

REPORT OF AN INVESTIGATION

COUNCILLORS AGAINST WHOM COMPLAINT MADE: Wotton-under-Edge Town Councillors Paul Barton; June Cordwell, John Cordwell, Terry Luker, Andra Proctor and Christopher Young

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1. EXECUTIVE SUMMARY

- 1.1 It has been alleged that six members of Wotton-under-Edge Town Council breached their council's code of conduct at its meeting on 30 January 2017 when it considered a planning application for development at a site to the rear of the town's fire station. Following investigation, it is recommended to the Standards Panel that:
- (a) Cllrs Barton, Luker, Proctor and Young did not breach the Code, their interests in the application not being more than the majority of other residents in the town;
 - (b) Cllr John Cordwell breached the Code, in that he had an interest by virtue of his membership of the County Council which owned part of the application site; and as a result therefore, Cllr June Cordwell also breached the Code having an interest by virtue of her husband Cllr John Cordwell's interest.
- 1.2 All complainants and the councillors complained about have been provided with a copy of this report. All substantive comments on this final report which have been received from such persons, are available to the Panel.

2. ALLEGATIONS

- 2.1 The six councillors who are the subject of the report and the Clerk of the Council were informed of the complaint on 20 February 2017. The complainants all made separate complaints but in summary, collectively it is alleged that they each had an interest which prevented them from participating and voting on the matter due them all living close to the development and:
- (a) Cllrs Barton, Luker and Cordwell were closely associated with an objectors' group as illustrated in the photograph taken of opposition campaigners;
 - (b) Cllr John Cordwell is also a member of the County Council which owns part of the application site;
 - (c) Cllr June Cordwell has an interest by virtue of her spouse Cllr John Cordwell;
 - (d) Cllr Proctor and Young were opposed to the development proposals and / or associated with opposition groups.
- 2.2 If an interest as defined in the Code is established, their involvement in the Council's consideration of the application at its Planning Meeting on 30 January 2017 was in breach of the Wotton-under-Edge Town Council's Code of Conduct.

3. RELEVANT CODE PROVISIONS

3.1 The Town Council's code of conduct in force at the date of the January 2017 Council meeting, was adopted in December 2016 (the previous code having been adopted five months earlier). As such, it is the December 2016 version of the code ("**the Code**") which is relevant to the complaint. The standards of conduct of members Wotton-under-Edge Town Council ("**the Council**") is governed by the Code. Subject to some relatively minor changes to the wording of the Code (none of which are material to the investigation), the provisions within all versions of the Council's codes have not materially changed since 18 February 2013. Thus, the provisions referred to below are long established by the Council.

3.2 Part 1 of the Code provides:

This Code applies to all members of the Council including co-opted members and appointed members.

It applies to members whenever the member is acting, or appearing or purporting to act, as a member of the Council; or whenever a member is acting, or purporting to act, as a representative of the Council.

3.3 Part 3.1 of the Code provides that members of the Council must not use their position to influence, or attempt or purport to influence any decision of the Council in which they have an interest as defined in Part 4 of the Code (see below) and that they must comply with the requirements of this Code in relation to interests. The Code covers two types of interests (i) Disclosable Pecuniary Interests ("known as DPIs") which are defined in the Code in accordance with the relevant statutory regulations and (ii) Personal Interests which are defined in the Council's Code of Conduct being local rather than nationally established rules.

3.4 Part 4.3 of the Code defines DPIs as including "*any employment or office held, or trade, profession or vocation carried on by [the member or their] partner for profit or gain*".

3.5 Personal Interests are defined in the Code paragraph 4.4. They comprise interests in matters being considered by the Council "*where that business might reasonably be regarded as affecting the well-being or financial position*" of:

- i. the councillor himself; or
- ii. his spouse; or
- iii. person with whom he has a close association; or
- iv. any body of which any of the above is a member”

3.6 The meaning of the term ‘wellbeing’ in the context of councillor interests is wide. In the case of *Murphy v Ethical Officer of Standards Board for England* (2004) the term was described as:

“...a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively is likely to affect their wellbeing. It is not restricted to matters affecting a person’s financial position. The range of personal interest is accordingly, likely to be very broad.”

3.7 Whilst the (national) Standards Board was abolished as part of the changes in the standards regime full effective from 2012, advice provided by the Board in line with the High Court judgement in *Scrivens v Ethical Standards Officer* (2005) also helpfully determines that it is not the relevant councillor’s view of what is reasonable, but instead an objective observer’s view:

“Whether a member has a personal interest or a prejudicial interest is a question to be determined objectively. The mistaken but reasonable view of the member that he has no such interest is irrelevant. The test for failure to comply with the paragraph dealing with ...interests is similarly objective.”

3.8 The Code defines “a close associate” as including, for example, a family member, a friend, or business or other associate. It also refers to it being “*someone who the member has a close enough relationship with so that a reasonable person might well think that the member’s concern for them might influence his views on the item of Council business*”.

3.9 Paragraph 4.4 (b) of the Code, sets out an exception established by the Town Council to its definition of Personal Interests:

“A member does not have a Personal Interest in respect of any business of the Council concerning activities arising through membership of the District or County Council where there is no conflicting interest with that of the Town Council.”

Taking account of the membership of the Council at the meeting on 30 January 2017, the only member to which this exemption has direct relevance is Cllr John Cordwell who is a county councillor.

- 3.10 Paragraphs 4.5 and 4.6 of the Code set out the requirements upon the member who has a Personal Interest or Disclosable Pecuniary Interest. When holding such an interest, a member is required to:
- (a) disclose to that meeting the existence and nature of that interest;
 - (b) not participate in any discussion or consideration of that matter at any meeting of the Council other than as a member of the public during the public participation section of the meeting;
 - (c) withdraw from any such meeting for the whole time there is a discussion or consideration of the matter in which the member has an interest; and
 - (d) not vote on any matter in which the member has an interest.
- 3.11 Paragraph 4.8 of the Code enables councillors who have interests under the Code to apply to the Council for a dispensation to enable them to speak and / or vote on the matter.

4. EVIDENCE AND FINDINGS OF FACT

Background

- 4.1 In September 2016, I was contacted in my capacity as the District Council's Monitoring Officer by members of the public alleging that members of the Town Council were acting contrary to the Code (albeit the June 2016 version at that time). The allegations centred around a pending application for planning permission which had previously been the subject of consideration by the Council as part of pre-application discussions. The actual application was due to be considered in the coming months by the Council as a consultee of the district planning authority. The weight to be attached to the resolved views of the Council by the planning authority, would have been a matter for the latter. Nevertheless, particularly in the case of controversial applications where there is extensive local interest, providing the

views expressed concern relevant material planning considerations, considerable weight is often given to town / parish council views.

4.2 These initial complaints came from bodies objecting to the development and were largely directed against members that indicated support for the development. (Conversely, the current complaint has seemingly been made by those who supported the proposed development, against councillors who voted against the proposed development at the Council meeting in January 2017). Further concerns were raised with me at this initial stage by other councillors and the clerk, regarding the way various members of the Council were dealing with the matter (including, but not limited to, those who were the subject of the initial complaints). It was anticipated that the Council would attract further complaints by either the 'pro' or 'anti' development lobbies depending upon the views of the individual councillors and ultimately the Council when the application was submitted. It was hoped that the matter could be resolved informally without the need for a formal and costly standards investigation. This was particularly so bearing in mind the public interest in the Council being seen to fairly consider the relatively controversial development proposals; and the on-going difficulties being experienced by the Clerk in managing numerous public complaints about the matter, as well as the behaviour of some of the councillors.

4.3 Consequently, following discussions with the Clerk, a meeting was held at the Council offices on 2 November 2016 with some of the councillors, the Clerk and me. To confirm the informal advice provided for the benefit of all the councillors, a letter was sent by me on 4 November to the Clerk. The letter included the following advice:

...concerns have been raised with me about the involvement of some councillors in matters relevant to proposals to develop a new car park as part of a residential scheme on land which I understand from the information provided to me is currently owned by the County Council. I further understand that the County Council propose to sell relevant land to the developer if planning permission is granted and in turn, it is proposed by the developer that the new car park will transferred to the Town Council for public use. The local Chamber of Trade has previously advocated support for a new car park, such being compatible with its general purposes of promoting trade in the town. In January 2016, the Town Council voted to support the development in principle although

has reserved judgement on the details of any planning application when and if it is submitted.

... This letter sets out the key issues which you may wish to share with all members of the Town Council...

The Town Council's Code of Conduct...provides that any member with a Personal Interest, is required to declare an interest, is prohibited from participating in the debate on the relevant matter and from voting and is required to leave the meeting room – see paragraphs 4.6 of the Code.

[The provisions regarding Personal Interests in the Code were then set out]

...It is ultimately up to each individual councillor who has an interest, whether or not they declare the interest and act as required by the Council. Nevertheless, each councillor would be well advised to take account of the advice you provide...

Of course [it] is not necessarily easy for councillors to resolve whether or not a Personal Interest [exists]; indeed not all situations are 'clear cut'. In such situations, where it is apparent that it could be argued that there is a Personal Interest, it would always be sensible for councillors to err on the side of caution and proceed on the basis that they have an interest.... It is not possible for me to ascertain without conducting a full investigation, whether all of [the] councillors do or do not have a Personal Interest. Nevertheless, I set out below some guidance which those concerned and any other councillors may wish to consider taking account of their individual situations...

I appreciate that other members of the Council have already expressed views on whether the application should be supported or refused and some may have associated themselves with organisations or persons whose wellbeing or financial position will be affected by the proposed development to a greater extent than the majority of residents in the area.

For example, town councillors who have associated themselves with residents which oppose (or support) the development may have a Personal Interest. They need to consider the extent of that association. If it is a close one, they will have an interest under the Code assuming that those residents will be affected to a greater extent than the majority of other residents in the town.

Similarly, assuming the County Council is proposing to sell the land to the developer if planning permission is approved, those who are members of the County Council would potentially have a Personal Interest as defined in your Code, regardless of whether or not they support the County Council's position – see paragraph 4.4(a)(ii) of the Code. It is questionable whether the exception provided in your Code at paragraph 4.4(b)(vii) would apply; the reason being it is not clear that there isn't a conflict between the County Council's interest in the development and the Town Council's bearing in mind it has not yet considered the actual planning application. Inevitably, as noted above if there is any

reasonable doubt, it would be sensible for those councillors to err on the side of caution and assume that the exemption does not apply...

An exemption [i.e. dispensation] from the requirements prohibiting members from voting and / or speaking etc. as set out in the Code may be granted by the Town Council on prior application by members who have a Personal Interest under the Code.

I note that the Town Council has recently granted all its members a dispensation to allow those that were present when the Town Council resolved to support the application in principle to speak and vote on the planning application when it is considered by the Town Council...It is important for the Members of the Council to note that the dispensation which was granted by the Council does not extend to other interests which individual members of the Council may have (e.g. by membership of groups or close association with persons who have an interest in the outcome of the application over and above that of the majority of residents living within the Council's administrative boundaries).

Whilst it is acknowledged that the situation is not straightforward in all cases, this letter should help individual members carefully consider their own position and in turn reassure the public that all members of the Town Council have given proper consideration to their position and thereby help avoid further and / or reasonable complaints...

The Planning Application

- 4.4 In December 2016, the actual application for planning permission for the proposed development was submitted to the local planning authority. It comprised a public car park (for up to 96 cars and 2 coaches) and 10 houses.
- 4.5 The site for the proposed development is accessed from the road known as Symn Lane and situated to the side and rear of the retained fire station in Wotton-under-Edge. The site comprises three parcels of land each owned by a different body. Each parcel of land is recorded at the Land Registry as being subject to an option in favour of the development to purchase the land if planning permission is granted. One of the landowners is the County Council.
- 4.6 The developer's submission in submitting the application included reference to the extensive public consultation undertaken, including an evening event on 18 March 2016 where members of the Council and the local Chamber of Trade were also invited. Of the 64 questionnaires that were completed, 89% of respondents agreed

that the town needed more car parking; and 45% opposed the development proposals, 51% supported the development proposal and 4% remained undecided.

Pre-application Consideration of the Proposed Development

4.7 Well before the application was submitted and prior to the above formal pre-application public consultation, and as noted in my letter sent to the Council in November 2016, the Council and the local Chamber of Trade had considered the proposed development in some detail. Such discussions were largely within the context of the long-established debate within the town about the need for more public car parking (which is addressed further on within this Report). Indeed, the minutes of the Council meeting on 21 December 2015, a year before the application was submitted, refer to the developer's representative attending that Council meeting to set out the proposals for the development and him welcoming discussions with residents and the community of Wotton about the proposal. The following extract from the Minutes provides:

“To welcome...Coburn Homes with proposals for land behind the Fire Station prior to planning application submission and public consultation...Progress has been slower than hoped due to the time needed to ensure landowner agreements are in place...Questions still remain about the access point adjoining the main road system and this depends very much on what [Gloucestershire County Council] request regarding fire station access. The car park has been given a figure of £200,000 costing to develop and the proposal is that the site would then be handed to the Town Council to manage...There were some worries that a small housing development outside of the settlement boundary would set a precedent for other developers, however it was generally noted by the responses in the community plan questionnaire that in order the town and businesses to trade and prosper in the future, there needs to be more parking provision in Wotton. [The developer's representative] was thanked for attending. It was proposed by Cllr P Smith and seconded by Cllr R Claydon and agreed by all that the Council suspends Standing Orders temporarily to allow members of the Public to ask questions of [the developer's representative]. Members of the public spoke representing traders and the Civic Society. Amongst a variety of views expressed were a welcome for the car park proposals for business, the need for public consultation, and that the Town Council and the developer work together to stress to SDC the desire for traditional stone buildings.

4.8 Of the councillors who are the subject of the complaint and attended the meeting (Cllrs Luker, Barton, June Cordwell and John Cordwell), none declared an interest at that meeting. (In commenting on this statement of fact included within the draft

report, Cllr John Cordwell states that the Council was not making any decision, as opposed to simply receiving information from a potential developer).

- 4.9 At its subsequent meeting on 18 January 2016, the minutes refer to the Council's consideration of whether or not to support "in principle" the development proposals:

There were many views on this subject and a heated debate ensued concerning the need for a car park in town but at what cost regarding the housing location, and the poor access route adjacent to the surgery and traffic problems in that location. It was proposed by Cllr P Smith and seconded by Cllr A Wilkinson that the Town Council supports this project in principle but reserves judgement on detailed matters until a planning application has been submitted, voted 8 in favour, 3 against, 1 abstention.

- 4.10 Other than Cllr Proctor who was not a councillor until June 2016, all of the councillors who are the subject of the complaint were present at that meeting. Again, none of them declared an interest. (In commenting on this paragraph of the draft report, Cllr John Cordwell stated that he voted against the proposal as he considered it premature to take such a vote ahead of an application being made to the Council. He refers to his wife abstaining).

- 4.11 By this time it was becoming ever apparent, that there was substantial and increasing interest in the application from local residents. Indeed, in March 2016, an article appeared in the local paper under the heading "*Plans for homes and 100 space car park in Wotton-under-Edge receive mixed response at consultation*". A residents group opposing the development had also set up a Facebook page for public comments by the end of March 2016.

- 4.12 At its meeting on 16 May 2016, again when all relevant councillors (excluding Cllr Proctor) were present reference is made to the development proposals being raised and discussed within the part of the meeting open to public comment:

"a number of residents spoke to the council of their concern for proposals to develop on land behind the fire station. The community concerns centred on covering green fields and areas of outstanding natural beauty, preservation of wildlife, worries that car park would become a magnet for youth activities & drugs, and the loss of views of the town from the approach road. The opinion was that existing car parks could be better signposted and lines removed from roads to allow more road parking. They called upon the Town Council to represent them in protecting green areas. The Mayor thanked the parishioners for their views, however said

that in the absence of an actual planning application from the developer, the Council could not yet comment on any of the details. He urged individuals to make their views known to Stroud District Council as the planning authority with responsibility for the final decision, once the application has been made."

- 4.13 On 1 September 2016 an article appeared in the local paper, the Gazette headed "Car park and homes plan is ready to go". It included a copy of a photograph which had been taken some months prior in April 2016, just after the residents' group webpage was established. The photograph was described in the paper as being of "residents [who] have protested against the proposed housing development near Wotton Fire Station".
- 4.14 The residents in the photo include approximately 40 adults including three of the councillors who are the subject of the current investigation namely, John Cordwell, Terry Luker and Paul Barton. They are shown standing on the site which adjoined the local fire station, behind a large home-made banner reading "No houses on here". The article refers to those who were objecting to the development plans having formed an action group which had launched a petition and Facebook group called "Saving Wotton's Green Fields from Housing Developments". (This group is the same as the one set up in March 2016 and referred to by others as the Symn Lane Action Group or "Save Wotton's Green Fields").
- 4.15 Various comments from residents, letters and newspaper articles continued to be published in 2016. It seems that the exchange of strong views on the application by the 'pro' and 'anti' development brigades continued up to and even after the Council meeting in January 2017, reference being made in February 2017 in the local paper, to an "appeal for calm over Symn Lane plans in Wotton after reports of trader abuse" and complaints to the police.

Car parking

- 4.16 As indicated above, the availability of car parking within the town was a key consideration for the Council in the application; parking availability within the town having been an issue for some years. The Community Plan Update 2016 produced by the Council provides a list of nine priorities for the town of which one

referred to “*providing more parking in the town at no extra cost to residents*” which was to be achieved by “*continuing to explore and support initiatives which would provide additional parking in the town [and] work with the community to seek support for additional parking*”.

- 4.17 At its meeting on 18 July 2016 the longstanding question of the adequacy of car parking in the Wotton was discussed by the Council:

“Car Parking strategy – to discuss Cllr June Cordwell’s report & consider car parking a [Council] strategy and outlining past attempts over 6 years to produce solutions... The only extra parking possibility at the moment appears to be the land behind fire station. It was proposed... that a questionnaire/survey is undertaken at various town car parks to ascertain visitor origination, usage and frequency, to canvas public opinion, and to ask if visitors actually had difficulty parking, agreed all in favour.”

- 4.18 On 19 September 2016 the Council considered the survey although at this time the survey did not specify a particular site:

“...various concerns were raised [by the public] about the car parking survey undertaken last week and how it would feed into a conclusion when considering forthcoming application of a new car park behind the fire station. Questions were asked [by the public] about why the Town Council had provided ‘in principle’ support. It was explained that ‘in principle’ support had been given to the provision of a car park - all other matters are unknown until the application is received and therefore it will be assessed when the application arrives. It was also felt by the public that the survey should be more detailed and in depth, with wider hours/days monitored, and state that it was being undertaken in relation to wider issues such as a new car park... Analysis [of the survey] is not yet complete and therefore a firm conclusion cannot yet be reached...In summary, the initial results indicated that more town parking is needed, with details and a final report still to be clarified.”

- 4.19 On the 17 October 2016 the Council also considered the matter and it was resolved on the Chairman’s casting vote to publish the survey on the Council’s website. The Minutes record “animated discussions”.

The County Council Land Interest

- 4.20 As noted in my letter to the Clerk, when discussing the initial informal complaints made, the issue of the County Council’s ownership of the land was raised by one of the current complainants and the Clerk, including whether or not the Personal

Interest exemption set out in the Code, might apply to Cllr John Cordwell. Whilst such was not considered in detail at that time, as it is part of the current formal complaints, the extent of the County Council's interest has been examined further.

4.21 The County Council has a decision-making structure which comprises a Cabinet, which may determine proposals to sell its land when such decisions are not delegated to senior officers. Councillor John Cordwell was not at the relevant times a member of the Cabinet, nor part of the leading group which controlled the Council. He does not have any decision-making role in the disposal of County Council assets. So far as relevant to this investigation he was only a member of the County Planning Committee and a County (Wotton district) councillor at the relevant time. He is notified on request of proposed disposals of County Council land by the Asset Management and Property Services team and may, as the local ward member, make representations to the decision makers on land disposals affecting his ward. Consequently, I am satisfied that he would have had had notice of the proposed agreement with the developers in respect to the application site particularly given his and other public comments on the development and / or the County Council's land. In commenting on this report, Cllr Cordwell states that all he could say about a disposal is, for example, that it was not surplus to the requirements of the County Council and therefore should not be sold.

4.22 It is apparent that other members of the Council as well as Cllr John Cordwell, were aware that the County Council owned land included in the proposed and actual application site. (Councillor Cordwell refers to it being a "narrow strip" of land. I agree with this, the relevant County part making up the only access to the proposed development). At the Council meeting on 15 February 2016 at which all the councillors (other than Cllr Proctor) were present, the Minutes record comments from Councillor Wilkinson (who declared an interest as a Member of the Chamber of Trade) as follows:

[Gloucestershire County Council] Cabinet have agreed to sell strip of fire station land to developer Colburn Homes and thus planning application for car park/housing to the rear can go ahead. Developer can now arrange the community consultation event in Wotton.

4.23 At its meeting on 18 April 2016, reference is again made to the County Council's involvement in the application (albeit as Highway Authority) under the topic of traffic regulation orders of interest to the town "*Outside fire station – if a new housing development is proposed behind the fire station, concerns may be raised as part of the planning process*".

The Council Planning Meeting on 30 January 2017

4.24 The eventual planning application for the public car park and 10 houses submitted in December 2016, was considered by the Council at its planning meeting on 30 January 2017. As noted above, the alleged failure to declare interests concerns this meeting. All 13 councillors were present at the meeting. No councillor sought or obtained a dispensation. Only Councillor Wilkinson declared an interest and did so due to him being the President of the local Chamber of Trade which firmly supported the development.

4.25 The minutes refer to Cllrs Barton, June and John Cordwell having "*taken advice and [as a consequence, they] considered that they had no conflict of interest.*" In her interview, Councillor June Cordwell referred to her husband having decided not to declare an interest and by virtue of such she did not consider she had an interest. Councillor Barton has since advised that he did not seek advice from anyone before or at the meeting beyond him having received a copy of the letter of 4 November 2016 to the Clerk.

4.26 Cllr John Cordwell stated that he had sought advice from the County Council's Monitoring Officer and the Deputy Monitoring Officer. This advice was provided to me in confidence. I also spoke to the County Council Monitoring Officer. In my draft report reference was made to my not having received any information that Councillor John Cordwell received specific advice on whether or not he had an interest in the particular case; and consequently, it was only possible to conclude that having carefully noted the provisions of the Code, he had concluded himself that he did not have an interest. In commenting on the draft report, Councillor Cordwell states that is not correct. In support of his view, he quotes the emails and highlights that he informed the officers that "*he could not see "how (through*

him being a county councillor) my or my wife's wellbeing or financial position could be affected to a greater extent than anyone's else's". His conclusion followed advice to him that "The DPI tests are clear cut. In terms of whether or not you have a personal interest, you are a County Councillor and will need to consider whether the business (i.e. the Town Council's consideration) be regarded as affecting your (or his wife's) well-being or financial position to a greater extent than the majority of those living in your council's area."

- 4.27 As per the draft report, I cannot conclude that this advice specifically addressed whether or not he actually had an interest as opposed to highlighting the issues he needed to consider and enable him to reach his own decision based upon all the facts of which he was aware.
- 4.28 The Council minutes refer to the developer's representative and approximately 96 members of the public also being present at the Council meeting. Reference is also made in the minutes to members of the public being permitted to speak on the matter and that they "*raised many matters both in support and against the development*". The issues raised by the public were noted as including for example: the sensitive nature of the AONB, development being outside the settlement boundary, the effect on road congestion, the parking survey and the need for more parking in the town, the impact on the fire station, potential crime and anti-social behaviour, a tree preservation order, the Community Plan, Wotton becoming a dormitory town, impact on local businesses, the Council having previously agreed to 'support in principle' in January 2016 and the general impact on traders, residents and visitors etc..
- 4.29 Following conclusion of the public speaking part of the meeting and Cllr Wilkinson having left the meeting in accordance with the Code, the Council members debated the application. After the debate, the minutes record that a motion to support the application was lost 3 votes in favour 7 against with 2 abstentions. A second motion to object to the application on grounds that it was contrary to specified Local Plan policies was carried 8 votes in favour, 3 against and 1 abstention.

Councillor Barton

- 4.30 In this interview Cllr Barton advised he had been a member of the Council for approximately four years. He didn't receive any specific training on the Code when he joined although he did attend a session on 'How to be a Good Councillor' in the first year of joining the Council. He also referred to having attended a course of chairing meetings. His explanation of what amounted to a personal interest was a situation which would include a scenario where he was directly affected by a development or he might gain financially from the development. He understood that he needed to declare interests and that he was prohibited from taking part in any business in which had had an interest.
- 4.31 He referred to there being considerable objection to the development proposals even before the planning application was submitted. He referred to being included in the photographs of objectors which appeared in the local paper. He stated that he knew several members of the public who were objecting to the development, whether by name or simply by face. He advised that he had lived in Wotton for most of his life and whilst not closely acquainted with any of the objectors he used to work with two of the people in the photograph. He stated that none of the objectors in the photograph were his friends. His current home is approximately 0.6 miles from the application site. The application site is not visible from his property, nor within immediate access, so that he would be using Symn Lane any more than other inhabitants of the town.
- 4.32 He stated that he did consider that the town needed a new car park but that the size of the development which would be largely outside the town's existing development limit and in an AONB meant that the site was not suitable. He referred to the vehicular traffic in the vicinity at peak times when people were leaving work and at school leaving times would be worsened if the development were permitted. He referred to be the Chairman of the Wotton Allotment Society, despite not having an allotment himself of the allotments adjoining the application site. He stated that the development of the site wouldn't affect the allotments in any way.

Councillor John Cordwell

4.33 Councillor John Cordwell stated that he had been a town councillor for approximately 38 years and a county councillor for approximately 36 years. He referred to being a member of the County Council's planning committee and also the chairman on and off over the course of that period. His declaration of disclosable pecuniary interests includes reference to his membership of the County Council under the heading "Employment". As noted above in paragraph 3.4 of this Report, that covers not just employees but also any "*office held...or vocation carried on...for profit or gain*". (In commenting on the draft report, Councillor Cordwell has indicated he had included his and his wife's various memberships of different councils in the Register of Interests: Employment section, although has on advice from his County Monitoring Officer on 5th May 2017 following his re-election as a county councillor, made amendments to his County Council register. Although the comment is noted, it is not relevant to the current complaint; it can only concern his reference to his membership of the Town Council, which is recorded on the register available on the County Council's website as at 25 May 2017. Unfortunately, in the course of this investigation, I have not found Cllr Cordwell's account or understanding of relevant matters clear on his part nor wholly reliable. The material fact remains that in his Town Council Register he (understandably) declared his membership of the County Council for which he received an annual basic allowance payment of £10,000 pa and an additional special responsibility payment (i.e. as chairman of the Planning Committee) of £5,460 in 2016/17. (For the avoidance of doubt, no such allowances are made to the town council members which is presumably what he is referring to within the context of the amendments to his County Council register)).

4.34 Cllr Cordwell and his wife live in Wotton (approximately 200 metres from the proposed development site) and have done so for numerous years. The property is situated along one of the main through roads in the town centre; a road which connects to Symn Lane. It is largely a single carriageway due to parked cars. Whilst it is noted that objections raised about the development (including by councillors) include alleged worsening of traffic which would affect the junction between Symn Lane and the road upon which his house is situated, having viewed

the site during school and work leaving times described as 'peak traffic', it is not apparent that the existing traffic volume would be worsened or improved to a level which would affect the Cordwells more than others using or accessing the town centre. The application site is not visible from their property.

- 4.35 Cllr Cordwell stated in his interview that neither he nor his wife are close acquaintances of any objectors or supporters, as opposed to being friendly with the majority of people in the town. He referred to his closest friends being other county councillors.
- 4.36 He referred to having sought advice on the matter although when asked in the interview what he considered to be a personal interest, he summarised such as being an interest which he would have in a particular matter or which his next door neighbour or friend might have. It is clear that he had previously taken note of the letter sent to the Clerk in November 2016 in that he referred to the exemption noted therein applicable to any personal interest by virtue of his membership of the County Council providing there was no conflict between the County and Town councils' positions.
- 4.37 In support of his strongly held view that he did not have an interest to declare, he has consistently stated that neither his nor his wife's wellbeing or financial position would be affected by the development. In his interview, he said he was familiar with the Code.
- 4.38 Cllr Cordwell referred to there having been various concerns throughout the town about the development although his principal concerns had always been about the conflict with planning policy and the adverse impact of extra traffic on the ability of the retained fire-fighters to respond rapidly to call outs if they could not access and egress the site quickly due to traffic in the immediate vicinity (fire service and highway issues being within the County Council's responsibility).
- 4.39 He referred to the objector's group photograph which included him, having been taken well before the application was submitted and said he thought it had been

taken on 2 April 2016. A copy of “Saving Wottons Green Fields” Facebook page on 1 April 2016 includes a posting from John Cordwell stating:

“it has been widely reported that the Town Council voted in principle in favour of the proposed development. Let’s be clear it was not unanimous. I feel the council was bounced into this. It is most unusual, possibly unique, for the council to go to a vote at such an early stage in the development of a proposal. Since the intention is to give the car park to the council can they really consider the proposed in an unbiased way?”

In commenting on the draft report, he added that he expressed his concern at the time of the Council meeting in September 2016 about voting in support of the car park prior to the application having been presented and for that reason he (abstained). He added when the photograph was taken with him, Cllr Barton and Luker and the residents’ group, he made his position clear to those present; namely that based on planning policy and previous similar applications, he needed to be convinced that the need for the car park outweighed national and local planning policies if he were to support the application.

- 4.40 Conscious that the allegations regarding him having breached the Code included reference to his interest by virtue of the County Council’s ownership of part of the application site, in his interview, as noted above, Cllr Cordwell referred to having obtained advice on the Code from the County Council’s Monitoring Officer and Deputy Monitoring Officer highlighting that the latter was a solicitor and that as a result of that advice he decided not to declare an interest because he didn’t have any financial interest in the development and didn’t live particularly close to the site.
- 4.41 In respect to whether he had an interest by virtue of his relationship with the County Council or its ownership of part of the application site, Cllr Cordwell was also clear that he didn’t have an interest. In his interview, he confirmed his view that the reason for such was that the County Council, as part landowner, didn’t have an interest in the proposed development of the site. He added that he doubted that the developer would proceed to buy the land if planning permission was refused. Cllr Cordwell provided evidence that he had also previously informed others that he had not had any involvement in the County Council’s decisions on the sale of the site

and that its disposal by the County Council did not have any financial or other benefit to him which would be greater than any other Gloucestershire council tax payer. He pointed out that if the land were sold, the small amount of money received would probably go into the pooled capital reserve held by the County Council and it could allow a bit more to be done (e.g. on road repairs) somewhere in the county than would otherwise be possible.

- 4.42 It is noted that Cllr Cordwell has declared interests in respect to his County Councillor role on occasion. In April 2017, he declared an interest as a county councillor in the Council's application of the County Council for traffic regulation order funding; and also in February 2015 in connection with the Council's consideration of how best to manage weed spraying in the town of which one option included making use of a County Council Community Top-up scheme, others being using contractors, or the Town Council operative.

Councillor June Cordwell

- 4.43 Cllr June Cordwell, who is married to and resides with Cllr John Cordwell, has been a member of the Council for approximately 26 years. Until resigning in 2016, she was also a Stroud District Councillor for approximately 12 years. She too confirmed she was familiar with the Code and understood she might have an interest if her husband did. Her register of disclosable pecuniary interests includes reference to her husband's membership of the County Council under the heading "Employment".
- 4.44 She referred to her husband having taken advice on the Code and having decided he did not have an interest, she understandably, considered she didn't have an interest. Cllr Cordwell explained interests as including where she knew someone who had a pecuniary interest in a matter being considered by the Council and that it wouldn't include situations where she was a nodding acquaintance with someone who had an interest. In the course of the investigation, reference has been made to Cllr Cordwell not being open minded about the application by virtue of her having stated at the 30 January meeting prior to the debate that she would be voting against the proposed development.

- 4.45 She referred to car parking being a controversial issue for the town. She referred to her involvement as Chair of the Car Parking Group for Wotton in 2015 and her view that on street parking provision in the town is very poor. She explained that she voted against the application because she was concerned that the development would increase traffic and secondary to that, it involved development outside the development limit of the town which would extend into the vale on the outskirts of the town.
- 4.46 She did not appear in the photograph with the objection group. No evidence has been provided that she has associated herself with any lobby group in respect to the development proposals.
- 4.47 Like her husband, she also provided comments to the district planning authority on the application. She highlighted her concerns “about the increase in traffic in Symn Lane and difficulty of accessing the main road”; the impact on the landscape; the costs of maintaining a new car park; unwillingness of people to walk with shopping to a new car park on the edge of town.

Councillor Terry Luker

- 4.48 Cllr Luker was co-opted onto the Council for the first time in May 2012. He advised that he had not received any training on the Code but that the Clerk was always on hand to help if he needed. He stated that he understood he needed to declare an interest in any matter when he had a financial interest or, for example, if a close relative or friend owned land to which a planning application related. He said that he did not declare an interest in the planning application. He said he was not friends or close acquaintances with any of the people who objected or supported the application. He stated he had nothing to gain or lose from the development. As with the other councillors, he lives within Wotton and his current home is situated approximately 0.6 miles from the application site. The application site is not visible from his property, nor within immediate access, so that he would be using Symn Lane any more than other inhabitants of the town.

- 4.49 When asked about how he came to be included in the photograph of the objectors' group, he advised that he was told about it or had noticed it on Facebook – he couldn't recall. In hindsight, he said that he wouldn't have done anything differently beyond not attending the site for a photograph with one group.
- 4.50 With the exception of the photograph, no evidence is available to indicate that he has been involved in any groups interested in the application. He stated he didn't know anyone in the photograph well. He added other than Cllr Cordwell who he knew simply as a councillor, he didn't know where they lived. He added that he didn't know who lived in Symn Lane, nor any of the roads which might be affected more than others as a result of the development. He said that he didn't know any of the leading persons within the objectors' group. Whilst he included himself in the photograph he stated that he tried to avoid placing himself in situations where he could be viewed as taking sides and that he had not replied to the emails he had received regarding the development nor had he made any comments on Facebook in respect to the application.
- 4.51 He said that unlike another controversial planning application that had affected the town, the current application had generated numerous complaints and the way some individuals had dealt with the matter had been unpleasant. He referred to the controversial nature of car parking in the town and the general view that more parking was needed. He added that he did not consider the proposed development of a car park on the application suitable as it was outside the development boundary of the town and it was apparent at the Town Council meeting in January 2017 that approximately three times the number of people opposed the development as supported it. It was for those reasons alone that he voted against the development.

Councillor Andra Proctor

- 4.52 Cllr Proctor was a member of the Council from June 2016 to her recent resignation in May 2017. She is the sister of one of the other councillors, namely Christopher Young. She grew up in Wotton and returned approximately five years ago having lived away for most of her adult life. Her current home is approximately a mile from the application site. The application site is not visible from his property, nor within

immediate access, so that he would be using Symn Lane any more than other inhabitants of the town.

- 4.53 She is keen on keeping Wotton free of inappropriate development, having been a member of the predecessor to Symn Lane Action Group, called "Save Wotton's Green Fields". Since joining the Council she stated that she had not been involved in any similar groups although added that she was a member of "I love Wotton" which was a local group that arranged walks in the area. She added that she hadn't ever walked across the application site as she always presumed it as private land although she was aware that some people walk their dogs across it. Although no specific details have been supplied, reference has been made in the complaints to her having been persuaded to join the Council specifically because of her objection to the development, a view which is consistent with her previous association with the predecessor to the Action Group and also her brother's membership of the Council and his established objection to development of the site due to his concerns about ease of access and egress from the fire station.
- 4.54 Like the other councillors, she had not received any specific training on the Code but was given information to read. She explained that she understood that she would have a personal interest in a matter if there was a conflict of interest or she could gain financially from the matter. She said she tended to keep herself to herself to avoid such conflicts arising.
- 4.55 Whilst not in the photograph she stated that she knew many of the persons in it as they were residents of Wotton, just like her. She referred to having worked with one although 30 years or so ago; others being on Facebook; playing bowls with one of them when she was a member of the bowls club; and having grown up with another person who lived in the same street. She stated that with the exception of one lady in the photograph (whose father was the best man at her wedding and whose family she still knew well) and Cllr Luker whose wife was her friend and so she regularly met up with her, she was not close friends, as opposed to acquaintances with any of them.

4.56 She explained that until she had considered the various views on the application, she had not decided how to vote on the application and that she was always willing to listen to different people's views on the matter.

4.57 In commenting on the application at the meeting, Cllr Proctor stated:

Wotton's main attraction is the majestic hills and landscape, that is, the Cotswolds and the quaintness of our town nestled within them. To desecrate the fields outside the town boundary, as defined in the Local Plan 2015, and in an area of outstanding natural beauty with luxury houses and a massive car park will create an eyesore to those visiting our town... This is not the first application for a car park on this site, and in 1989, one of the reasons for refusing permission was that, and I quote "In the opinion of the Local Planning Authority the site is too far from the commercial centre of the town for car parking purposes"... The various car park surveys implemented, both by the council and others, vary considerably. The town council's survey revealed that the Potters Pond car park had many spaces available throughout the day. If shoppers cannot walk 100 yards to the street from this one, I cannot see them walking over 200 yards from the proposed car park. The Chamber of Trade have said that a new car park will encourage shoppers into Wotton again...[but] in this modern age people shop differently. One prominent shopkeeper survives by having an internet site, the way forward for many shops nowadays... A car park will not solve this, attractions do - and our main attraction is the beautiful countryside. We do not want this valuable asset lost. When voting on this planning application please ask yourself if this was just planning for houses would your vote be the same. Please vote wisely."

4.58 Cllr Proctor didn't consider that she had any interest under the Code in the application. She indicated that the manner in which some people had behaved in connection with the application had been unpleasant and wouldn't encourage others to stand as councillors.

Councillor Christopher Young

4.59 Cllr Young has been a member of the Council for one to two years. He has lived in Wotton for over 30 years and been a retained fire fighter in the town for a similar period, being in charge of the Wotton fire station for the last eight of those years. His current home is the closest of all the councillors to the application site, being approximately 200 metres of the site, albeit on a different road and not within sight of the application site nor accessed from Symn Lane. Nevertheless, any significant traffic along the junction between Symn Lane and Haw Street would given the

proximity of his road, potentially affect vehicular access, as indicated by Cllr Young's objections to the development outlined below.

- 4.60 Similar to the other members of the Council, he had not received any specific training on the Code but had received a pack of information including the Code a reference pack when he joined the Council.
- 4.61 He strongly opposed the proposed development and referred to having opposed a previous application. His objections centred around his views that the development would further worsen access to the fire station, taking the view that additional traffic would be generated and such create a significant safety issue as fire fighters would not be able to respond to quickly to emergencies. By virtue of him having lived and worked in the town for most of his life, he referred to knowing other persons who had objected to the proposed development next to the fire station of whom some were included in the photograph in the local paper. He stated that none of them were close acquaintances.
- 4.62 In voting against the development at the January 2017 meeting of the Council he also referred to range of other issues which he considered supported his view including the application site being in a sensitive location within the AONB by virtue of its visibility from the southern approach to the town; problems of pedestrian and vehicular traffic which hampered access and egress from the town during peak school and work leaving times; the development being contrary to various planning policies; the results of his own traffic survey; and a 1000 signature petition from the Chamber of Trade supporting the car park development which he considered flawed. In respect to his personal experiences as a former fire fighter he commented:

"The problem is getting fire fighters into the station...Unfortunately because the fire fighters are using alerters most people don't know that people are coming in on a call, probably with their lights on, are responding to the station and I personally have had people who...got in my way because they just didn't know...we need to reduce cars in that area not increase them."

Responses to the Local Planning Authority's consultation

- 4.63 Whilst as at the date of this report, the planning application had been withdrawn by the developer, the local planning authority's website records an extensive number of responses to the public consultation, both in support and against the development. Indeed, individuals' responses (as opposed to statutory bodies such as the Town Council) amount to approximately 500 of which the vast majority are persons local to the town. This number is exceptional (even taking account of those from individual councillors and at times repetitious comments from the same households given the town's population of approximately 6500). It is more than one would expect given the size of the development.
- 4.64 Totally consistent with their voting and comments at the Council and in their interviews, the responses included letters / emails of objection from Councillors June Cordwell, John Cordwell, Proctor and Young. The individual consultee responses also included letters / emails in support from the current complainants and the initial complainants. In brief, the extent and mix of responses to this consultation, highlights the controversial nature of and the conflicting views on the development throughout the town.

5. CONCLUSIONS

- 5.1 I have considered the complaints and the Code within the context of all relevant information (including all that received from the complainants, the Clerk, the councillors whether prior or during the investigation). I have also visited the site and Wotton-under-Edge on several occasions including alleged peak traffic periods; and taken account of all the comments received on the report by the complainants and the councillors concerned.
- 5.2 All six councillors took part in the debate and voted on the matter at the Council Meeting on 30 January 2017. None of them sought a dispensation. Consequently, the following questions need to be addressed to determine whether or not there has been a breach of the Code.

5.3 Does the Code apply to the circumstances giving rise to the complaint? As indicated in Part 1 of the Code, the Code only applies to councillors when they are acting in an official capacity. As the complaints centre around an alleged failure to declare interests at the meeting of the Council on 30 January 2017, it is apparent that all the councillors were acting in an official capacity, all six having attended and taken part in the meeting as a member of the Council. They were therefore subject to the Code at the relevant time.

5.4 Did the councillors have any interests as defined in the Code? Simply objecting to the proposed development, as did all six of the councillors, does not in itself give rise to an interest. Taking account of the facts of this case, for a Personal Interest to be established the following questions require answering in the affirmative:

- i. Is it reasonable for an objective observer, to conclude:
 - the relevant councillor's own wellbeing or financial position might have been affected, by virtue of the location of the councillor's home or strong personal views on the matter; or
 - the councillor had a close relationship with another person (i.e. sibling, spouse, objector) whose wellbeing or financial position might have been affected by the matter; or
 - the councillor (or their spouse) was a member of a body (i.e. the County Council) whose wellbeing or financial position might have been affected by the matter.
- ii. If so, was the possible impact on the wellbeing or financial position of the relevant person greater than the impact on the majority of other residents of the town;
- iii. Finally, in the unique case of Cllr John Cordwell, if a Personal Interest existed via his membership of the County Council, was there a conflicting interest with the Town Council?

5.5 Before addressing these questions, the following points should be noted in respect to all six of the councillors:

- i. Whilst the number of persons who responded to the application and the number of persons who attended the meeting does not in itself equate to the majority of those living in the town, it is apparent that there was extensive public interest in the development proposals. In this regard, I am satisfied that although it is not for the Standards Panel to judge the merits (or otherwise) of the objections raised to the proposals e.g. traffic, car parking and location of the application site, these issues might reasonably be viewed as affecting the vast majority of residents in the town.
- ii. With the exception of Cllr Proctor who despite her inexperience of being a councillor I found credible in terms of her evidence on the relevant issues, I found it somewhat surprising given the relatively small size of the town, how councillors who had lived in the town for numerous years to date, or otherwise been long associated with the town, didn't have close associates (e.g. friends) amongst local residents who were strongly objecting to the development.

Cllr Barton and Cllr Luker

- 5.6 I consider the position of these two councillors together as the allegation is that they both have an interest due to the close proximity of their homes to the application site and secondly, by them being included in a photograph of objectors taken in April 2016.
- 5.7 As noted above in Section 4 of this Report, having considered the proximity of each of their homes to the development, there is no evidence to prove that their wellbeing or financial position would be affected more than others living or working the town.
- 5.8 In respect to their relationships with the objectors, the only available evidence is their inclusion in the photograph taken in April 2016. Whilst it is understandable that the photos might be viewed as indicating some level of kinship with those objecting to the development and reflective of their views on the matter, the photograph does not establish on the balance of probabilities that they were anything more than simply acquaintances with the persons in the photo, even those that they each knew.

5.9 Clearly in a small town such as Wotton-under-Edge it is inevitable that they would, having lived in the town for numerous years, know various individuals, but in the absence of evidence of particular friendships or similar, I cannot conclude on the balance of probabilities that their relationships with any of the objectors could be viewed as a close association (i.e. that their concern for them might influence their views on the matter).

5.10 In summary there is insufficient evidence to establish a Personal Interest in either councillor's case.

Cllrs Young and Proctor

5.11 The allegations regarding Cllr Young and Cllr Proctor having an Personal Interest also has two elements, namely, their objections to the development and secondly the proximity of his own home to the application site.

5.12 These councillors are brother and sister; in the absence of any evidence that they do not mix or associate with each other, I am satisfied that they are close associates of each other. The effect of this is that if one or other of them has a Personal Interest, the other would too.

5.13 Cllr Young

5.13.1 Setting aside whether traffic from the proposed development would be such as to actually create the problem he foresaw, I note that access to and from his home is via the road onto which Symn Lane joins, but that it forms a central route through the town from the south west and consequently, any significant issues regarding traffic would affect countless others in the town. Furthermore, access to his home could readily be achieved via alternative, albeit less convenient routes.

5.13.2 Given the wide definition of "well-being" and his firm views on the adverse impact on the fire station, his former employment as a retained fire fighter and manager of the station, an objective and reasonable observer might conclude that a decision of the Council to support the development would affect his wellbeing. Nevertheless and irrespective of whether or not his

views might be seen by others as unwarranted scaremongering, it is apparent that the issues with which he was primarily concerned and had a personal association (i.e. fire fighter response times to emergencies) would impact as much on the wellbeing of other residents as it would himself.

5.13.3 In view of my findings, I do not consider that Cllr Young had a Personal Interest.

5.14 Cllr Proctor

5.14.1 As indicated in the findings in Section 4, I have not received any evidence that Cllr Proctor's well-being or financial position would be affected more than others living or working in the town as a result of the location of her home in relation to the application site.

5.14.2 Cllr Proctor had been a member of the predecessor to the residents' objection group, but no evidence has been available to me to indicate that her relationships with the members she knew might lead a reasonable and objective observer to conclude that her concern for them might influence her views on the matter. The issues actually raised by her certainly reflected the range of issues which would potentially impact on the town as a whole.

5.14.3 In summary, I do not consider that any of the requirements for a Personal Interest are established.

Councillors John and June Cordwell

5.15 Cllr John Cordwell re: DPI

5.15.1 In declaring a DPI, a member is required to declare at the meeting the nature of this interest and is prohibited from taking part in the discussion and voting of the relevant business. As Cllr Cordwell has highlighted in his response to the draft report, he was reminded that the rules regarding DPIs are 'clear cut'. In other words, if he registered an interest as a DPI, regardless of whether or not such was appropriate, he had a DPI and therefore was required to act accordingly.

- 5.15.2 His previous declarations and actions at the Council concerning traffic regulation orders and weed spraying involving the County Council as the potential service provider or funder, indicate he understood the relevance of his County Council membership to matters being discussed by the town council.
- 5.15.3 It would be remiss not to note Cllr Cordwell's position within the County Council (i.e. he isn't the County Council decision maker; he is only a county division representative and as such at most a consultee in respect to the County Council's sale of the land to the developer). Further, this was a highly controversial application within the town and he might have been criticised by some residents for not taking leading role particularly at a time pending County Council elections.
- 5.15.4 Whilst the rules regarding DPIs in respect to his membership of the County Council might be viewed by some as unduly strict, it is important to note that provision is made in the Code and the law, for councillors to apply for a dispensation to enable them to take part regardless of them having a DPI. Given the extent of his 'interest' as a County Councillor, I would have expected him to have concluded it would have been sensible for him to have applied for a dispensation, rather than to overlook this interest.

5.16 Cllr John Cordwell re: Personal Interest

- 5.16.1 Cllr Cordwell was very clear he did not have a Personal Interest and that the County Council did not have an interest in the town council's consideration of the application. Despite this, Cllr Cordwell expressed the view in his interview that he doubted that the developer would purchase the site if planning permission were refused. I consider a reasonable and objective observer would also share that latter view. By exercising the option to purchase the land on the grant of planning permission, the County Council would gain financially; although it is reasonable to assume that the extent of the financial gain or its impact on the County Council overall budget would be limited. Nevertheless, the position remains, as a part landowner, its financial interest in the potential development of the

site would inevitably be more than the majority of other residents in the town. It does not matter whether Cllr Cordwell's views on the matter, were consistent with the County Council's interest in the land or not.

5.16.2 In view of this, consideration should be given to whether the Code exempts Cllr Cordwell (question iii in paragraph 5.4 of this Report). This part of the Council's Code 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*". Unfortunately, this exception is not helpful in this case. As indicated in the letter to the Clerk in November 2016, it was not possible in practice to determine that there wasn't a conflict which would trigger the exception. Instead, there was a potential conflict between the pending decision of the town council (to possibly oppose the development) and the benefit to the developer and the County Council of permission being supported which would in turn potentially encourage the developer to exercise his purchase option or increase the prospect of planning permission being granted. I conclude that at the January 2017 meeting, it would not have been possible for Cllr Cordwell to rely upon the exception in the Code.

5.16.3 In summary, I conclude that due to his membership of the County Council (which body was affected financially to a greater extent than the majority of residents of the town), Cllr Cordwell also had a Personal Interest.

5.17 Cllr June Cordwell

5.17.1 In view of her relationship with Cllr John Cordwell, unfortunately she has an interest too. I fully accept her concerns about such but the rules are clear. For the avoidance of doubt, I would add that, but for her husband's membership of the County Council, I would not have found that either her or her husband had an interest by virtue of the proximity of their home to the application site.

6. RECOMMENDATION

6.1 It is recommended to the Standards Panel that Cllrs Barton, Luker, Proctor and Young did not have an interest; and were therefore entitled to take part on the

debate and vote on the application at the meeting of the Planning Committee on 30 January 2017. Cllr John and June Cordwell did have an interest, which required them to leave the meeting room and not vote on the matter. Given the extent of their interest, they might have applied for and obtained a dispensation if they had properly considered their position.

6.2 The potential sanctions open to the Panel include:

- Recommending removing the member from one or more committees of their Council (currently all members of the Council sit on the Planning Committee);
- Censuring or reprimanding the members;
- Publishing its findings (including this report) – whilst this is a matter for the Panel, it is currently usual practice to do this in the public interest; and
- Directing the member(s) to attend training (at their or the Council's expense).

6.3 In determining what if any sanction to impose, the following points are drawn to the Panel's attention:

6.3.1 The extremely controversial nature of the application has generated aggression between some members of the public and councillors in the town and caused considerable distress for staff in having to deal with such diametrically opposed views. I appreciate that some highly critical public views of the Council's dealing with the matter have been difficult for the Council to overcome, despite the Council having taken some time to carefully consider how best to ensure members of the public had a genuine opportunity to express their views on the application in January 2017.

6.3.2 Although the planning application was withdrawn by the developer prior to determination by the local planning authority, the Council should consider how it might rebuild community cohesion across the town, particularly if there is potential for a new application is to be submitted. Regard should be had by the need for the Council and its members to be seen to acting in a manner consistent with the key principles underlying the Council (e.g. 'respect for others', 'accountability', 'objectivity' and 'leadership'). All members who have been the subject of relevant complaints (whether formal or informal), may wish to reflect upon their behaviour in connection with the recent application

and review how they and the Council as a whole, might better deal with any future controversial applications. For example, can they learn anything from the five members who also took part in the consideration of the application but have not at any time been the subject of complaints on this matter? In any event, the Council should firmly discourage members from or censure its members for, becoming involved in public spats of any kind (including those which have been reported to me in recent weeks as having occurred after a council meeting and at a local event). Such behaviour, regardless of who instigated it, will not help secure public confidence in the Council.

- 6.3.3 It was not apparent from any of the interviews I conducted that the members of the Council actually gave full consideration to the questions which they should have asked themselves and were advised to consider, before firmly concluding they did not have an interest. Nevertheless, as all of them had and continue to have, access to professional advice from their Clerk, I do not consider external training on the Code would be particularly useful. Instead, a review of by the Council of its practices and its members' approach when dealing with controversial matters would seem more of a priority.
- 6.3.4 Mention has been made by the Council to it amending its Code again. I do not consider that would be worthwhile or a priority at the current time; the existing Code itself being fit for the Council's purposes. As indicated above, consideration of lessons to learn from its dealings with the planning application, including how to illustrate its objectivity in reaching decisions in the public interest would be more beneficial.

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