

DECISION NOTICE: NO FURTHER ACTION

Reference SC 001/EHDC/19

Complaint

That at a meeting a Planning Committee of Beech Parish Council

Complaint 1

That Councillor Fazakerley attended and contributed to the public debate of his own planning application, which concerned his own home, 61 Medstead Road.

Complaint 2

That Councillor Gordon abstained from voting on an item after he has missed much of a debate on said item.

Decision

In accordance with the Council's Code of Conduct Process for dealing with allegations, the Monitoring Team decided to take no further action.

Reasons for the Decision

The Monitoring Team is grateful for the referral from Beech Parish Council regarding a complaint it has received about the conduct of its councillors at a Planning meeting on the 27th November 2018. The referral was made by the Clerk to Beech Parish Council, Louisa Thomson.

The Monitoring Team consider the relevant conduct complained of was that Councillor Fazakerley attended and contributed to the public debate of his own planning application, which concerned his own home, 61 Medstead Road.

The Monitoring Team also note there were concerns about the conduct of Councillor Gordon abstaining on an item after he has missed much of a debate on said item.

Complaint 1

The Monitoring Team does not consider it is disputed that Councillor Fazakerley had a disclosable pecuniary interest when his planning application was considered. Section 31(4) of the Localism Act 2011 and Beech Parish Council's Code of conduct make it clear that a councillor should not participate in any discussion of a matter or vote on a matter where they have a disclosable pecuniary interest.

It was important for the Monitoring Team to understand how Beech Parish Council normally conduct planning meetings. The Monitoring Team notes from the explanation provided by Ms Thomson that Councillor Fazakerley had spoken during public question time as a member of the public, but had left the meeting when his application was discussed. The evidence of the complainant supports the statement of Ms Thomson which said there was a public debate followed by a councillor debate.

The Monitoring Team consider that Councillor Fazakerley has not breached the Localism Act 2011 or the Code of Conduct. The Monitoring Team understands that the public debate came before considering the application and was therefore a completely separate matter/ item. The Monitoring Team consider Section 31(4) was not written in a way to prevent councillors from attending an entire meeting where they have a disclosable pecuniary interest on one item. Councillor Fazakerley's conduct was in accordance with what the Monitoring Team would have expected from a Councillor.

The Monitoring Team conclude that Councillor Fazakerley did not take part in the debate or take part in the vote of his planning application and therefore did not breach the Localism Act 2011 or the Code of Conduct.

Complaint 2

The Monitoring Team consider the best practice is for Councillors to abstain if they have missed much of the debate on an item. The Monitoring Team note Councillor Gordon's conduct was in accordance with what it would have expected from a Councillor.

Terms of Reference

The Localism Act 2011 sets out provisions relating to the Code of Conduct. Section 27(5-6) permits a relevant authority to adopt a code of conduct and to put in place arrangements under which decisions on allegations can be made. The Council has put in place such arrangements.

Additional Help

If you need additional support in relation to this or future contact with us, in the first instance please contact Mr Nick Leach, the Monitoring Officer, on 01730 234088. 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.

Signed **Date**

Nick Leach
Monitoring Officer