



## ASSESSMENT DECISION NOTICE

### NO FURTHER ACTION

**Reference:** 2015/N008

**Complainant:** Mr James Hully

**Subject Member:** Councillor Jim Lister, Allerdale Borough Council

**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:** 16 September 2015

### Complaint

On 16 September 2015 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 Hully concerning the alleged conduct of Councillor Lister. A general summary of the complaint is set out below:

The Complainant has alleged that Councillor Lister attended a Development Panel meeting on 18 December 2014 and remained in the meeting to consider and vote on an application in which he had a pecuniary interest.

### Allerdale Borough Council's Code of Conduct

#### Registering and declaring disclosable pecuniary and other registrable interests

Allerdale Borough Council's Code of Conduct provides that:

- You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.



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- If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

### **Disclosable Pecuniary Interests**

Allerdale Borough Council's adopted Code of Conduct sets out the Disclosable Pecuniary Interests (as defined by regulations). These include:

- Details of any beneficial interest in land which is within the area of the relevant authority (this includes the Members spouse's interests)

### **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 Monitoring Officer had regard to:

- the complaint as submitted by the complainant including the official copy of register of title (CU39150).

In assessing this matter the Monitoring Officer considered that there was insufficient information provided to evidence a potential breach of the Code of Conduct. There was no evidence that Councillor Lister or his spouse had a beneficial interest in the land which was subject to the application which would then evidence a disclosable pecuniary interest. The official copy of register of title does not provide any evidence of a beneficial interest in respect of Councillor Lister.

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 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: 9 October 2015