

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

Reference: 2016-N008

Complainant: Miss Louise Close

Subject Member: Councillors Christine Poate and Steve Irlam

Person conducting the Assessment: Sharon Sewell, Head of Governance and Monitoring Officer, Paul Burns, Independent Person and Councillor Janice Wood, Chair of Standards Committee

Date of Assessment: 21 November 2016 and 18 January 2017

Complaint

On 21 November 2016 and 18 January 2017 Sharon Sewell, 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 Miss Louise Close concerning the alleged conduct of the Councillors named above, Members of Lorton Parish Council. A general summary of the complaint is set out below:

The Complainant has alleged that at a meeting of Lorton Parish Council on 3 November 2016, the Councillors declared a personal interest in a planning application which left the council unable to take a vote on the matter as they were no longer quorate. The complainant considered that this was unfair as no such declarations of interest were made in respect of an application at the previous meeting on 5 October under similar circumstances. The complainant suggested that the fact that the applicant of the other planning application was a parish councillor had far more bearing on the need for the rest of the council to declare an interest in the application. The complainant alleges that the only reason the councillors named above declared an interest in their application was due to a desire to avoid an unpleasant exchange at the meeting as there were other people there who objected to the application.

On receipt of the complaint the Monitoring Officer met with the Chair of the Standards Committee to consider the complaint. Following initial consideration of the



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information requested, the Monitoring Officer was requested to contact the clerk of Lorton Parish Council to request the minutes and their comments on the complaint.

On 18 January 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 Lorton Parish Council and no further action needs to be taken in respect of councillors named above.

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 5 October 2016 and 2 November 2017;
- a response from Lorton Parish Council

The Monitoring Officer considered that there was insufficient information provided to evidence a potential breach of the Code of Conduct by the individual councillors.

- There were two separate applications with different applicants;
- The Councillors received advice from the Clerk on the Parish Council's Code of Conduct;
- There is sufficient evidence to suggest that the councillors took the advice into consideration and applied it to their circumstances on both occasions on reaching their decision including the relationship between the individual councillor and the applicant;
- The fact that one of the applicants was a Member of Lorton Parish Council is not sufficient evidence to suggest that there is an interest in that application, the 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.

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.

Sharon Sewell

Head of Governance and Monitoring Officer

Date: 19 January 2017