

ASSESSMENT DECISION NOTICE
REFERRAL FOR LOCAL RESOLUTION

Reference: 2015/N003

Complainant: Mr Ian Wright

Subject Member: Councillor Jim Lister, 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 Jim Lister 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 25 November 2015, Councillor Lister was present and addressed the Development Panel in clear breach of the Allerdale Borough Council's Code of Conduct and he made no attempt to correct the untrue statement made by Councillor Wood that no one within 800 metres 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 (4) and in respect of registering and declaring disclosable pecuniary and other registerable interests:

5 When acting in your 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

Registering and declaring disclosable pecuniary and other registerable interests

- (5) 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.

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 Lister 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 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.

Members considered the fact that paragraph 4 of the Code of Conduct provides that the Code applies whenever a person is acting in his/her capacity as a Member of the Authority's business or acting as a representative of the Authority. Councillor Lister was acting in his private capacity as an Applicant.

Councillor Lister addressed the Panel in accordance with the Public Participation Scheme and did not participate in the discussion or vote.

With regard to the concerns raised and the public perception in relation to these issues, the Committee resolved that the Monitoring Officer review the Standards Framework including the Code of Conduct, Guidance and Arrangements to ensure openness, transparency and accountability.

Members requested that the guidance clearly set out restrictions in relation to the attendance of councillors at Development Panel meetings where their application is being considered.

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.

A handwritten signature in cursive script that reads "S Sewell".

Sharon Sewell

Head of Governance and Monitoring Officer

Date: 31 July 2015