

ASSESSMENT DECISION NOTICE
REFERRAL FOR LOCAL RESOLUTION

Reference: 2015/N003

Complainant: Mr Ian Wright

Subject Member: Councillor Martin Wood, 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 Development Panel Member Councillor Martin Wood of Allerdale Borough Council. 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 Wood made an over familiar and totally inappropriate comment to the Applicant who was Councillor Jim Lister in relation to organising a site visit prior to a decision on this application.

The Complainant has also alleged that Councillor Wood made an untrue statement to the Development Panel that nobody within 800m of the proposed site had objected.

Potential breaches of the Code of Conduct raised by the Complainant are in relation to paragraph 5(1) and 5(4):

- 5 When acting in you capacity as a Member
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you
 - (4) You must not bring your office into disrepute

Decision

This matter is to be referred to the Monitoring Officer for Local Resolution; to resolve the complaint informally with the appropriate action without the need for a formal investigation:

- Councillor Wood to attend Code of Conduct Training provided by the Monitoring Officer or an external provider who provides training on the Code of Conduct.
- The Monitoring Officer to review the Standards Framework, including the Code of Conduct, Guidance and Arrangements, in particular in relation to the attendance of Councillors at meetings at which their application (or a member of their family or close associates application) is being considered and report back to the Standards Committee with any recommended changes and or clarification.

The above is to take place within 6 months of the decision notice.

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 informal comments made by Councillor Wood at the meeting on 4 November and Councillor Wood's response both to the Monitoring Officer immediately after the meeting and the Corporate Director in response to the Ombudsman complaints.

Councillor Wood has responded to the complaint by saying that it was an innocent remark that he regrets making as he now understands how it could have been perceived. However, he confirmed that the comment in no way affected his objective consideration of the application, he considered the application on its merits. The comment in relation to there being no objectors within 800 metres was a mistake.

Members considered Councillor Wood's comment in relation to there being no objectors within 800 metres of the site and took account of the fact that it was an incorrect statement which unfortunately was not picked up by officers or other members as being so.

Taking into consideration all the circumstances above Members considered that the recommended Local Resolution satisfactorily addressed the issues raised.

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

A handwritten signature in black ink that reads "S Sewell". The signature is written in a cursive style with a small flourish at the end.

Sharon Sewell

Head of Governance and Monitoring Officer

Date: 31 July 2015