

You should note from the draft report I have responded to certain paragraphs my points of view and I asked the Investigator to consider these points before he reached his conclusions with regard to breaches with the Code and Planning Code of Conduct.

Paragraph 58 Final Report, Ordinary interest.

The investigating officer has concluded that I had an Ordinary Interest in planning application P/2Q17/00555 which I should have declared.

For me to have a personal interest in the P/2017/00555 planning matter, the reasonable person looking at this case would have to agree on the balance of probabilities that a decision made in relation to P/2017/00555 planning matter by ESBC would affect the wellbeing or financial position of the inhabitants of 20 Stafford Road to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward for which the Councillor has been elected.

How do the inhabitants of 20 Stafford Road stand to lose or gain either financially or how does it affect their wellbeing? This is surely the first test before considering whether inhabitants of 20 Stafford Road are at an advantage over the majority of other council tax payers, ratepayers or inhabitants of the electoral ward for which the Councillor has been elected.

The location of 20 Stafford Road is not a material planning consideration. Both properties are entirely obscured by a row of houses and while I accept that the traffic generated by P/2017/00555 is likely to travel via Stafford Road, the junction with Stafford Road is highly unlikely to cause significant congestion such that could affect the wellbeing or financial standing of the inhabitants of 20 Stafford Road. This is backed up by the fact that there are no alterations planned to the junction with Stafford Road as a result of this application and further to this the planning officer states in the report "there will be no significant negative impact on the road network or highway safety arising from the proposal."

I do not believe the reasonable person would conclude that P/2017/00555 would affect the wellbeing or financial position of the inhabitants of 20 Stafford Road. Inhabitants of 20 Stafford Road do not stand to lose or gain financially from such decisions relating to P/2017/00555, nor do these decisions affect their wellbeing. I don't believe the inhabitants of 20 Stafford Road stand to lose or gain more or less than the average Uttoxeter resident.

The fact is that there are many other residents living closer to the application that will be affected far greater than those of 20 Stafford Road. I therefore contest the investigating officers finding that I have failed to declare this ordinary interest because inhabitants of 20 Stafford Road could not benefit from my position any more than any other resident that lives closer to the application and also that there is no factual indication that there would be a benefit, either negative or positive to them.

In short, whilst the application is close in proximity to 20 Stafford Road the application itself does not affect inhabitants of 20 Stafford Road.

Even if you conclude it does affect inhabitants of 20 Stafford Road, the application would equally affect inhabitants of other residents in the same close proximity.

Part 5a Para 6.1 sets out that a member has an ordinary interest if a member of the Councillor's family would be affected "to a ***greater extent*** than it would affect the majority of other council tax payers"

Paragraph 73 – 74 Final Report, Conclusion

In the Investigators Final Report he has concluded, in his view, that I have breached both codes in relation of the failure to uphold the general principles of Selflessness, Objectivity and Openness.

In terms of the Investigators final report (paragraph 73) he has concluded that 'in his view there is evidence of a failure to comply with the Code and Planning Code. The breaches of the Planning Code, in his 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 his view, tend to bring the Council into disrepute.

This same mention was in the draft report paragraph 56 and it is in paragraph 21 of my response to the draft report that I asked the Investigator to consider the following comments:

Selflessness- "Councillors should act solely in terms of the public interest."

Could the Investigator confirm what advantage or disadvantage has been conferred?

What advantage was conferred to HIG by attending meetings with objectors and putting my contact details on a leaflet?

What disadvantage was conferred on the complainants?

Surely it is fair to explain what advantage or disadvantage has been conferred?

Investigator's response – 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 published literature) be assumed to be supportive in those conversations of the position taken by HIG on the planning application.

My response – So are Councillors to never to stand against something with residents?

All residents of any ward should, as they have been elected, have supportive local members. I question the allegation that I gave the appearance of backing the campaign and its central messages as it was explained to both residents and the Investigator that as I had voted for the Local Plan the tenor of my approach was that the site was allocated and that development would occur on the site, a point made clear with residents in February 2017. However, I also gave mention that my approach was to seek to ensure any final proposal was fully policy compliant.

In terms of the published literature; I informed the Investigator that I had not endorsed the first leaflet nor does the leaflet suggest that I have endorsed it, nor that I was a member of the HIG this was also indicated to the Monitoring Officer in response to all three complaints. I did however agree to my contact details being printed on Leaflet 1 (which forms part of complaint number 2018-07) and the words read "Conservative Councillors Sue McGarry and George Allen are totally committed to bringing this development back in line with Council Policy. A Policy which you voted for". I did not agree or even see the other two leaflets that have accompanied complaint numbers 2018-09 and 2018-12 furthermore my personal email address is sited on one of these leaflets which I would have definitely not agreed to.

Openness – "Councillors must act and take decisions impartially, fairly and on merit using the best evidence and without discrimination or bias."

What occasion required me to make a decision as a councillor?

My opposition to the planning application is because it is in my view against the local and neighbourhood plan not based on the arguments put forward by one group. My comments against the application were based on policy.

I asked the Investigator 'what information had I withheld' as I had indicated that as Ward Councillor, I did not speak at any committee meeting after the leaflets were published. Residents invited me to a meeting in February 2017 and this was the first I attended along with three other Councillors and that this meeting was disclosed to officers of ESBC by Cllr Greg Hall. I also made mention that I had been to other meetings with senior officers and a Cabinet Members at ESBC all of which were fully aware of the contact I had with HIG.

Investigators response – 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.

My response – Unfortunately the Investigator makes no mention in his final report of all the meetings as disclosed in my observations on the draft report paragraph 6. In terms of 'private meetings' I revert back to my observations of the draft report paragraph 6 and my subsequent comments. I will reiterate I did not call the meetings, I was invited to attend by residents as their Ward Member, they took place in a community room within a local supermarket where meetings were highlighted on a notice board for all members of the public to see and attend. ESBC officers were informed that the meeting took place.

Objectivity – "Councillors should act and take decisions in an open and transparent manner, information should not be withheld from the public unless there are clear and lawful reasons for doing so."

Again, what occasion required me to make a decision as a councillor? What information did I withhold?

I did not speak at any council meeting after the leaflets were published. I attended a meeting in February 2017 which was disclosed. I also attended meetings with other senior officers at ESBC and cabinet members of the council all of which knew about my contact with HIG. How have I not been open?

I opposed the planning application as it was against the local and neighbourhood plan not based on the arguments put forward by one group. The arguments that were put forward by the HIG were far more opportunistic and less objective. My comments at the planning meeting in July 2017 were based on policy.

Investigators response – 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 his view that is what the Councillor allowed to happen in this case

My response – The Investigator has concluded that I had a 'close association' with HIG (paragraph 66 of the final report) however I would add that the initial meeting with residents in February 2017 was disclosed to officers and that was the only meeting that took place until after the planning committee meeting in July 2017, surely that one meeting does not amount to a close association which I should have disclosed and then withdrawn for?

In order to have a personal interest in the Hazelwalls planning matter, the reasonable person looking at this case would have to agree on the balance of probabilities that a decision made in relation to the Hazelwalls planning matter by ESBC would affect HIG's wellbeing or financial position to a **greater extent** than the majority of Uttoxeter residents.

HIG does not stand to lose or gain financially from such decisions about Hazelwalls, nor do these decisions affect its wellbeing. If the complainant is referring to the people in the HIG group, I don't believe these people stand to lose or gain more or less than the average Uttoxeter resident. 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, rather than whether you are a member of the HIG.

Before this test is applied surely the first test is whether or not I have close association with HIG.

As has been established I initially attended a meeting organised by the HIG group as part of my role as a ward councillor, to advise them on what to expect moving towards the committee meeting in July 2017. This first meeting which I attended was on 3rd February 2017, after this date I did not attend another HIG meeting until after the committee meeting on 18th July 2017, nor did I have contact with the group that would suggest or imply a close association. Indeed officers at ESBC were made aware of the meeting via Cllr Greg Hall (Planning Chair at that time) prior to it taking place on the 3rd February 2017.

It should be abundantly clear to the reasonable person that between February 2017 and July 2017 there was certainly absolutely nothing to suggest I had an ordinary interest to declare other than a first meeting with the group which was reported to officers.

The obvious indication that there was nothing to declare at the planning meeting in July 2017 was the fact that Cllr Gregg Hall, a planning committee member, did not declare his involvement with HIG either even though officers were aware of his involvement with the HIG meeting of February 2017. At no point through the proceedings on 18th July 2017 did the officers make the committee aware of this HIG meeting which took place in February 2017. Therefore officers must not have thought it necessary to register this contact which Cllr Greg Hall, Cllr Sue McGarry, Cllr Phil Hudson and I all share.

It would be unfair to assert on the one hand that I have failed to disclose this contact which I had with HIG in February 2017 and then on the other hand to say that it was not necessary for Cllr Greg Hall to disclose his contact with HIG and to accept it was not necessary for the officers to register this contact when commencing proceedings at committee. Either I should have declared this meeting and so should Cllr Greg Hall and officers or as was the case it was not necessary to declare thus proving my point.

In conclusion in stating my case I would put it to committee members of the standards committee that if you are asked as ward councillor to represent your residents with any council issue would you refuse?

I was honest to the members of the HIG in the first instance in that this particular planning application was within the Local and Neighbourhood Plan, a plan that I voted for in Council in October 2015 and would therefore be developed in some form or another.

I was honest to officers and cabinet members who I spoke to with regard to this application and brought to them issues HIG had with parts of the development. I asked for their guidance and advice in all meetings I attended and at every meeting I always made a point of asking if I could share information that was offered to me.

I was honest when I spoke at the planning committee in July 2017 and remained steadfast that I supported planning policy.

I can honestly say that I did not allow my contact details to be used on the first leaflet as a political gain in fact quite the contrary I allowed this to happen to inform the residents of Uttoxeter to contact me should they wish to understand the application further.

It is interesting that although the Hazelwalls application was heard in July 2017 and despite various meetings with officers, senior officers and cabinet members that at no point was I ever informed that I was breaching either the code or planning code of conduct by offering my support to HIG.

In my role as Ward Councillor in terms of this application I have endeavoured to help, support and guide the residents as best I could.