

Standards Committee

23rd April 2016

1.0 Case Study for Standards Committee 23rd April 2016

- 1.1 The allegations relate to Councillor X's conduct in respect of two planning applications submitted by Mr.G; one in relation to The Bulls Head Public House site and the other the Jones's Farm site, both in Blankshire. I have also considered the related complaints by Mr.G and Ms. J.
- 1.2 In the case of both planning applications, Blankshire Parish Council was consulted for views prior to determination by Dune City Council, the local planning authority.
- 1.3 In respect of The Bulls Head, there are two distinct issues. Firstly, it is alleged that Councillor X entered the site without consent following a formal site visit by Dune City Council. The second issue in respect of The Bulls Head relates to Councillor X's behaviour in respect of the planning application for the site's redevelopment.
- 1.4 In respect of the allegation concerning Jones's Farm, it is alleged that Councillor X's persistent arguments relating to alleged irrelevant and sometimes erroneous considerations breached the code of conduct.

2.0 Councillor X's Official Details

- 2.1 Councillor X has been a Blankshire Parish Councillor for approximately 6 years. He is a landowner himself in the locality.

3.0 The Relevant Code

- 3.1 Blankshire Parish Council has adopted a Code of Conduct in which the following paragraphs are included:
- "Provide leadership to the Council and communities within its area by personal example"
 - "Not conduct yourself in a manner which is likely to bring the Council into disrepute"

- "Use your position as a Councillor in the public interest and not for personal advantage"
- "Exercise your own independent judgement, taking decisions for good and substantial reasons by –
- Attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups,
- Paying due regard to the advice of Officers and in particular the advice of the Statutory Officers
- Stating the reasons for your decisions where the reasons are not otherwise apparent.
- "In your decisions and actions apply the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and, as far as reasonably possible, assist the Council to act within the law."

4.0 The Allegations

4.1 The matters complained of against Councillor X by Mr G and Ms. J are:

- A. Councillor X allegedly trespassed on Mr G's land at "The Bulls Head Site" and his actions in doing so constituted a breach of the Code of Conduct
- B. Councillor X's behaviour and voting at the Parish Council's deliberations on The Bulls Head planning applications allegedly constituted a breach of the Code of Conduct
- C. Councillor X's behaviour and voting in respect of the Jone's Farm planning application allegedly constituted a breach of the Code of Conduct.

5.0 The Background To The Complaints

The Bulls Head

- 5.1** The background to the allegations relating to The Bulls Head planning application is that following approaches by some of the local Blankshire community, Mr.G purchased The Bulls Head at an auction in 2009. At the time the former public house had been closed for some time and following extensive consultations including with the Dune City Council and Blankshire Parish Council, a planning application was submitted in 2010 for a restaurant, retail units and an equestrian centre.
- 5.2** The Parish Council were consulted on this planning application and unanimously agreed to support the application. Dune City Council, however, requested that the description of the development be amended to refer to "Equestrian Show Centre" as opposed to "Equestrian Centre". Other than this change, there was no change in the application. Councillor X therefore initially supported this application. He was of the opinion that the application involved a "riding arena" for local people.
- 5.3** Nevertheless, the planning application was referred back to the Parish Council at which point the Parish Council requested a traffic survey. The Highways Authority had no objection to the planning application following receipt of the traffic survey but the Parish Council decided to object because of concerns about traffic with Councillor X being one of those Councillors voting to object. It was only when the description of the development was changed that Councillor X's view changed as he thought that this now implied this was to be a far larger operation.
- 5.4** On 11th May 2012 the planning application was considered by the Planning Committee of Dune City Council. Councillor X was present and spoke against the application on behalf of Blankshire Parish Council. The Planning Committee deferred the application for a site visit.

- 5.5** Councillor X attended the site visit where Mr G had provided a "mock up" of the proposed development. Councillor X felt that the "mock up" did not accurately reflect the full size of the proposed development. Planning Officers were present at this site visit. A few days after the formal site visit Councillor X returned to the site with a fellow Parish Councillor, Councillor C but was asked to leave by Mr G. The evidence is that Councillor C left immediately but that Councillor X stayed and spoke to Mr G. A heated conversation ensued and it is alleged by Mr.G that Councillor X said Mr.G was "trying to pull a fast one" and saying to him "no way you are getting planning permission".
- 5.6** Councillor X alleged that he had permission to be on Mr G's land. Mr G states that at the time Councillor Hart said he was on the site "officially on behalf of the Parish Council" and then "on express permission of Peter James" (the relevant Director at Dune City Council).
- 5.7** Councillor X stated in his evidence that Peter James had told him at the official site visit that he, Councillor X, could go back to re-measure. This was subsequently denied by Peter James when Councillor X contacted him.
- 5.8** Subsequently the planning application for The Bulls Head was refused by Dune Council on the grounds of visual intrusion in the countryside.
- 5.9** Following the refusal, Mr G spoke to Dune City planners and submitted a revised application. This revised application was considered by Blankshire Parish Council at its meeting on 16th December 2012 and again the Parish Council decided to object to the application with Councillor X amongst those voting for objection. In commenting on the application Councillor X said he opposed the application on policy grounds, because of increased traffic and because of the sprawl of the proposed development. He also said that the owner would be applying for an "Asda foodstore" to be put up on the site next and that the development was too large in fact it was as big as a supermarket. He said as a local landowner such developments could affect local property values if this went ahead. Mr.G alleged that Councillor X had already made his mind up on the application before it went forward. He had also seen him shake hands with and speak to an objector to the application prior to the meeting and he believed that they were friends.

- 5.10** This revised application was approved by Dune City Council in April 2013.
- 5.11** After the planning Committee Meeting, Councillor X posted on Facebook, that “the Councillor’s who approved Jones’s application were a bunch of Numpties, and shouldn’t be put in charge of newsstand, let alone complex applications they did not understand”.

6.0 Jones's Farm

- 6.1** The background to the Jones's Farm planning application is that in 2012 a planning application for a hay barn at Jones's Farm came before the Parish Council. Mr G had applied for a new hay barn five times on land he owned at Jones's Farm but without success. Then, following advice from Dune City Council planning officers, an application was made for the conversion of an existing piggery to a hay store. The application was not determined at first due to a problem with supporting papers. Mr G, however, had proceeded with the conversion. This led to Dune City Council receiving a complaint and a pre-enforcement letter being sent out.
- 6.2** Mr G then resubmitted the application in identical terms (the original application had been unanimously supported by the Parish Council). Yet when the application was resubmitted, the Parish Council deferred their consideration and requested further information.
- 6.3** During the discussion of the Jones's Farm planning application at the Parish Council, Councillor X raised a number of issues which he felt should result in the planning application being refused.
- 6.4** Ultimately, the Parish Council supported the Jones's Farm application but with Councillor X one of those opposing the application. Councillor X subsequently posted on Facebook, “this decision goes beyond stupidity it was politically motivated and carved up by opposition councillors prior to the meeting, the legal advice to the meeting was given by that bald headed git of a lawyer. I know more about the law than he does”. The lawyer was a lawyer from the planning team. He also repeated the allegation about the influence of politics in this planning decision in an election campaign leaflet.

6.5 Mr.G has submitted a complaint to the Monitoring Officer. Peter James, Dune City Council has complained to the Monitoring Officer. Ms.J has submitted a complaint about the Facebook entries.