

NOTICE OF DECISION OF STANDARDS PANEL FOR THE STROUD DISTRICT

Concerning complaints alleging breaches of the Code of Conduct applying to Wotton-under-edge Town Council by six members of that Council, namely Councillors Paul Barton, John Cordwell, June Cordwell, Terry Luker, Andra Proctor and Chris Young

The Complaint

The complainants allege that at a meeting of the Planning Committee of the Town Council on 30 January 2017 the six councillors' involvement in the Council's consideration of application (planning reference S.16/2895/FUL), was in breach of the Wotton-under-Edge Town Council's Code of Conduct ("**the Code**").

The complainants collectively allege that each councillor had an interest which prevented them from participating and voting on the matter due them all living close to the development and:

- (a) Councillors Paul Barton, Terry Luker and John Cordwell were closely associated with an objectors' group as illustrated in the photograph taken of opposition campaigners;
- (b) Councillor John Cordwell is also a member of the County Council which owns part of the application site;
- (c) Councillor June Cordwell has an interest by virtue of her spouse Councillor John Cordwell's alleged interest;
- (d) Councillors Andra Proctor and Chris Young were opposed to the development proposals and / or associated with opposition groups.

The complaints were investigated by the District Council's Monitoring Officer ("**the MO**"). Her report and the councillors' comments on the same were submitted to the Standards Panel ("**the Panel**") for determination of the complaints.

Background

The Code was adopted by the Town Council in December 2016. The Code only applies to councillors when they are acting in an official capacity. It defines two types of interests. These are (i) Disclosable Pecuniary Interests ("**DPIs**") which include "*any...office held, or....profession or vocation carried on by [the member or their] partner for profit or gain*"; and (ii) Personal Interests being interests in matters considered by the Council "*where that business might reasonably be regarded as affecting the well-being or financial position*" of

the councillor himself, his spouse, any person with whom the councillor has a close association, or any body of which any of the above persons are a member *“and that business might reasonably be regarded as affecting their well-being or financial position to a greater extent than the majority of those living in your Council’s area.”*

Conclusion of the Panel

Having considered the report and the responses to the same, the Panel reached the following findings:

1. There was extensive public interest in the development proposals within the town. Although the Panel did not judge the merits (or otherwise) of the various issues considered relevant to the application (e.g. traffic, car parking and location of the application site), it concluded that these issues affected the vast majority of residents in the town.
2. As the complaints centred around an alleged failure to declare interests at the Planning Meeting on 30 January 2017, the Panel was satisfied that the Code applied to all six councillors at the relevant time.
3. In respect to Councillors Paul Barton, Terry Luker, Andra Proctor and Chris Young, in line with the report, the Panel concluded that on the balance of probabilities Councillors Paul Barton, Terry Luker, Andra Proctor and Chris Young did not have a Personal Interest and as such they were fully entitled to take part in the debate and vote at the relevant Planning Meeting. For the avoidance of doubt, none of these councillors were considered to have a DPI.
4. In respect of Councillor John Cordwell, the Panel noted that on his Town Register of Interests he had declared his membership of the County Council for which he received an annual basic allowance and an additional special responsibility payment. Having done so, the Panel found that Councillor Cordwell had a DPI in the matter as defined by the Code.
5. The Panel also concluded that the County Council’s financial wellbeing would be reasonably regarded as affected by the application due to it owning part of the application site and that its financial interest in the potential development of the site would inevitably be more than the majority of other residents in the town. In accordance with the definition of Personal Interests, the Panel therefore concluded that due to his membership of the County Council, Councillor John Cordwell also had a Personal Interest in the matter. In reaching that conclusion the Panel noted the exemption set out in the Code which provides that a councillor does not have a Personal Interest *“through membership of the County Council where there is no conflicting interest with the Town*

Council'. The Panel found it was not possible in practice to determine that there wasn't a conflict which would trigger the exception in this case. Whilst noting that Councillor Cordwell opposed the development, the position remained that there was a still potential conflict between the pending decision of the Council and the County Council. The Panel therefore concluded that at the January 2017 meeting, it would not have been possible for Councillor Cordwell to rely upon the exception in the Code.

6. In finding that Councillor John Cordwell had a Personal Interest and a DPI, he was required to declare at the meeting the nature of these interests, was prohibited from participating in the debate, required to withdraw from the meeting and was prohibited from voting on the matter. In failing to do so, Councillor John Cordwell therefore breached the Code.
7. In respect of Councillor June Cordwell, as the wife of Councillor John Cordwell, the Panel concluded that in accordance with the terms of the Code, she too had a DPI and a Personal Interest. Therefore she was also required to declare at the meeting the nature of the interests; was required to withdraw from the meeting; and was prohibited from speaking in the councillor debate or voting on the matter. Having failed to do so, she too breached the Code.
8. The Panel noted that in line with the report, both councillors could have applied for a dispensation which subject to the Council's approval would have enabled them to have participated without breaching the Code.

Sanctions

In view of the circumstances of this matter the Panel decided:

1. The Panel's consideration of and decisions on this complaint be published on the District Council's web site with immediate effect;
2. The MO's report be published on the Council's website; and,
3. To recommend to the Wotton-under-Edge Town Council that it reviews how it might better deal with any future controversial applications in strict adherence to the Code, taking care that its members are all seen to be acting, as well as actually acting, objectively in the public interest.

Chair of the Standards Panel

Dated 11th July 2017