



CODE OF CONDUCT FOR MEMBERS: DECISION NOTICE: NO ACTION

Complaint Reference PN/JH/2019

Complaint

A Complaint has been received by the Council from Mr Paul Needham concerning the alleged conduct of Cllr Julia Hayhurst, a Member of Marchington Parish Council and the Chairman of that Council.

The Complaint has two elements: the first concerns a leaflet distributed in Marchington; the second relates to a letter from Marchington Parish Council to the Planning Department at East Staffordshire Borough Council.

The Complainant explains that the leaflet was put through the letterboxes of all houses in Marchington and it stated that "comments are currently being welcomed on Planning Application P/2019/00655". The planning application referred to was one which the Complainant had submitted to the Local Planning Authority in respect of his pub, the Dog and Partridge. It was not apparent from the contents of the leaflet who had drafted or circulated it and the Complainant's wife therefore contacted Cllr Hayhurst to ask if she knew. I have seen Cllr Hayhurst's email in response in which she explained that the Parish Council was responsible, the leaflet had been prompted by enquiries from residents who had asked where they could find details of the application. Cllr Hayhurst also explained that the Parish Council had made the conscious decision not to put its details on the leaflet as it was intended to be for information purposes and the Parish Council wished to avoid influencing parishioners one way or the other as far as the planning application was concerned.

The Complainant says that by virtue of the Parish Council's decision not to publish its name on the leaflet Cllr Hayhurst has not acted in an open and transparent manner and she has breached the following parts of the Parish Council's Code of Conduct for Councillor: paragraphs 3.9 and 3.10; and General Obligations 3,4,5,6,and 7.

The second element of the Complaint concerns the Parish Council's letter to East Staffordshire Borough Council's Planning Department, dated 3rd July 2019 and sent in opposition to the Complainant's planning application. The Complainant is of the opinion that certain elements of the letter are defamatory. At this section of his Complaint the Complainant also refers to an agenda item relating to an item of business at the 6th August meeting of the

Parish Council. The agenda item was brought by Cllr Hayhurst and was entitled "Asset of Community Value" which the Complainant has interpreted to pertain to the Dog and Partridge Pub (although I do not have evidence to support this). The Complainant alleges that the contents of the letter and the agenda item place Cllr Hayhurst in breach of paragraphs 3.1; 3.4; and 3.9; and General Obligations 3; 4; 6; and 7 of the Code of Conduct.

The Complaint has been considered in accordance with the Standards Committee Complaints Procedures.

Decision

Having consulted with the Independent Person, I have decided that no action should be taken on the allegations.

Reasons for decision

I am of the opinion that there has been no breach of the Code of Conduct. It is usual practice for a Parish Council to draw residents' attention to planning applications in the area and I accept the explanation of Cllr Hayhurst in her email to the Complainant's wife, in answer to the query why the PC hadn't attached its name to the leaflet circulated to residents - namely this was intended to be informative but neutral. Planning notices are posted only in the immediate vicinity of an application site, they may not come to the attention of many people and it is natural that the Parish Council would have wished to ensure that as many people as possible were aware of the means by which they could comment on an application involving the change of use of a prominent community venue such as this pub.

Similarly, the contents of the Parish Council's objection letter are not out of the ordinary. Perhaps not all of the matters raised are material planning considerations but those would have been disregarded by the Local Planning Authority in any case.

As I have stated above, I do not have evidence to support the Complainant's belief that the agenda item he mentions did in fact relate to the Dog and Partridge. Any application to list the premises would have to be made to East Staffordshire Borough and I am aware that East Staffordshire Borough Council has not received a nomination to include this pub on the list of assets of community value. In any case, even if the agenda item did refer to the Dog and Partridge, I am not persuaded that Cllr Hayhurst acted improperly by not including the name of the premises on the agenda for the meeting.

If the complainant believes that he has been defamed then he will have his own separate course of action available to him but that is something which falls outside the scope of my remit.

Notice of decision

This decision notice will be sent to the person making the allegation and the Member against whom the allegation was made. The decision will also be reported to the next ordinary meeting of the Standards Committee.

Appeal of decision

There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer.

If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which the complaint had been handled.

Terms of reference and Complaints Procedures

The Terms of Reference of the Standards Committee and its Complaints Procedures are available on the Council's website (www.eaststaffsbc.gov.uk) and from the Monitoring Officer.

Additional Help

If you need additional support in relation to this decision notice or future contact with us, please let us know as soon as possible. If you have difficulty reading this decision notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.

Signed ...*A Wakefield*..... **Date** ...6th September 2019.....

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