

**ALLERDALE BOROUGH COUNCIL**  
**ASSESSMENT DECISION NOTICE**



**NO FINDING OF A BREACH OF THE CODE OF CONDUCT FOR  
COCKERMOUTH TOWN COUNCIL AND NO FURTHER ACTION NEEDS TO BE  
TAKEN**

<b>Reference:</b>	<b>2016-5</b>
<b>Complainant:</b>	<b>Mr Jim Hully</b>
<b>Subject Member:</b>	<b>Councillor's Eric Nicholson and Councillor Simon Nicholson</b>
<b>Person conducting the Assessment:</b>	<b>Sharon Sewell, Head of Governance and Monitoring Officer, Paul Burns, Independent Person and Councillor Janice Wood, Chair of Standards Committee</b>
<b>Date of Assessment:</b>	<b>20 June 2016 (Panel approved Decision Notice on 8 August 2016)</b>

### **Complaint**

On 20 June 2016 Sharon Sewell, Head of Governance and Monitoring Officer, Paul Burns, Independent Person and Councillor Janice Wood, Chair of Allerdale Borough Council' Standards Committee considered a complaint from Mr Jim Hully concerning the alleged conduct of the Councillors named above, Members of Cockermouth Town Council. A general summary of the complaint is set out below:

The Complainant has alleged that at a meeting of Cockermouth Town Council, Councillor Nicholson and Simon Nicholson did not declare an interest on Minute 162 Cockermouth Town Council 20 April 2016 and voted on the matter when they have put land into part 2 of the Local Plan Land Allocation.

On receipt of the complaint the Monitoring Officer met with the Independent Person and Chair of the Standards Committee to consider the complaint. On 8 August 2016 the Panel approved the decision notice.

### **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.



**Allerdale - a great place  
to live, work and visit**

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## **Reasons for the Decision**

In assessing this complaint the Monitoring Officer had regard to;

- the complaint as submitted by the complainant;
- Cockermouth Town Council Agenda and Minutes dated 13 April 2016;
- a briefing in relation to the process in respect of the Allerdale Borough Council Local Plan and Neighbourhood Development Plans

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

- they are separate processes and the Town Council could undertake their own site allocations
- The decision was whether or not to develop a Neighbourhood Development Plan, it was a discussion in principle, and there was no detail on what should be included in the Plan. If there was a decision in relation to site allocation then Members would need to consider whether an interest existed.

The Panel considered the complaint and the Cockermouth Town Council Agenda and Minutes provided by the Monitoring Officer.

## **Cockermouth Town Council Meetings**

On 13 April 2016 Cockermouth Town Council considered a report which outlined the process, timescale, potential costs and grant funding available for the production of a Neighbourhood Plan for Cockermouth.

All neighbourhood plans must meet specified basic conditions and will be subject to independent examination and referendum.

A lengthy discussion ensued as those present carefully weighed the opportunities against the time/cost implications.

It was resolved that a Neighbourhood Plan for Cockermouth be not produced for a number of reasons including resource, duplication, lack of evidence of community support, costs and lack of evidence of local benefit.

The decision was in relation to whether Cockermouth Town Council should produce a Neighbourhood Plan. There was no consideration of any detail which would be included in the plan.

## **Allerdale Local Plan and Neighbourhood Plans – Process**

The Panel requested a briefing from the Principal Planning Officer to assist their understanding of the process in respect of the Allerdale Borough Council Local Plan and Neighbourhood Plans.

The Principal Planning Officer provided a clear and informative briefing on the processes and answered the Panel's queries in detail.

The Panel took into account the fact that they are separate processes and the Town Council can undertake their own site allocations.

As part of the Allerdale Local Plan Process there was an open call for sites in July 2014. At this stage all land is submitted for assessment and the next stage is to assess all land to determine the most appropriate sites for development. This process is due to be completed in November 2016 with public consultation to take place in the New Year then will be subject to independent inspection.

As part of the Neighbourhood Plan the town council can undertake their own site allocations. It has to conform with the general strategy of the Local Plan, however, the town council can select different sites than the Local Plan sites.

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

8 August 2016