

## **WRITTEN RESPONSE TO THE FINAL REPORT FROM THE INVESTIGATOR**

As you will note from the original **draft report** I have highlighted in red 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.

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

Out of the 27 observations I made to the original **draft report** 12 of these points have not been taken into consideration whether they were typographical or factual corrections which include the date we met to compile the said report, other Councillors involvement with the leaflet, my non-attendance at the Uttoxeter Town Council meeting, my non-involvement with the second leaflet which also includes no mention of my name or contact details and the date change of the committee meeting where I spoke as ward councillor. The Investigator has also not noted the following observations I have made: numbers 19, 25 and 26 in his **final report** with regard to breaches of the planning code, in terms of the leaflet and private meetings also the wording within 'Leaflet 1'

In terms of the Investigators **final report** (paragraph 51) he has concluded that *'in my 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 31) and it is here that I asked the Investigator to consider the following comments:

*Selflessness – Could the Investigator confirm 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 – All residents of any ward, should as they have been elected, have supportive local members. However I will question the allegation that I gave the appearance of backing the campaign and its central messages as it was explained to both HIG and the Investigator that (and is further mentioned in his **draft and final report** both in paragraph 13) 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. 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, something to which I would definitely not have agreed.

*Openness – Again I asked the Investigator 'what information I had held' as I had indicated that as Ward Councillor, I did not speak at any committee meeting after the leaflets were published. HIG 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 Member at ESBC all of whom 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** in paragraph 16 and paragraph 31. In terms of 'private meetings' I refer back to the **draft report** (paragraph 15) and my subsequent comments and then to the **final report** (paragraph 43). I will reiterate I did not call the meetings, I was invited to attend by the residents as their Ward Member, the meetings 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.

*Objectivity – I asked the Investigator through my observations what decisions I had made. 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 argument that was put forward by the HIG was 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 24 of the **final report**). However, I would add that the initial meeting with HIG 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 from?

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 a 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, although I admit I did not realise that all councillors are required to notify officers of their attendance at such meetings.

It should be abundantly clear to the reasonable person that between February 2017 and July 2017 there was 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 George Allen, 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.

## **IN CONCLUSION**

**In conclusion within this written response 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 from the very beginning in that the Hazelwalls site was within the Local and Neighbourhood Plan for development, a plan that I voted for in Council in October 2015 and would therefore be developed in some form.**

**I was honest to officers and cabinet members to whom I spoke 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 the information being 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 to the best of my ability.**