

IN THE MATTER OF THE LOCALISM ACT 2011 SS 27 & 28 AND OF EAST
STAFFORDSHIRE BOROUGH COUNCIL'S CODE OF CONDUCT FOR
COUNCILLORS AND ITS PLANNING CODE FOR COUNCILLORS

FINAL REPORT

Introduction

1. I have been asked to report on allegations made against Councillor Allen as set out in six complaints 2018-05, 2018-06, 2018-08, 2018-10, 2018-13 and 2018-14. The complaints are made by four complainants.
2. In this report I have been asked to consider the complaints against the Code of Conduct ("the Code"), but also against whether the conduct of the councillors has demonstrated some other kind of unlawful conduct such as predetermination or a failure to declare a pecuniary interest.
3. I have been appointed to investigate the complaints pursuant to section 5 of the Standards Committee Complaints Procedures. In accordance with that procedure I have to decide whether or not there is evidence of a failure to comply with the Code in relation to each complaint.
4. I considered it was appropriate to interview the Councillor. That interview took place on Monday 10 September 2018. Where for the purposes of this report I have recorded findings of fact I have made those findings on the balance of probabilities.

Summary of Report

5. In my view each of the complaints made provides evidence of a breach of the Code of Conduct.

Complaint 2018-05

Factual background

6. This complaint concerns planning application P/2017/00555. The complainant is Mr Graham Swinson, the applicant for planning permission. The planning application related to 0.71 ha of agricultural land off Westlands Road, Uttoxeter, Staffordshire. Historically the land had been used for grazing. The proposal was the “*erection of 18 dwellings comprising two detached and sixteen semi-detached houses, plus a two storey garage block and formation of access*”. It was the subject of some 64 letters of objection by local residents raising a number of material planning considerations for consideration.
7. The Councillor’s mother lives near to the application site, effectively on the opposite side of the A518 Stafford Road on a property located behind a row of residential properties. She has lived at the property for a long time, as has her partner and the Councillor’s sister. That property is accessed from the Stafford Road. The development at the site would be accessed via Westlands Road and from there the Stafford Road (it is possible to turn right out of Westlands Road, but I have assumed for these purposes that a substantial number of journeys would access the Stafford Road at this point).
8. The Councillor attended the arranged site view and was a member of the planning committee determining the application when the committee sat on 24 April 2018. The

proposal was the subject of a detailed officer report which recommended conditional approval. In the event the committee decided to defer consideration of the application so that Members' concerns regarding the access and public footpath safety, and queries regarding the County highways officer's report could be addressed.

9. During the course of the meeting the Councillor proposed that the planning application should be rejected. No other councillor seconded that motion and it fell. However, it is clear from the minutes that a number of councillors had reservations about approving the application at that meeting, hence the deferral.
10. The Complainant's belief is that the Councillor had a closed mind when he attended the planning committee meeting and accordingly had pre-determined the application.
11. This belief is based on the fact that Cllr Allen brought with him to the meeting a very detailed, thorough speech setting out his reasons for refusal. The Complainant states that it appeared to him that the Councillor had come to the meeting wanting the application to be refused and giving the appearance of having a closed-mind.
12. The Complainant's further concern is that the Councillor failed to declare a Private Interest in this application on the basis of family members who reside on Stafford Road, Uttoxeter, which is very close to the proposed development site off Westlands Road. The Complainant suggests that this gives rise to a conflict of interest.

Discussion

The Code

13. The Code defines Ordinary Interests in section 6. In my view it is clear that the Councillor had an Ordinary Interest in this planning application. The determination

of the planning application might reasonably be regarded as affecting the well-being and/or financial position of his mother, as a member of his family (as well as his mother's partner and his sister), to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of the electoral ward for the Councillor had been elected.

14. I reach that conclusion based on the location of the site and the close proximity of his mother's address, the nature of the occupation there (long term), the fact that 18 dwellings is not an insignificant amount of development locally, and the clear perception that (amongst other things) local traffic impacts might be anticipated.

15. Accordingly, by paragraph 9.1.2.2 the Councillor ought to have disclosed this Ordinary Interest and should not have participated in the meeting without first seeking a dispensation in accordance with section 11 of the Code.

16. In my view it is clear that this Ordinary Interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest. I take the view that the Councillor ought reasonably to have been aware that test was met having regard to the features of the case I have mentioned above.

The Planning Code

17. The Council also has a specific code to provide further detailed guidance to members in relation to planning matters entitled the Planning Code of Good Practice for Councillors ("the Planning Code"). In paragraph 2.4 the Planning Code sets out when it applies. It includes "[2.4] . . .when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on

less formal occasions, such as meetings with officers or the public and consultative meetings . . . [2.5] If Councillors have any doubts about the application of this Code of Good Practice to their own circumstances, they should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place". I am instructed that the Planning Code applies to all councillors, not just those sitting on the planning committee.¹

18. Section 2 of the Planning Code sets out its aim, the key purpose of planning control and the role of a member of the planning authority (when making decisions). The aim is *"To ensure that in the planning process there are no grounds for suggestion that a decision has been biased, partial or not well-founded in any way"*. The role of the member is *"To make planning decisions openly, impartially, with sound judgment and for justifiable reasons"*.

19. The definition of Private Interest within the Planning Code includes Ordinary Interests as defined in the Code where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest: see para 1.2 of the Planning Code.

20. It follows from what I have already said above that in my view the Councillor had a Private Interest in this matter. That being so, paragraph 4 of the Planning Code

¹ The Councillor suggested to me during interview that the Planning Code might only apply to members of the planning committee. However, it is clear to me that my instructions are correct. The Planning Code confirms that it is based on the PAS Probity in Planning Guide of April 2013 which at various places provides guidance which applies (for example) to ward members. Similarly, there are references in the Planning Code itself which are only consistent with it applying more widely than simply to committee members (see, for example, paras 4.2, 5.5 and 5.7).

required him not to participate in the decision making and to take other steps which he did not take.

21. In my view, by failing to adhere to those requirements the Councillor compromised the aim of the Planning Code and his role as a member of the planning committee.
22. In my view there is evidence of a failure to comply with the Code and the Planning Code. The breaches of the Planning Code, in my view, provide evidence of failures to uphold the general principles of the Code relating to Selflessness, Objectivity and Openness. These are issues which will, in my view, tend to bring the Council into disrepute.
23. In my view it is not a criticism by itself that the Councillor attended the meeting with a detailed note. I do not have sufficient detail of the meeting to form a view as to whether his approach might be taken to demonstrate a closed mind. However, what the complaint does highlight is the risk that in cases where an Ordinary Interest exists, interested parties will reasonably look closely at surrounding circumstances to see if they lend support to the suggestion of a closed mind. In my view, this additional criticism does not add significantly to the breaches I have described above. During interview I asked the Councillor to produce the note so that it might be considered. He agreed to check if he still had it and to produce it if he does. As far as I am aware it has not been produced to date.

Complaints 2018-06, 2018-08, 2018-10, 2018-13, and 2018-14

Factual background

24. The complainants are Cllr Lynne Shelton, Mr Michael Jones and Cllr Phillip Hudson.

25. The gravamen of these complaints is the allegation that the Councillor has been lobbying with the Hazelwalls Impact Group (“HIG”), a protest group set up in opposition to the proposed development of land at Hazelwalls Farm, Uttoxeter. It is alleged he has associated himself with the production, publishing and distribution by HIG of a leaflet making inappropriate criticisms of the Council’s actions in relation to the Hazelwalls Farm development. It is said that this association and/or lobbying occurred both prior to January 2018 and after that time, when the Councillor was again a member of the planning committee.² In doing so, the suggestion is that the Councillor made a close association with a minority group so any decision made would have a greater effect to a greater extent than any for the majority of other Council tax payers.

26. The Hazelwalls application was a full application for the “*erection of 429 dwellings, public open space, landscaping, drainage, attenuation areas, access roads and associated works and the demolition of existing buildings*”.

27. The factual points I have made above about the location of the Councillor’s mother’s address (discussed above) is repeated in relation to this planning application, which was for a very substantial number of homes, and also close to that address (the two sites are adjacent if not contiguous).

² In interview the Councillor was unsure as to the date of his re-appointment. He thought it might have been in February or March 2018. This can be checked as a matter of record, but the precise date does not matter for the conclusion of my report.

28. It is further alleged that Cllr Allen has worked with and been part of the HIG. An allegation is made that as a member of Uttoxeter Town Council Cllr Allen has influenced that Council's approach to the Hazelwalls Farm development. Finally, it is alleged that Cllr Allen has politicised the Borough Council's planning process, for political gain.
29. I discussed this matter during interview with the Councillor. The following matters became apparent.
30. The precise location of his mother's address which he indicated to me on a plan which also showed the proposed development.
31. The structure of HIG is that it is a single issue campaigning group. Its membership was variously quoted as being between 100 – 400 individuals. At the meetings described below there would typically be 20-30 people in attendance. Naturally, as the Councillor accepted, they were individuals proposing to pursue objections to the planning application. The meetings were mainly organised and chaired by the two main co-ordinators of the campaign David Lynch and Cedric Bygrave. The purpose of each meeting was to seek to develop and articulate the case against granting planning permission in relation to the site, and by April 2018 seeking to resist any of the development which was outside the settlement boundary. Mr Bygrave was the Councillor's normal point of contact within HIG. Beyond that there was no particular hierarchy to the HIG and so, in my view, the presence of a speaking councillor at a sequence of private meetings of this kind would appear to an objective bystander to be likely to have given him a special significance and likely influence upon those attending.

32. When the Councillor attended meetings he spoke at them. He told me that the tenor of his approach was that, as the site was allocated, development would occur on the site. His approach was to seek to manage the expectations of those present and ensure that development that came forward was fully policy compliant. There are no notes of any of these meetings, so I cannot reach an accurate view about the overall nature of the discussions at those meetings, but I have set out their purpose as the Councillor understood them to be.
33. There were a number of meetings of the HIG between February 2017 and April 2018 to which the Councillor was invited. There were probably about 5 such meetings. He could not recall whether he went to every HIG meeting he was invited to, but accepted he may have done. In my view he probably did attend each such meeting. The meetings were called at every stage when something significant in the planning process had occurred.
34. Each meeting was private in the sense that private rooms were used and only members of the HIG or supporters were invited to these meetings. For example, the meeting of 3 February 2017 took place in a private conference room at a local supermarket.
35. The Councillor did not make any arrangements for officers to take any record of what was discussed at the meetings. He did not tell Sal Khan or the Planning Manager about them. He did not seek to have them arranged by Sal Khan or the Planning Manager. He did not report back to Sal Khan or the Planning Manager in relation to any of the meetings. The Councillor was of the view that officers would have known from about July 2017 that he was attending HIG meetings, but he did not give me

better particulars of precisely which officers he contended would have known and from when.

36. At the HIG meeting of March or April 2018 final versions of the two leaflets which were ultimately distributed by HIG were available for attendees to collect and distribute. The Councillor was of the view he was only aware of Leaflet 1 before that date.

37. Leaflet 1 is entitled *“Your local MP Andrew Griffiths persuades ESBC to ‘call back in’ the Hazelwalls Development”*. It states that 19% of the proposed development lies outside the settlement boundary and calls on people to object. It contends that 68 houses would lie outside the settlement boundary amounting to a total development of 29 units greater than the proposed allocation. The headline point, in red ink, capitalised and in bold is *“Yet more profit for the developer and more revenue for ESBC”*. The leaflet contains the following passages *“At no point did we think [the Council] would completely disregard [the views of]³ your local councillors, the town council, and most importantly you. . . .Take this opportunity to object by 25th April 2018 . . . This development will affect everyone in our town, therefore if you are over 18 and live in Uttoxeter cast your objection . . . Conservative Councillors . . . George Allen are totally committed to bringing this development back in line with council policy. Policy which you voted in favour of. If you need any help of guidance then get in touch . . .”*. The Councillor’s contact details follow immediately thereafter.

38. Leaflet 2 is entitled *“The Hazelwalls Development Has been called in!”*. It appears to have been a single sheet leaflet. In its final form it did not provide contact details for the Councillor or refer to him. The headline point, in red ink, capitalised and in bold

³ I have inferred these words because on my copy of the leaflet this part is illegible.

is *“Yet more profit for [the developer] and more income for ESBC”*. The leaflet contains the following passages *“Take a drive around Uttoxeter, houses shoehorned into the smallest of sites and see what you get for your money!! Do we need another development like this in our town?? . . . Take this opportunity to object by 25th April 2018 . . . This development will affect everyone in our town, therefore if you are over 18 you are entitled to object, we urge you to help stop an unwanted development that will take arable Greenfield land when we have so much arable Greenfield land when we have so much available Brownfield sites stood derelict”*.

39. Draft versions of the leaflets were supplied to the Councillor for his comment. He was not sure in which format but thought it was probably by email. Whilst the Councillor suggested that he may not have seen one of the leaflets prior to its distribution, in my view that is unlikely in all the circumstances.
40. In terms of changes he requested they included that the photo of Mr Griffiths should be removed from Leaflet 1, unless he had specifically consented to it being present. He recalls having a concern about the line in red on Leaflet 2 stating *“Yet more profit for [the developer] and more income for ESBC”*. He accepted in relation to both leaflets that HIG would have given consideration to any further changes he proposed to the leaflets. He accepted that he was back on the planning committee when these events took place.
41. After the production of the leaflets, the Councillor took no positive steps to dissociate himself from their contents.
42. At the committee meeting of 18 July 2017 the Councillor spoke as a ward member, and thus was accorded additional privileges in the debate above a member of the public including not being restricted by the “3 minute rule”.

43. In relation to the leaflets the Councillor's main point to me was that nothing indicated he endorsed the messages in the leaflets.

Discussion

The Code

44. For materially the same reasons as discussed above in relation to complaint 2018-05 I consider that the Councillor had an Ordinary Interest which required to be declared. In failing to do so he breached the Code.

45. Further, for the reasons set out below I consider he had an Ordinary Interest in HIG by reason a close association with that group. In relation to that matter he also failed to declare the matter and take appropriate steps.

The Planning Code

46. As set out above, the code applies to councillors generally in dealing with planning matters, and not simply to members of the planning committee.

47. In my view the Councillor's conduct provides evidence of a sustained breach of this code. Section 6 of the Planning Code deals specifically with contact with applicants, developers and objectors.

48. The code requires that councillors should not agree to private meetings with (amongst others) groups of objectors where they can reasonably be avoided. In my view, the private meetings could reasonably have been avoided in this case. The Councillor did not set out any good reason why that could not have been done.

49. The code requires that any such meeting should never be arranged by the councillor themselves but should request Sal Khan or the Planning Manager to organise it. That was not done. The reasons for ensuring such protection are spelt out in paragraph 6.2 of the code.
50. Paragraph 6.3 requires councillors to report to Sal Khan or the Planning Manager any significant contact with parties interested in a planning application, explaining the nature and purpose of the contacts and their involvement with them, so that it can be properly recorded. The Councillor has not disclosed any notes made at these meetings. It does not appear that he considered the application of paragraph 6.3.3 of the code.
51. Lobbying by councillors is dealt with in sections 7 and 8 of the Planning Code. By paragraph 7.2 councillors are reminded that the overriding duty is to the whole community not just the people in their ward and, taking into account the need to make decisions impartially, that they should not appear to improperly favour any group or locality. By paragraph 7.4 lobbying correspondence received by a councillor must be passed on to Sal Khan or the Planning Manager at the earliest opportunity. By paragraph 8.1 councillors should not lead or represent an organisation whose primary purpose is to lobby to promote or opposed planning proposals. Within paragraphs 8.1 and 8.2 a clear distinction is drawn between single issue protest groups and general interest groups.
52. In my view the sequence of events I have described above provides evidence of failure to comply with paragraphs 4.2.1, 5.7, 6.2, 6.3.2 and 6.3.3, 7.2, 7.4 and 8.1 of the Planning Code.

53. In relation to paragraphs 7.2 and 8.1 I bear in mind the facts that would be taken to be known by the reasonable observer judging this matter. In particular that the Councillor attended a sequence of private HIG meetings as a councillor, that he spoke on each occasion, that drafts of at least one of the leaflets was provided to him, that he did not seek to dissociate himself from either of the leaflets, and that his contact details were attached to Leaflet 1 in a way that, in my view, would have given the reasonable observer to think that the Councillor supported the statements made in that leaflet. In my view the Councillor is wrong to think that a reasonable observer would not have taken the presence of his details in context as implicitly describing his support for opposition to the proposal. The reasonable observer would be taken to be aware of the contents of the Planning Code.

54. I take the view that the headline message in Leaflet 1 (which was, to my mind, materially the same as that in Leaflet 2) was therefore one which a reasonable observer would have taken to be supported by the Councillor. In my view that headline did convey the message that the further revenue (or income) for ESBC might be inappropriately influencing the judgment of the Council upon the planning application. Such an allegation has an obvious risk of bringing the Council's decision making into disrepute.

55. In my view the totality of the Councillor's involvement with HIG suggests that he did have a close association with that group for the purposes of considering whether, for that additional reason, he had an Ordinary Interest in the business of the Council when it was deciding this planning application. Almost by definition, the decision in relation to Hazelwalls would reasonably be regarded as affecting the well-being or

financial position of the members of HIG to a greater extent than it would affect the majority of others within the electoral ward.

The Councillor's comments on my draft report

56. The text above represents the draft report sent to the Councillor with minor typographical and factual corrections. By email dated 18 October 2018 the Councillor suggested some 21 corrections or matters for consideration on my draft report. I have provided with this document a numbered version of those suggestions so that my comments below can more readily be followed. The Councillor also provided a "Timeline" document for consideration.
57. Where the matters raised were typographical or factual corrections and I have accepted them I have not mentioned them below. Equally, some of the comments had (not surprisingly) a degree of overlap or related to matters which I did not consider important to my preliminary findings. In those cases I have not dealt specifically with individual comments, but I have considered them all.
58. In comment [1] the Councillor seeks to argue that he did not have an interest such that paragraph 9.1.2.2 of the Code or the definition of Private Interest at 1.2.2 of the Planning Code could apply in relation to 20 Stafford Road. The substance of these points was made during our meeting. I do not accept them. I find it surprising that a person with experience of sitting on the planning committee could conclude as the Councillor does in his response; especially in light of his acceptance that traffic generated by the proposal is likely to travel via Stafford Road.
59. The fact that those advising on highways may not have reached the conclusion that additional mitigation measures were required at the junction with Stafford Road does

not answer the point about public perception. It is hardly unusual to find a situation where members of the public residing near a development site voice genuinely felt concern about increasing traffic numbers, but are informed that in light of present national policy those concerns/impacts are not sufficient to warrant mitigation or refusal of the application. Equally, as a general rule people's wellbeing is taken to be capable of being affected by having a significant construction site close to their existing dwelling. It does not matter for these purposes whether or not such issues are in law capable of being material planning considerations. Indeed, the concern in relation to decision making where a Private Interest exists may be precisely that, whether articulated in this way or not in public, a decision maker or councillor allows irrelevant considerations to affect their judgment due to their connection to the area.

60. As to [6] and [7] I am satisfied that the contents of my draft report are accurate. The report, and my conclusions, proceed on the basis that the Councillor probably attended 5 HIG meetings over the relevant period. As I understand the Councillor's response, he accepts he did attend 5 meetings.

61. It was necessary to deal with these issues at some level of generality as the Councillor did not have access during the meeting to the notebook in which he recorded all of these matters. It is that notebook upon which, as I understand it, the Timeline document has been created. I note that the Timeline gives dates for 4 meetings of HIG attended by the Councillor (3 Feb 2017, 15 Nov 2017, 23 Nov 2017, 12 April 2018).

62. The comments made at [8] do not dissuade me from my view that these were indeed private meetings in the relevant sense of that word. I have not been provided with a copy of the notice the Councillor refers to or told the wording of what it said. I note

that was not something the Councillor relied upon during our meeting. The substance of his responses is recorded above.

63. At [9] the Councillor has provided some additional details in relation to contact with officers about “*the contact*” he had with HIG, but in my view there is nothing mentioned there that appears to amount to compliance with the procedural rules I have identified.
64. I note comment [10]. As I concluded in my draft report, I think it is unlikely that only one of two key leaflets was distributed to the Councillor for consideration.
65. As to [13] and the points about the Councillor’s interest in the planning applications, in my view the points made in relation to the planning application for 18 units must apply all the more strongly in relation to the planning application for some 429 dwellings on adjacent parcels of land. I would note again my surprise that, even in relation to an application of this size, the Councillor continues to argue that no relevant interest arose; especially in light of the argument advanced by the Councillor in his response that “*The fact is that the loss of property value and reduction in well-being, if any, would be proportionate to how close you live to the development . . .*”.
66. Turning to HIG, I do not accept the propositions in the Councillor’s response and refer back to my original reasoning above. The *raison d’etre* of HIG was to protest against development on a particular parcel of land. The suggestion its members did not, by and large, stand to be affected to a greater extent than the majority of Uttoxeter residents needs to be seen in that light. I concluded that the Councillor did form a close association with HIG by the totality of his conduct.

67. It is a feature of the Councillor's observations that he seeks to justify or explain his lack of compliance with the code (as I find) by reference to the actions of others. For the purposes of this report, I am investigating only the complaints made against the Councillor. Comment [13] provides an example of that, but there are others.

68. As to [14] I note with concern that the Councillor's approach to the "Planning Code of Good Practice for Councillors" (to give the document its full title) appears to proceed in the following way:

- a. Wherever (as it commonly does)⁴ the Planning Code uses the word "*should*" that is simply guidance;⁵
- b. It is open to members, without taking any specific guidance from officers, to depart from any such provisions in the Planning Code, according to their own judgment on issues such as whether the planning process itself would be "*put . . . in jeopardy*".
- c. The Councillor's response appears to imply that he could properly have had 5 private meetings with HIG without any breach of the Planning Code (or the Code) if, in his judgment, that would not place the planning process in jeopardy.⁶

69. As to [15] it plainly cannot matter for the application of the Planning Code and the Code whether or not the first suggestion of private meeting comes from the relevant

⁴ See paragraphs 5.7 (affecting 5.7.1, 5.7.2 and 5.7.3), 6.1, 6.2, 6.3 (affecting 6.3.1, 6.3.2 and 6.3.3), 6.4 (affecting 6.4.1, 6.4.2, 6.4.3 and 6.4.4), 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 8.1, 8.3, 9.1, 9.2 (affecting 9.2.1 and 9.2.2), 9.3, 12.1, 12.2, 12.5, 12.6, 12.7, 13.1, 13.2, 13.3.

⁵ Apart from the numerous references to "*should*", a powerful example may be paragraph 12.2 "*Councillors should come to meetings with an open mind and demonstrate that they are open-minded*" (my emphasis).

⁶ And, of course, if the Planning Code operates in that way it must apply the same way both to experienced and relatively inexperienced members, and experienced and relatively inexperienced members of the planning committee itself.

councillor or from the campaign group. The point of the code provisions is to prevent members making arrangements to attend such meetings. If such meetings are going to happen at all, it is the function of officers to ensure that the requisite protections are in place. The rest of comment [21] does not contain adequate particulars for me to comment specifically; but it does in general perhaps indicate the caution officers took to this matter.

70. At [16] the Councillor suggests that according to paragraph 6.3 of the Planning Code 6.3.3 does not apply to meetings with residents or groups of objectors. I disagree. It is plain reading section 6 as a whole that the “*other parties*” referred to in 6.3.3 is intended to cover parties such as those specifically identified in the paragraph before (6.2). Nor do I agree with the Councillor’s restrictive interpretation of provisions 7.2, 7.4 or 8.1 [17].

71. As to [18], as my draft report pointed out, I have described the sequence of events which in my view led to the various breaches identified. Without taking away from the detail of my draft report above, I would make the following points. It is the presence of the Private Interest, arising for the reasons I have described, which leads to the breach of paragraphs 4.2.1 and 5.7. As to paragraphs 6.2 and 6.3.3 that relates to the private meetings held by HIG at which, on my findings, the Councillor attended and spoke at, without complying with the procedural requirements (and the meetings were, in my view, reasonably capable of being avoided in any event). As to 7.2 and 7.4 it is clear that in his association with HIG the Councillor received lobbying material including the draft Leaflets. The failure to follow paragraph 8.1 arises from the close association with HIG and the production and distribution of the Leaflets.

72. As to [21] the advantages to HIG of it having supportive local members who are giving the appearance of backing the campaign, and its central messages, is obvious. So too, is the advantage clear from the idea that those with points they wish to raise can contact the identified members, who can then (on the publicised literature) be assumed to be supportive in those conversations of the position taken by HIG on the planning application. As to Openness, the use of private meetings without complying with express written council procedures for protecting the reputation of councillors and the Council itself clearly provides evidence of a failure to comply with that principle. The Objectivity that needs not just to exist, but to be seen to exist, in all councillors, is compromised by the appearance of a close association with a group campaigning for a particular outcome in a substantial planning application. In my view that is what the Councillor allowed to happen in this case.

Conclusion

73. In my view there is evidence of a failure to comply with the Code and the Planning Code. The breaches of the Planning Code, in my view, provide evidence of failures to uphold the general principles of the Code relating to Selflessness, Objectivity and Openness. These are issues which will, in my view, tend to bring the Council into disrepute.

74. The Councillor's observations on my draft report have not caused me to change my preliminary conclusions in those respects, for the summary reasons I have set out above.

75. In my view the provisions of paragraph 3.10 of the Code do not materially add to the conclusions I have reached above.

WAYNE BEGLAN

CORNERSTONE BARRISTERS

3 DECEMBER 2018