



ASSESSMENT DECISION NOTICE

NO FINDING OF A BREACH OF THE CODE OF CONDUCT FOR ALLERDALE BOROUGH COUNCIL AND NO FURTHER ACTION NEEDS TO BE TAKEN

Reference:	2016-6
Complainant:	Mr Robert Mather
Subject Member:	Councillors Tony Annison, Adrian Davis-Johnston and Peter Bales
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:	10 October 2016

Complaint

On 10 October 2016 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 Mr Robert Mather concerning the alleged conduct of the Councillors named above, Members of Allerdale Borough Council. A general summary of the complaint is set out below.

The Complainant has alleged that at a meeting of Allerdale Borough Council's Development Panel held on 16 August 2016 and in particular the consideration of planning application 2/2016/0070 re. 69 dwellings proposed by Story Homes at Thursby the individual Members' conduct was in breach of Allerdale Borough Council's Code of Conduct as follows:

Councillor Annison's entry in Allerdale Borough Council's Register of Interests refers to the ownership of 37 The Paddocks, Thursby. The Paddocks development is adjacent to potential sites for housing development in Thursby per the Strategic Housing Land Availability Assessment e.g. site 1/THU/014R with capacity for 118 dwellings shown on the extract from the Allerdale Local Plan (Part 2) Site Allocations Development Plan Document. As such this is an alternative site to the land west of Matty Lonning contained in the Story Homes application. 37 The Paddocks backs onto the potential site.



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At the start of the Development Panel meeting, no declarations of interest were made. Councillor Annison, the elected member for Crummock Ward, strongly led the interrogation of objectors and only stated, as far as we are aware, that he 'knows Thursby well'. He did not state, as far as we are aware, that he lived in Thursby.

Councillor Davis-Johnston's entry in the Register of Interests notes that he is a Manager with Innovus and a member of Carlisle Ambassadors, which is a business support group. Story Homes are also members of Carlisle Ambassadors. Particularly given Councillor Davis-Johnston's very prominent role in the debate, including moving the recommendation to grant planning approval should he have declared an interest.

The concerns about Councillor Bales' handling, as Chairman, of a long and complex agenda item, centre on actions that appeared to benefit the Story Homes application.

At an early stage, Councillor Wilson declared his opposition to the proposal and was given short shrift by the Chairman and took little further part in the debate.

Councillor Davies tried to recommend refusal of the application but was given little time by the Chairman to put together the appropriate wording, nor was given much if any assistance by the officers. The Chairman, after clarifying that Councillor Davies amendment was inappropriate, advised Councillor Davies that it would leave Allerdale Borough Council exposed to the cost of an appeal hearing. Councillor Davies withdrew his amendment. This was reported in the local press and prompts public concerns whether planning decisions are always taken strictly on their merits rather than be influenced by fear of developers.

On receipt of the complaint the Monitoring Officer met with the Independent Person and Chair of the Standards Committee to consider the complaint.

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 in respect of individual councillors.

Reasons for the Decision

In assessing this complaint the Monitoring Officer had regard to;

- the complaint as submitted by the complainant;
- a brief explanation of the process in respect of the Allerdale Borough Council Local Plan and the Site Allocations in terms of the plan provided by the Complainants and the locations referred to therein.

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

On consideration of the complaints in respect of Councillors Annison and Davis-Johnston, the Panel considered that there was no evidence that the Councillors had an interest in the application.

The Panel requested the Head of Development to attend to advise on the process in relation to the Strategic Housing Land Availability Assessment and following consideration of the plan provided by the complainant including the distance from the application site agreed that the information was insufficient to evidence that Councillor Annison had an interest in the application considered by the Development Panel. The Panel noted that as a new Member of the Panel Councillor Annison had sought advice from officers on declaration of interests.

The Panel considered the information provided in relation to Councillor Davis-Johnston's membership of Carlisle Ambassadors and agreed that this was not evidence that Councillor Davis-Johnston had an interest in the application.

The Panel considered the comments in relation to Councillor Bales conduct at the Panel, the comments from the Monitoring Officer and Head of Development Services.

The Panel took into account the fact that the meeting had lasted approximately 3 hours which included detailed representations from the objectors and questions from the Panel, briefings from officers and questions from Members to officers and lengthy debate of the Panel. The Panel also considered the Chairman's role in ensuring that the meeting was conducted in accordance with the Council Procedure Rules and Constitution and the fact that the complainant didn't clarify which part of the Code they considered Councillor Bales had breached together with the fact that officers are there to provide advice including advice on any reasons for refusal provided by the Panel and any implications for the Authority if the reasons are not valid planning grounds for refusal in accordance with the relevant legislation. The Panel agreed that there was insufficient evidence that Councillor Bales had breached the Code of Conduct.

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 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: 8 November 2016