

In assessing this matter Members considered the fact that the comment made by Councillor Wood was incorrect and that it wasn't picked up by the Chair of the Committee. However, they also considered the fact that Councillor Bales, as Chair of the Development Panel meeting, has a difficult role ensuring that the meeting is being conducted in accordance with the Council Procedure Rules and that unfortunately the remark was not picked up by officers or other members as being incorrect.

Members also considered the fact that it is the responsibility of individual Members to comply with the provisions of the Code.

In reaching this decision the Standards Committee had full regard to the views of the Independent Person Paul Burns.

What happens now?

This decision notice is sent to the Complainant and the member 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.



Sharon Sewell

Head of Governance and Monitoring Officer

Date: 31 July 2015