



# Standards Sub-Committee (Hearing)

Agenda and Reports

For consideration on

**Friday, 2nd March 2012**

In Committee Room 2, Town Hall, Chorley

At 10.00 am

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02 March 2012

Dear Councillor/Colleague,

## **STANDARDS SUB-COMMITTEE (HEARING) - FRIDAY, 2ND MARCH 2012**

You are invited to attend a meeting of the Standards Sub-Committee (Hearing) to be held in Committee Room 1, Town Hall, Chorley on Friday, 2nd March 2012 commencing at 10.00 am.

### **AGENDA**

1. **Welcome and Introductions by the Chairperson**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Exclusion of the Press and Public**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 7c of Part 1-3 of Schedule 12A to the Local Government Act 1972 as amended by The Standards Committee (England) Regulations 2008.

4. **Report into Alleged Breaches of the Code of Conduct (Pages 1 - 38)**

To consider and determine the report of an investigation under Section 59 of the Local Government Act 2000 into an allegation concerning a Member of Chorley Council.

The report of the Investigating Officer and prehearing summary is enclosed.

A hearing procedure and guidance, produced by the Standards for England, entitled "Standards Committee Determinations" is also enclosed. Please refer to page 6 onwards.

- a) **Findings of fact** (Pages 39 - 80)

To make the findings of fact.

b) Breach of the Code of Conduct

To determine whether there has been a breach of the Code of Conduct.

c) Decision of the Committee

To confirm the decision of the Standards Sub-Committee (Hearing).

Yours sincerely



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**Distribution**

1. Agenda and reports to all Members of the Standards Sub-Committee (Hearing) (Tony Ellwood (Chair) and Councillors Debra Platt and Stella Walsh for attendance.
2. Agenda and reports to Councillor Chris France and Peter Wilson for attendance.
3. Agenda and reports to Chris Moister (Head of Governance), Alex Jackson (Senior Lawyer) and Dianne Scambler (Democratic and Member Services Officer) for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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**Setting the scene**

1. After all the everyone involved has been formally introduced, the Chair will explain how the Committee is going to run the hearing.

**Preliminary procedural issues**

2. The Committee will resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

**Making findings of fact**

3. The Committee will then move on to consider whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
4. If there is a disagreement, the Investigating Officer, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Investigating Officer may call any necessary supporting witnesses to give evidence.
5. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.
6. The Member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
7. At any time, the Committee may question any of the people involved or any witnesses, and may allow the Investigating Officer to challenge any evidence put forward by witnesses called by the Member.
8. If the Member disagrees with most of the facts, it may make sense for the Investigating Officer to start by making representations on all the relevant facts, instead of discussing each fact individually.
9. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Committee will consider whether it would be in the public interest to continue in their absence.
10. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
  - continue with the hearing, relying on the information in the Investigating Officer's report
  - allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary
  - postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if they are not already
11. The Committee will usually move to another room to consider the representations and evidence in private. On their return, the Chair will announce the Committee's findings of fact.

**Did the Member fail to follow the Code of Conduct?**

12. The Committee then needs to consider whether, based on the facts it has found, the Member has failed to follow the Code.
13. The Member should be invited to give relevant reasons why the Committee should decide that they have not failed to follow the Code.
14. The Committee should then consider any verbal or written representations from the Investigating Officer.
15. The Committee may, at any time, question anyone involved on any point they raise on their representations.
16. The Member should be invited to make any final relevant points.

17. The Committee will then move to another room to consider the representations.
18. On their return, the Chair will announce the Committee's decision as to whether the Member has failed to follow the Code.

**If the Member has not failed to follow the Code of Conduct**

19. If the Committee decides that the Member has not failed to follow the Code, the Committee can move on to consider whether it should make any recommendations to the authority.

**If the Member has failed to follow the Code of Conduct**

20. If the Committee decides that the Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Member as to:
  21. whether the committee should apply a sanction
  22. what form any sanction should take
23. The Committee may question the Investigating Officer and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
24. The Committee will then deliberate in private to consider whether to impose a sanction on the Member and,
  25. if so, what sanction it should be.
26. On their return, the Chair will announce the Committee's decision.

**Recommendations to the authority**

27. After considering any verbal or written representations from the Investigating Officer, the Committee will consider whether it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.

# **STANDARDS COMMITTEE DETERMINATIONS**

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## **2 STANDARDS COMMITTEE DETERMINATIONS**

# introduction

This guidance is designed to help members and officers in relevant authorities who are involved in the determination of complaints that a member may have breached the Code of Conduct. It reflects the Standards Committee (England) Regulations 2008 (the regulations). These regulations are mandatory and this guidance must be taken into account by your authority.

It details each stage of the determination of complaints process and offers suggestions for effective practice. In addition, it provides a toolkit of useful document templates that may be used or adapted by authorities as required.

The guide is aimed primarily at members of standards committees and monitoring officers, but will also provide a useful reference tool for all members and officers involved in the determination of complaints.

It applies to:

- district, unitary, metropolitan, county and London borough councils
- English police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Each authority must develop effective procedures to fulfil its legislative requirements. Members and officers involved in the determination of complaints must take this guidance into account when doing so.

Any reference in this guidance to a standards committee includes a reference to sub-committees established to consider a monitoring officer's investigation report and to consider determination hearings. Any reference to the "subject member" is a reference to the member who is the subject of the complaint that the Code of Conduct may have been breached.

# introduction

You can contact the Standards Board for England on **0845 078 8181** or email **[enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)**  
**Regulations**

The Standards Board for England has issued this guidance to reflect the Standards Committee (England) Regulations 2008 (the regulations) in respect of holding determination hearings. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The regulations set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of member misconduct. Under the regulations, standards committees must take this guidance into account.

The regulations do not cover joint working between authorities. The government plans to issue further regulations to provide a framework for authorities to work jointly on the assessment, referral, investigation and hearing of complaints of misconduct by their members.

## Background

The main purpose of the standards committee's determination hearing is to decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take. All complaints that a member may have breached the Code are assessed by the relevant authority's standards committee.

The standards committee must establish a sub-committee (the assessment sub-committee) which is responsible for assessing complaints that a member may have breached the Code. A complainant may make a request for a review of the standards committee's decision where it decides to take no further action on a complaint. The standards committee must establish a review sub-committee which is responsible for carrying out these reviews.

The standards committee should appoint a sub-committee (the consideration and hearing sub-committee) to consider a monitoring officer's investigation report and to hold determination hearings. This sub-committee must be chaired by an independent member of the standards committee.

On completion of an investigation the monitoring officer must make one of the following findings:

- There has been a failure to comply with the Code.
- There has not been a failure to comply with the Code.

They must write an investigation report and send a copy of it to the subject member. Alternatively, where a Standards Board ethical standards officer has completed an investigation and decided that a complaint should be determined by the standards committee, they will refer their report to the monitoring officer.

The monitoring officer must refer the report to the standards committee. A consideration and hearing sub-committee

# consideration meetings

should be appointed to receive and consider such reports.

If the investigator, in their report, finds no failure to comply with the Code of Conduct, the standards committee must decide whether to accept that recommendation. The standards committee must also decide whether it or the First-tier Tribunal should hear the case. This preliminary decision must be formally made and recorded.

A meeting of the standards committee to consider the monitoring officer's investigation report must be convened under Regulation 17 of the regulations. Regulation 8(6) allows the consideration of any information presented for that purpose to be considered as exempt information.

As with all exempt information decisions, the standards committee must decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. When advising on this matter the monitoring officer should consider the effect of Regulation 17(4). This regulation allows the subject member to prohibit the publication of a notice, stating that the standards committee has found that there has been no failure to comply with the Code.

Despite the ability of the subject member to prohibit the publication of a notice, the decision as to whether to maintain an exemption does not always have to result in the public being excluded from a meeting. It also does not always have to result in excluding details of the complaint

from the report sent out in advance of the meeting. In most cases, the public interest in transparent decision-making by the standards committee will outweigh the subject member's interest in limiting publication of an unproven allegation that has not yet been determined.

A member of the standards committee who considers and overturns a monitoring officer's finding that there has been no failure to comply with the Code may participate in a subsequent hearing.

This meeting to consider the monitoring officer's investigation report provides a useful opportunity for the standards committee to consider the potential issues which might arise during the pre-hearing process.

This consideration meeting is separate to the meeting at which the hearing is conducted. If the investigation report finds that there has been a failure to comply with the Code a hearing must take place – unless the standards committee decides that the matter should be referred to the First-tier Tribunal for determination.

# hearings

## Timing of the standards committee hearing

Under Regulation 18 of the regulations, a standards committee must hear a complaint within three months of the date on which the monitoring officer's report was completed. If the investigation was carried out by an ethical standards officer, the standards committee must hear the complaint within three months of the date that the monitoring officer received the ethical standards officer's report.

As with a meeting to consider a monitoring officer or ethical standards officer's report, when the standards committee is convened for a hearing under Regulation 18 it is also subject to Regulation 8(6).

When assessing whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information, monitoring officers similarly need to consider the effect of Regulation 20(2). This allows the subject member to prohibit normal publication of the committee's notice of the finding of no failure to comply with the Code of Conduct.

As before, despite the ability of the subject member to prohibit the publication of a notice, the decision as to whether to maintain an exemption does not always have to result in the public being excluded from a hearing. It also does not always have to result in excluding details of the complaint from the report sent out in advance of the hearing. In most cases, the public interest in transparent decision-making by the standards committee will outweigh the subject member's interest in

limiting publication of an unproven allegation that has not yet been determined.

In most cases all parties will agree that the hearing should take place in public. It is sensible to seek the views of the relevant parties as early as possible to allow for legal advice to be sought if required.

If the standards committee decides that a hearing is appropriate they should give a copy of the report to:

- the subject member
- the clerk of any relevant town or parish council
- the standards committees of any other authorities concerned

The hearing must take place at least 14 days after the subject member receives a copy of the report from the monitoring officer. However, the hearing can be held sooner than 14 days after the member receives a copy of the report if the subject member agrees.

The standards committee may consider the report in the subject member's absence if the subject member does not go to the hearing. If the standards committee is satisfied with the subject member's reasons for not being able to come to the hearing, it should arrange for the hearing to be held on another date.

If the standards committee does not hear the matter within three months of receiving the completed report, it must ensure that the matter is heard as soon as possible after that.

# hearings

## Scheduling a hearing

Except in the most complicated cases, standards committees should aim to complete a hearing in one sitting or in consecutive sittings of no more than one working day in total.

When scheduling hearings, standards committees should bear in mind that late-night and very lengthy hearings are not ideal for effective decision-making. Equally, having long gaps between sittings can lead to important matters being forgotten.

## The pre-hearing process

The purpose of the pre-hearing process is to allow matters at the hearing to be dealt with more fairly and economically. This is because it quickly alerts parties to possible areas of difficulty and, if possible, allows them to be resolved before the hearing itself.

Other than in very straightforward cases, authorities should use a pre-hearing process to:

- identify whether the subject member disagrees with any of the findings of fact in the investigation report
- identify whether those disagreements are likely to be relevant to any matter the hearing needs to decide
- identify whether evidence about those disagreements will need to be heard during the hearing

- decide whether there are any parts of the hearing that are likely to be held in private
- decide whether any parts of the investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' material

The pre-hearing process should usually be carried out in writing. However, occasionally a meeting between the standards committee, the relevant parties and their representatives may be necessary. It is important for the monitoring officer advising the standards committee to consider pre-hearing matters carefully.

Some matters in the pre-hearing process may be decided only by the standards committee or consideration and hearing sub-committee (if one is appointed). Therefore, if it is necessary for the standards committee to meet, they will have to do so formally as with any other council committee meeting. However, it is usually more appropriate for the majority of the pre-hearing process to be dealt with by the monitoring officer or other suitable officer.

## Key points for the pre-hearing process

The officer providing administrative support to the standards committee should write to the subject member proposing a date for the hearing, and they should do this in consultation with the chair of the standards committee.



# hearings

They should also outline the hearing procedure, the member's rights and they should additionally ask for a written response from the subject member within a set time. This is to find out whether the subject member:

- wants to be represented at the hearing by a solicitor, barrister or any other person
- disagrees with any of the findings of fact in the investigation report, including reasons for any of these disagreements
- wants to give evidence to the standards committee, either verbally or in writing
- wants to call relevant witnesses to give evidence to the standards committee
- wants any part of the hearing to be held in private
- wants any part of the investigation report or other relevant documents to be withheld from the public
- can attend the hearing

It is important for standards committee members involved in the pre-hearing process to bear in mind the distinction between the essential facts of the case and any inferences based on those facts. A critical part of the pre-hearing process should be an attempt to focus the relevant parties' attention on isolating all relevant disputes of facts between them.

This is because attention to the factual issues will save valuable time later on in the determination process.

The standards committee should start this process by requesting that the subject member makes clear precisely what findings of fact in the report it disagrees with and why.

It should invite the monitoring officer or ethical standards officer to comment on the subject member's response within a set time period. This is to ensure that all parties are clear about the remaining factual disputes and can prepare to deal with those issues on the appointed day.

The standards committee should also ask the relevant parties to provide outlines or statements of the evidence their witnesses intend to give. This will allow the standards committee to decide how many witnesses may reasonably be needed and to identify the issues they will be dealing with at the hearing.

It should only allow the relevant parties to raise new disagreements over factual matters in the investigation report at the hearing in exceptional circumstances, such as new evidence becoming available that the parties could not have produced before. The standards committee should make clear to the subject member that unless they comply with the above procedure, it may rule that it will not allow the new evidence to be presented at the hearing.

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Members of the standards committee should consider the evidence provided to them before the hearing to identify any potential conflicts of interest.

In addition they should consider the evidence to identify any connection with the people involved or any other doubts they have over the integrity of the hearing. If they have such concerns, they should seek advice from the monitoring officer as soon as possible. For example, they may know a witness who will be giving controversial evidence or they may have an interest in an important element of the case.

The determinations toolkit features model forms that can help the member respond to the standards committee. It includes a form to identify any findings of fact that the member disagrees with – **Form A**. It also includes a form to outline any further evidence for the standards committee – **Form B**.

The standards committee may also arrange for any other witnesses to be present who they feel may help in determining the case. This may include the complainant. However, the standards committee cannot order witnesses to appear or give evidence.

## Pre-hearing process summary

The standards committee's clerk should consult with the committee's legal adviser and send a pre-hearing process summary to everyone involved in the complaint at least two weeks before the hearing. This

should be done after the standards committee has received responses from the subject member and from the investigating officer. The pre-hearing process summary should:

- set the date, time and place for the hearing
- summarise the allegation
- outline the main facts of the case that are agreed
- outline the main facts which are not agreed
- note whether the subject member or investigating officer will go to the hearing or be represented at the hearing
- list those witnesses, if any, who will be asked to give evidence, subject to the power of the standards committee to make a ruling on this at the hearing
- outline the proposed procedure for the hearing

You can find a checklist for this pre-hearing process summary document in the toolkit – **Form F**.



# hearings

## The hearing

Members should bear in mind that a standards committee hearing is a formal meeting of the authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities.

The standards committee should work at all times in a demonstrably fair, independent and politically impartial way. This helps to ensure that members of the public, and members of the authority, have confidence in its procedures and findings.

The standards committee should bear in mind the need to maintain public confidence in the council's ethical standards. This requires that the standards committee's decisions should be seen as open, unprejudiced and unbiased. All concerned should treat the hearing process with respect and with regard to the potential seriousness of the outcome, for the subject member, the council and the public. For the subject member, an adverse decision by the committee can result in censure or in suspension for up to six months.

## Representatives

The subject member may choose to be represented by counsel, a solicitor, or by any other person they wish. If the subject member concerned wants to have a non-legal representative, the subject member must obtain the consent of the standards committee.

The standards committee may choose to

withdraw its permission to allow a representative if that representative disrupts the hearing. However, an appropriate warning will usually be enough to prevent more disruptions and should normally be given before permission is withdrawn.

## Evidence

The standards committee controls the procedure and evidence presented at a hearing, including the number of witnesses and the way witnesses are questioned.

In many cases, the standards committee may not need to consider any evidence other than the investigation report or the ethical standards officer's report, and any other supporting documents.

However, the standards committee may need to hear from witnesses if more evidence is needed, or if people do not agree with certain findings of fact in the report.

The standards committee can allow witnesses to be questioned and cross-examined by the subject member, the monitoring officer, the ethical standards officer or their representative. Alternatively, the standards committee can ask that these questions be directed through the chair. The standards committee can also question witnesses directly.

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## Witnesses

Generally, the subject member is entitled to present their case as they see fit, which includes calling the witnesses they may want and which are relevant to the matters to be heard. The subject member must make their own arrangements to ensure that their witnesses (and witnesses they would like to question) will attend the hearing.

The standards committee has the right to govern its own procedures as long as it acts fairly. For this reason, the standards committee may limit the number of witnesses if the number is unreasonable.

The standards committee will normally take a decision on whether to hear any particular evidence or witness only after having heard submissions from both parties on the issue.

Witnesses of facts that are disputed would normally attend the hearing and should be prepared to be cross-examined. Witnesses as to the character of the subject member, if required, regularly present their evidence in writing and may or may not actually attend the hearing.

Witnesses, especially members of the public, often play an important part in the process and should be treated with courtesy and respect. Authorities may wish to consider developing a witness care scheme. At the very least, witnesses should be kept promptly informed of the relevant dates, times and location of the hearing.

Standards committees should recognise that subject members also need to be kept fully apprised of the process and any changes to it. Some authorities appoint an officer as a point of contact with the subject member for the duration of the process.

## Sanctions

If the standards committee finds that a subject member has failed to follow the Code of Conduct and that they should be sanctioned, it may impose any one or a combination of the following:

- censure of that member
- restriction for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008) of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions meet **both** the following requirements:
  - i) They are reasonable and proportionate to the nature of the breach.
  - ii) They do not unduly restrict the person's ability to perform the functions of a member.
- partial suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008)
- suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008)

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- that the member submits a written apology in a form specified by the standards committee
- that the member undertakes such training as the standards committee specifies
- that the member participates in such conciliation as the standards committee specifies
- partial suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008) or until such time as the member has met **either** of the following restrictions:
  - i) They have submitted a written apology in a form specified by the standards committee.
  - ii) They have undertaken such training or has participated in such conciliation as the standards committee specifies.
- suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008) or until such time as the member has met **either** of the following restrictions:
  - i) They have submitted a written apology in a form specified by the standards committee.
  - ii) They have undertaken such training or has participated in such conciliation as the standards committee specifies.

Suspension or partial suspension will

normally start immediately after the standards committee has made its decision. However, if the standards committee chooses, the sanction may start at any time up to six months following its decision. This may be appropriate if the sanction would otherwise have little effect on the subject member. For example, in the case of a suspension or partial suspension where there are no authority or committee meetings which the subject member would normally go to in the period after the hearing has finished. The standards committee should also confirm the consequences, if any, for any allowances the subject member may be receiving.

Periods of suspension or partial suspension set by a standards committee do not count towards the six-month limit for absences from authority meetings, after which a member would normally be removed from office under section 85 of the Local Government Act 1972.

## Considering the sanction

When deciding on a sanction, the standards committee should ensure that it is reasonable and proportionate to the subject member's behaviour. Before deciding what sanction to issue, the standards committee should consider the following questions, along with any other relevant circumstances:

- What was the subject member's intention? Did the subject member know that they were failing to follow the Code of Conduct?

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- Did the subject member get advice from officers before the incident? Was that advice acted on or ignored in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety, for example improper expense claims or procedural irregularities?
- What was the result of failing to follow the Code of Conduct?
- What were the potential results of the failure to follow the Code of Conduct?
- How serious was the incident?
- Does the subject member accept they were at fault?
- Did the subject member apologise to the relevant people?
- Has the subject member previously been warned or reprimanded for similar misconduct?
- Has the subject member failed to follow the Code of Conduct before?
- Is the subject member likely to do the same thing again?
- How will the sanction be carried out? For example, who will provide the training or mediation?
- Are there any resource or funding implications? For example, if a subject

member has repeatedly or blatantly misused the authority’s information technology resources, the standards committee may consider withdrawing those resources from the subject member.

Suspension may be appropriate for more serious cases, such as those involving:

- trying to gain an advantage or disadvantage for themselves or others
- dishonesty or breaches of trust
- bullying

Sanctions involving restricting access to an authority’s premises or equipment should not unnecessarily restrict the subject member’s ability to carry out their responsibilities as an elected representative or co-opted member.

The following is an extract from useful guidance published by the First-tier Tribunal on aggravating and mitigating factors they take into account when assessing an appropriate sanction:

**“ Examples, but not an exhaustive list, of mitigating factors are:**

- An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.

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- A member’s previous record of good service.
- Substantiated evidence that the member’s actions have been affected by ill-health.
- Recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the member.
- Compliance with the Code since the events giving rise to the determination.
- Some actions, which may have involved a breach of the Code, may nevertheless have had some beneficial effect for the public.

“ **Examples, but again not an exhaustive list, of aggravating factors are:** ”

- Dishonesty.
- Continuing to deny the facts despite clear contrary evidence.
- Seeking unfairly to blame other people
- Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.
- Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.

The First-tier Tribunal also advises the following:

“ In deciding what action to take, the Case Tribunal should bear in mind an aim of upholding and improving the standard of conduct expected of members of the various bodies to which the Codes of Conduct apply, as part of the process of fostering public confidence in local democracy. Thus, the action taken by the Case Tribunal should be designed both to discourage or prevent the particular Respondent from any future non-compliance and also to discourage similar action by others.

Case Tribunals should take account of the actual consequences which have followed as a result of the member’s actions while at the same time bearing in mind what the possible consequences may have been even if they did not come about.

This guidance does not include a firm tariff from which to calculate what length of disqualification or suspension should be applied to particular breaches of the Code. Any such tariff would in any event need to have regard to the need to make adjustments toward the lower end of the spectrum if there are mitigating factors and towards the upper end if there are aggravating factors.

”



# findings

## Notice of the standards committee's findings

The standards committee should announce its decision at the end of the hearing. It is good practice to make a short written decision available on the day of the hearing, and to prepare the full written decision in draft on that day, before people's memories fade. The officer providing administrative support to the standards committee will normally also draft minutes of the meeting.

The standards committee must give its full written decision to the relevant parties as soon as possible after the hearing. In most cases this should be within two weeks of the hearing.

The relevant parties are:

- the subject member
- the complainant
- the standards committees of any other authorities concerned
- any parish or town councils concerned
- the Standards Board for England

## Making the findings public

The standards committee must arrange for a summary of the decision and reasons for it to be published in at least one newspaper that is independent of the authorities concerned. The newspapers where the decision and reasons are published should be circulated in the area of the authorities involved. A summary of the decision may also be published on the website of any authorities concerned, and

in any other publication if the standards committee considers it appropriate.

If the standards committee finds that the subject member did not fail to follow the authority's Code of Conduct, the public summary must say this and give reasons for this finding. In such cases, the subject member is also entitled to decide that no summary of the decision should be passed to local newspapers.

If the standards committee finds that the subject member failed to follow the Code but that no action is needed, the public summary must:

- say that the member failed to follow the Code, but that no action needs to be taken
- outline what happened
- give reasons for the standards committee's decision not to take any action
- state that the member may appeal against that finding

If the standards committee finds that a member failed to follow the Code and it imposed a sanction, the public summary must:

- say that the member failed to follow the Code
- outline what happened

# findings

- explain what sanction has been imposed
- give reasons for the decision made by the standards committee
- state that the member may appeal against that finding

The standards committee's reports and minutes should be available for public inspection for six years after the hearing. However, sections of documents relating to parts of the hearing that were held in private will not have to be made available for public inspection.

## Written decision format

For consistency and thoroughness, standards committees should use the following format for their full written decisions.

The front cover of the standards committee's full written decision should include the name of the:

- authority
- subject member
- complainant
- standards committee member who chaired the hearing
- standards committee members who took part in the hearing
- monitoring officer
- ethical standards officer who referred the matter (if applicable)
- local investigator who investigated the matter (if applicable)
- clerk of the hearing or other administrative officer

It should also include:

- case reference numbers from the principal authority and from the Standards Board for England, (if applicable)
- the date of the hearing
- the date of the report

The standards committee's full written decision should include:

- a summary of the complaint
- the relevant section or sections of the Code of Conduct
- a summary of the evidence considered and representations made
- the findings of fact, including the reasons for them
- the finding as to whether the member failed to follow the Code, including the reasons for that finding
- the sanctions imposed, if any, including the reasons for any sanctions
- the right to appeal.

# suspensions

The Local Government Act 2000 enables the First-tier Tribunal and standards committees to suspend and partially suspend members found to be in breach of the Code of Conduct. But, it does not specify exactly what members can and cannot do in their official capacity during the term of suspension.

This has led to confusion in some authorities as to what representative roles, if any, a suspended member can perform. It has also led to confusion over what council facilities they are allowed to use and what entitlements they can continue to receive as a suspended member. This section clarifies what representative roles, if any, a suspended member can perform.

## Full suspensions

Members under full suspension should not:

### 1) Take part in any formal business of the authority

A member who is fully suspended may not exercise any of the functions or responsibilities of membership of the authority. Section 83(9) of the Local Government Act 2000 further provides that a suspended member should not participate in any committee or sub-committee of the authority.

### 2) Have access to council facilities

Suspended members should not use or have access to council facilities. As the member is under suspension and

unable to conduct council business, it follows that any use of council facilities by a suspended member would not be conducive to the discharge of the functions of the authority. This is because the member would not be performing council business while suspended.

### 3) Receive their council allowance

Under Regulation 4(3) of the Local Authorities (Members Allowances) Regulations 2003, councils may specify in their member allowance schemes that:

“Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.”

It is recommended that members should not receive their allowance while under suspension because they are not performing their role as a member. But, the decision to withhold a member's allowance is ultimately at the discretion of the individual authority.



# suspensions

Members under suspension, should:

## 1) Make their suspended status clear

While suspended members remain councillors, they should put 'suspended' after their name when referring to themselves in writing as members. They should also notify constituents of this when contacted by them on constituency business. This is to ensure that all concerned are aware that the member is under suspension and unable to perform council duties.

## 2) Make arrangements for another member to handle their constituency work

With help from their council officers, suspended members can arrange for other ward members to handle their constituency work. Or, in the case of a single-member ward, suspended members can arrange for neighbouring ward members to take over their constituency work for the duration of the suspension. This ensures that constituents continue to be democratically represented.

## What responsibilities remain for suspended members?

The Code of Conduct does not apply to a person who has been suspended in respect of a relevant function of office for a relevant period of time, so long as the member makes it clear that they have been suspended and does not purport to act as a representative of their authority.

However, when amendments to section 52 of the Local Government Act 2000 come into effect, three paragraphs under the Code of Conduct will apply, "at any other time, where that conduct constitutes a criminal offence". As such, these paragraphs will still apply to members who are suspended. These paragraphs will be:

- paragraph 3(2)(c) – intimidation of certain persons in relation to an allegation under the Code of Conduct
- paragraph 5 – disrepute
- paragraph 6(a) – improperly conferring or securing an advantage or disadvantage

## Partial suspensions

Members can be partially suspended under sections 83(9) and (10) of the Local Government Act 2000. While members who are fully suspended cannot take part in any formal business of the authority during the period of suspension, members who are partially suspended are restricted only from certain activities or business.

The terms of a partial suspension must be set by the standards committee during sentencing. It will often involve suspension from certain committees, or restricted access to certain areas or individuals.

A partial suspension enables the committee to tailor a sanction to the particular breach, while still allowing the member to carry out other functions. For instance, a member who failed to uphold

# suspensions

the Code of Conduct at a planning committee could be suspended from taking part in planning committee meetings for a certain period. Or a member who bullied licensing officers about an application might be barred from contact with officers of the licensing department for a certain period. Again we recommend that members should not receive allowances relating to areas in which they are suspended from for the duration of their suspension.

Officers and members of the authority should be informed of a member's suspension and advised of the suspended member's rights and obligations, as detailed earlier. The council should also help the member make arrangements for another member, either from their ward or a neighbouring ward, to take over constituency work.

It may also notify the public in the authority's area that the member is suspended and unable to perform official council duties until the end of the suspension. Once the suspension has ended, the member is free to resume their duties in full as a member of the authority.

# appeals

## Appeal to the First-tier Tribunal

Where a standards committee decides that a member has failed to comply with the Code of Conduct, the member may within 28 days of being notified of that decision, seek permission to appeal to the First Tier Tribunal and if appropriate, apply to the First-tier Tribunal for the suspension of any sanction imposed until such time as any appeal is determined.

In deciding whether to give permission to appeal, the First-tier Tribunal will consider whether, in its opinion, there is a reasonable prospect of the appeal being successful (either in whole or in part).

Permission to appeal or to suspend a sanction may be given in relation to the whole or any specified part of the finding or sanction.

## References to the First-tier Tribunal for action in respect of misconduct

An Ethical Standards Officer may refer the matters which are subject to the investigation to the First-tier Tribunal for adjudication.

A standards committee may refer a case to the First-Tier Tribunal for determination where it considers that the action it could take against a member is insufficient and the First-tier Tribunal agrees to accept the referral.

## Appeals to the Upper Tribunal

**Member appeal** - Where the First-tier Tribunal decides that a member has failed to comply with the Code of Conduct, the member may, within 28 days of being notified of that decision seek permission to appeal against that decision to the Upper Tribunal (Administrative Appeals Chamber). The member must first apply to the First-tier Tribunal for permission to appeal.

**Appeal by Others**- Either party can seek to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Administrative Appeals Chamber) if they can show there was an error of law made in that decision. The party wishing to appeal must first apply to the First-tier Tribunal for permission to appeal. This must be made in writing within 28 days after the First-tier Tribunal has sent written reasons for its decision.

On receiving an application for permission to appeal the First-tier Tribunal may decide to review its decision, if it is satisfied there was an error of law. If the First-tier Tribunal decides not to review its decision, it will then consider whether to give permission to appeal the decision to the Upper Tribunal.

# appeals

If the First-tier Tribunal refuses permission to appeal to the Upper Tribunal the party has a right to make an application directly to the Upper Tribunal for permission to appeal no later than a month after receiving that refusal decision.

Additionally, where the First-tier Tribunal decides that a member has failed to comply with the Code of Conduct, the member may also within 28 days of being notified of that decision seek permission to appeal against the finding of failure to comply with a code of conduct or the imposition of any sanction. Again the member must first apply to the First-tier Tribunal for permission to appeal.

# costs

Members are responsible for meeting the cost of any representation at a standards committee hearing or tribunal. Local authorities are able to take out insurance to cover this.

However, most insurance schemes will only cover the costs incurred by members who are found not to be in breach of the Code. Therefore members are advised to refer to the terms of their own insurance scheme.

The First-tier Tribunal has the power to make an order for costs if the Tribunal considers that a **party** has acted unreasonably in bringing, defending or conducting the proceedings. It may make an order for costs following an application or on its own initiative.

The First-tier Tribunal may also order any **legal or other representative** to meet any wasted costs incurred by a party as a result of any improper, unreasonable or negligent act or omission on the part of that legal or other representative in bringing, defending or conducting proceedings.

# role of the monitoring officer

Monitoring officers need to be aware of the potential conflicts involved in advising the standards committee and advising members.

It is important that standards committees receive high quality, independent advice. For this reason a monitoring officer should be the main adviser to the standards committee, unless they have an interest in the matter that would prevent them from performing this role independently. If this situation arises, a monitoring officer should arrange for another appropriately qualified officer to advise the standards committee.

The monitoring officer or other legal adviser's role in advising the standards committee is to:

- make sure that members of the standards committee understand their powers and procedures
- make sure that the determination procedure is fair and will allow the complaint to be dealt with as efficiently and effectively as possible
- make sure that the subject member understands the procedures the standards committee will follow
- provide advice to the standards committee during the hearing and their deliberations
- help the standards committee produce a written decision and a summary of that decision

Monitoring officers play an important role in advising their members on a day-to-day basis. When performing this role, monitoring officers need to be aware of the potential conflicts of interest that can arise, as these conflicts could prevent them from advising the standards committee at a later stage.

However, conflicts of interest are not likely to arise simply from informal discussions between members and monitoring officers. Monitoring officers consider options for reducing the likelihood of such conflicts, including:

- arranging for another officer to advise members
- continuing to advise members, while identifying possible scenarios that may lead to future conflicts. They should also ensure that if their advice could be relevant to an investigation, they have another appropriately experienced officer who is prepared to support the standards committee in its hearings and deliberations.

Smaller authorities in particular may find it useful to make arrangements with neighbouring authorities to make sure that when a conflict arises, an appropriately experienced officer is available to advise the standards committee.

# appendix 1

## Model documentation for the pre-hearing process

Authorities should use a pre-hearing process to:

- Identify whether the subject member disagrees with any findings of fact in the investigation report.
- Decide whether those disagreements are significant to the hearing.
- Decide whether to hear evidence about those disagreements during the hearing.
- Decide whether there are any parts of the hearings that should be held in private.
- Decide whether any parts of the investigation report or other documents should be withheld from the public, prior to the hearing on the grounds that they contain 'exempt' material.

Below is a checklist for authorities to use before the hearing. At the end of Appendix 1 is model documentation to support it. The documentation is intended to give authorities a consistent approach to help them decide what the relevant issues are before the hearing itself. It is not compulsory.

## Pre-hearing process checklist for authorities

The monitoring officer must give a copy of the investigation report to the subject member.

The officer providing administrative support to the committee, in consultation with the chair of the committee, should:

- provide a copy of the standards committee's pre-hearing and hearing procedures to the subject member
- outline the subject member's rights and responsibilities
- propose a date for the hearing
- ask for a written response from the subject member by a set time to find out whether they:
  - i) disagree with any of the findings of fact in the investigation report, including the reasons for disagreement
  - ii) want to be represented at the hearing by a solicitor, barrister or any other person. This should be done while noting that the standards committee will normally give permission for members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined

# appendix 1

- iii) want to give evidence to the standards committee, either verbally or in writing
  - iv) want to call relevant witnesses to give evidence to the standards committee
  - v) can attend the hearing on the proposed date
  - vi) want any part of the hearing to be held in private
  - vii) want any part of the investigation report or other relevant documents to be withheld from the public
- v) to invite any other witnesses the committee feels are appropriate
- The chair of the committee, in consultation with the legal adviser to the committee, should then:
      - confirm a date, time and place for the hearing
      - confirm the main facts of the case that are agreed
      - confirm the main facts which are not agreed
      - confirm which witnesses will give evidence
- send a copy of the subject member's response to the monitoring officer or ethical standards officer and invite the monitoring officer or ethical standards officer to say by a set time whether they want:
        - i) to be represented at the hearing
        - ii) to call relevant witnesses to give evidence to the standards committee
        - iii) any part of the hearing to be held in private
        - iv) any part of the investigation report or other relevant documents to be withheld from the public
      - outline the proposed procedure for the hearing
        - provide this information to everyone involved in the hearing at least two weeks before the proposed date of the hearing



# appendix 1

## Checklist for members

The officer providing administrative support to the committee, in consultation with the chair of the committee, should make sure that the subject member is aware of the following points.

### Pre-hearing process

The subject member has the right to:

- go to the hearing and present their case
- call a reasonable number of witnesses to give relevant evidence to the standards committee
- be represented at the hearing by a solicitor, barrister or any other person.  
**Note** – the committee will normally give permission for members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined

Any disagreements with the finding of facts in the investigation report must be raised during the pre-hearing process. The standards committee will not consider any new disagreements about the report's findings of fact at the hearing itself, unless there are good reasons why these have not been raised beforehand.

The subject member does not have to go to the hearing or be represented. If the subject member chooses not to go to the hearing, the committee may make a determination in their absence.

The hearing will be held in public and the relevant papers will be available for public inspection unless the standards committee is persuaded that there is a good reason to exclude the public. This is in line with the relevant access to information and human rights legislation.

### Hearing process

After considering the written and verbal presentations, the standards committee will reach and announce its findings of fact, whether the subject member has failed to follow the Code of Conduct and whether a sanction should be applied. As well as announcing its decision at the hearing and providing a short written decision on the day of the hearing, the standards committee will give the member concerned its full written decision within two weeks of the end of the hearing.

If the standards committee decides that the member has failed to follow the Code and that the member should be sanctioned, it may do any one or a combination of the following:

- Censure the member. This is the only sanction available when dealing with a person who is no longer a member of the authority.
- Restrict the member's access to the resources of the relevant authority for up to six months, which could include limiting their access to the premises of the relevant authority.

# appendix 1

- Suspend or partly suspend the member for up to six months.
- Suspend or partly suspend the member for up to six months on the condition that the suspension or partial suspension will end if the member apologises in writing, receives any training, or takes part in any conciliation that the standards committee orders them to. Conciliation involves an independent person helping the relevant people to try to reach an agreement on the matter set out by the standards committee.

Sanctions may start immediately or up to six months after the hearing, if the standards committee wishes.

The standards committee will also arrange to publish a summary of its findings and any sanction applied in one or more newspapers that are independent of the authorities concerned and circulating in the area of those authorities. If the standards committee finds that the member has not broken the Code, the member can ask the standards committee not to have this information published.

The member who is the subject of a standards committee finding has the right to apply in writing to the President of the First-tier Tribunal for permission to appeal against that finding.

## Checklist for the pre-hearing process summary

After the standards committee has received responses from the subject member and the monitoring officer or ethical standards officer, it should prepare a summary of the main aspects of the case that will be heard.

The pre-hearing process summary should include:

- the name of the authority
- the name of the subject member
- the name of the complainant (unless there are good reasons to keep their identity confidential)
- case reference numbers of the principal authority or the Standards Board for England
- the name of the standards committee member who will chair the hearing
- the name of the monitoring officer
- the name of the ethical standards officer who referred the matter (if applicable)
- the name of the clerk of the hearing or other administrative officer
- the date the pre-hearing process summary was produced
- the date, time and place of the hearing

# appendix 1

- a summary of the complaint
- the relevant section or sections of the Code of Conduct
- the findings of fact in the investigation report that are agreed
- the findings of fact in the investigation report that are not agreed
- whether the subject member or the monitoring officer or ethical standards officer will attend or be represented
- the names of any witnesses who will be asked to give evidence
- an outline of the proposed procedure for the hearing

## Pre-hearing process forms

These forms are a guide only and can be found in the **Standards committee determinations toolkit**. Authorities should prepare their own forms as appropriate.

**Form A** provides an example table to help the subject member identify any disagreements about the findings of fact in the investigation report.

**Form B** helps the subject member set out any other evidence that is relevant to the complaint made about them.

**Form C** helps the subject member set out any representations the standards committee should take account of if the subject member is found to have broken the Code of Conduct.

**Forms D and E** cover details of the hearing and the witnesses who will give evidence.

Also included is **Form F** which is a checklist of details for the pre-hearing process summary.

# appendix 2

## Model hearing procedures for the standards committee

The model hearing procedures below aim to give standards committees a consistent approach to determining matters locally. These procedures are not compulsory, but authorities should make sure that any procedures they do use are consistent with the principles in this guidance.

Standards committees need to have an efficient and effective hearing process. This will help committees deal with all the issues that need to be resolved in a way that is fair to the member. It will also reduce the prospects of any successful appeal.

The model procedure below is intended to give standards committees a consistent approach to determining matters locally.

The model procedures are not compulsory. However, authorities should make sure that any procedures they use are consistent with the principles in this guidance.

### Interpretation

- 1) 'Subject member' means the member of the authority who is the subject of the allegation being considered by the standards committee, unless stated otherwise. It also includes the member's nominated representative.
- 2) 'Investigator' means the monitoring officer or ethical standards officer and includes their nominated representative.

- 3) 'Committee' also refers to a sub-committee.

- 4) 'Legal adviser' means the officer responsible for providing legal advice to the standards committee. This may be the monitoring officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

### Representation

- 5) The subject member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person.

### Legal advice

- 6) The committee may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee should be shared with the subject member and the investigator if they are present.

### Setting the scene

- 7) After all the members and everyone involved have been formally introduced, the chair should explain how the committee is going to run the hearing.

# appendix 2

## Preliminary procedural issues

- 8) The committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

## Making findings of fact

- 9) After dealing with any preliminary issues, the committee should then move on to consider whether there are any significant disagreements about the facts contained in the investigator's report.

- 10) If there is no disagreement about the facts, the committee can move on to the next stage of the hearing.

- 11) If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the subject member an opportunity to challenge any evidence put forward by any witness called by the investigator.

- 12) The subject member should then have the opportunity to make representations to support their version of the facts and, with the committee's permission, to call any necessary witnesses to give evidence.

- 13) At any time, the committee may question any of the people involved or any witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the member.

- 14) If the subject member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.

- 15) If the subject member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the committee will consider whether it would be in the public interest to continue in their absence.

After considering the member's explanation for not raising the issue at an earlier stage, the committee may then:

- continue with the hearing, relying on the information in the investigator's report
- allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary

# appendix 2

- postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already

- 16) The committee will usually move to another room to consider the representations and evidence in private.
- 17) On their return, the chair will announce the committee’s findings of fact.

**Did the subject member fail to follow the Code of Conduct?**

- 18) The committee then needs to consider whether, based on the facts it has found, the subject member has failed to follow the Code.
- 19) The subject member should be invited to give relevant reasons why the committee should decide that they have not failed to follow the Code.
- 20) The committee should then consider any verbal or written representations from the investigator.
- 21) The committee may, at any time, question anyone involved on any point they raise on their representations.
- 22) The subject member should be invited to make any final relevant points.
- 23) The committee will then move to another room to consider the representations.

- 24) On their return, the chair will announce the committee’s decision as to whether the subject member has failed to follow the Code.

**If the subject member has not failed to follow the Code of Conduct**

- 25) If the committee decides that the subject member has not failed to follow the Code, the committee can move on to consider whether it should make any recommendations to the authority.

**If the subject member has failed to follow the Code of Conduct**

- 26) If the committee decides that the subject member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the subject member as to:
  - whether the committee should apply a sanction
  - what form any sanction should take

- 27) The committee may question the investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

- 28) The committee will then deliberate in private to consider whether to impose a sanction on the subject member and, if so, what sanction it should be.

# appendix 2

- 29) On their return, the chair will announce the committee's decision.

## **Recommendations to the authority**

- 30) After considering any verbal or written representations from the investigator, the committee will consider whether it should make any recommendations to the authority, with a view to promoting high standards of conduct among members.

## **The written decision**

The committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare the full written decision in draft on the day of the hearing, before people's memories fade.



# appendix 3

Categories of exempt information under Schedule 12A of the Local Government Act 1972 (as modified in relation to local determinations by standards committees) are:

- 1) Information relating to any individual.
- 2) Information which is likely to reveal the identity of an individual.
- 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.
- 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6) Information which reveals that the authority proposes:
  - to give under any enactment a notice under or by virtue of which requirements are imposed on a person
  - to make an order or direction under any enactment
- 7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
  - 7A) Information which is subject to any obligation of confidentiality.
  - 7B) Information which relates in any way to matters concerning national security.
  - 7C) Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.

**Source:** Appendix 3 is an extract from the Local Government Act 1972 (as modified in relation to local determination by standards committee).



# notes

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**PRIVATE AND CONFIDENTIAL**

**Case Reference: 000849**

Report of an investigation under Section 59 of the Local Government Act 2000 by **CHRISTOPHER MOISTER**, Monitoring Officer of Chorley Borough Council into an allegation concerning Councillor Christopher France.

**DATE: 23 December 2011**

## **Contents**

- 1 Executive summary**
- 2 Cllr Christopher France's official details**
- 3 The relevant legislation and protocols**
- 4 The evidence gathered**
- 5 Summary of the material facts**
- 6 Cllr Christopher France's additional submissions**
- 7 Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 8 Finding**

**Appendix A Schedule of evidence taken into account**

## 1 Executive summary

- 1.1 The Standards Committee of Chorley Council, through the Monitoring Officer received a complaint from Cllr Alan Cullens concerning the conduct of Cllr Christopher France.
- 1.2 The complaint was twofold:-
  - 1.2.1 That Councillor France used his office as a councillor to mislead the public by making unsubstantiated claims and that through his actions and false claims of the Council issuing documents supporting his claims he has brought Chorley Borough Council into disrepute; and
  - 1.2.2 That Councillor France has published details of a confidential document against the Council's wishes in his undated letter to residents of Brinscall.
- 1.3 In progressing this investigation I have considered the following provisions of the Code of Conduct for members:-
  - 1.3.1 "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute." (para 5)
  - 1.3.2 "You must not attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage." (para 6(a))
  - 1.3.3 "You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) You have the consent of a person authorised to give it
    - (ii) You are required by law to do so;
    - (iii) *..not applicable....*
    - (iv) The disclosure is
      - a. Reasonable and in the public interest; and
      - b. Made in good faith and in compliance with the reasonable requirements of the authority."(para 4 (a)).
- 1.4 I have received oral evidence from Cllr Cullens and Cllr France and have considered documentary evidence as detailed within this report
- 1.5 As a result of my investigation I conclude that Cllr France has breached the Code of Conduct.
- 1.6 Cllr France in his leaflet titled "Labour Campaign Special" is clearly acting in his capacity as a member of Chorley Borough Council.
- 1.7 In Cllr Frances leaflet titled "Labour Campaign Special" he misrepresents the content of a confidential council document. He misrepresents that a site proposed to be allocated as recreational use is allocated as housing use. He also misrepresents that a site proposed to be allocated as employment land is allocated for housing.

- 1.8 Cllr France also misrepresents the content of the document by making reference to 165 houses being built on the 3 sites when in fact the proposal is for 9.
- 1.9 These are significant misrepresentations and this is conduct that brings the Council into disrepute.
- 1.10 Cllr France failed to clarify the misrepresentation when writing to residents in his undated letter. Indeed the tone of the letter perpetuates the misrepresentation as it infers that Cllr Frances actions or those of the residents in response to his leaflet have lead to a change in position by Chorley Council.
- 1.11 Cllr France disclosed confidential information received due to his position as a councillor to the public. The copy document attached to his undated letter is clearly marked “confidential” and is different in presentation and content to the document considered by Full Council on 19 July and subsequently forming part of the public consultation exercise. Cllr France did not have authority to disclose this document neither was he required by law to disclose it. The reasons put forward for disclosure are not ones that further the public interest. In these circumstances Cllr France has no grounds for disclosure and has breached this part of the code of conduct.
- 1.12 It is the findings of this report that the allegations against Councillor France have been made out.
- 1.13 A mitigating factor is the complicated appearance of the disclosed confidential document which may have been misunderstood by Councillor France.
- 1.14 Aggravating factors are the fact that Councillor France did not
  - 1.14.1 avail himself of the offer to discuss the document with officers; or
  - 1.14.2 attend the drop in sessions arranged; or
  - 1.14.3 correct his misrepresentations in his undated letter; and
  - 1.14.4 the document disclosed is clearly marked confidential.

## **2 Councillor France’s official details**

- 2.1 Councillor France was elected to office on 7 May 2009 for a term of 3 years.
- 2.2 Councillor France currently serves on the Development Control Committee.
- 2.3 Councillor France gave a written undertaking to observe the Code of Conduct on 5 June 2009.

## **3 The relevant legislation and protocols**

- 3.1 The council has adopted a Code of Conduct in which the following paragraph[s] is/are included:

- 3.1.1 “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.” (para 5)
- 3.1.2 “You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (v) You have the consent of a person authorised to give it
  - (vi) You are required by law to do so;
  - (vii) *..not applicable....*
  - (viii) The disclosure is
    - a. Reasonable and in the public interest; and
    - b. Made in good faith and in compliance with the reasonable requirements of the authority.” (para 4 (a)).

#### **4 The evidence gathered**

- 4.1 I have taken account of oral evidence from Cllr Alan Cullens and Cllr Christopher France and copies of the notes of the meetings are attached to this report.
- 4.2 I have also taken account of documentary evidence obtained from Jenni Moore Head of Planning and documents extracted from council meeting agenda for 19 July 2011.
- 4.3 I have received clarification information from Planning Policy to confirm the chronology of the release of documentation.

#### **5 Summary of the material facts**

- 5.1 Chorley Council are at present reconsidering their Local Development Framework documentation. One of the exercises as part of this is a consideration of site allocations. Briefly, site allocations are the designations given to land within the borough and in simple terms means whether the Council consider the land is suitable for certain uses or for development.
- 5.2 This is always a contentious issue for authorities. There are many competing issues to include the need for development and residents expectations.
- 5.3 In June 2011 the Planning Policy team of Chorley Council circulated to members a draft Site Allocations and Development Management Policies Development Plan Document. This document was marked confidential on each page.
- 5.4 The confidentiality of the document was for 2 primary reasons. Firstly, should the document be passed to a developer this may provide them with a commercial advantage as they would have fore knowledge of any changes in allocations. Secondly, it was an early consultative draft which if it was passed to the public may cause unnecessary outcry and

concern. This would impact on the council as they are likely to receive a high number of unnecessary contacts from residents who believe – potentially wrongly – that they would be affected adversely by the site allocations.

- 5.5 On 19 July a meeting of Chorley Council considered a report headed “Local Development Framework: Site Allocations and Development Management Policies Development Plan Document – Preferred Option Stage”. It presented for approval for use in consultation with the public the Council’s “Preferred Allocations for Development”. This was a public document and considered the representations that had been made by members following the internal consultation exercise on the document circulated in June.
- 5.6 The Preferred Allocations for Development document was materially different to the June document. It provides the officer recommendations for allocation and where appropriate specifically states the numbers of houses provided within each allocation.
- 5.7 On the weekend of the 19 August (Friday) to 21 August (Sunday), Cllr France circulated a leaflet titled “Labour Campaign Special”
- 5.8 This leaflet made the following statement:-  
 “In Brinscall three sites have been located and are identified on the back of this flyer. CH0169 has been identified as a housing site as has CS0043. CS0030 which is currently part of Railway Park has been identified for either housing, employment land or both. This means that potentially 165 houses could be sited there if development approval was granted for 50 dwellings per hectare.”
- 5.9 At that time this statement was materially incorrect for the following reasons:-
- 5.9.1 CS0043 was recommended to be used as employment land not for housing;
  - 5.9.2 CS0030 was recommended to be protected as public open space not as housing;
  - 5.9.3 The total number of houses allocated for development on CH0169 was 9, not 165 as suggested.
- 5.10 On 24 August, the conservative councillors for that area circulated a leaflet called “intouch”. This responds to the Labour Campaign Special. There is no need to consider in detail its content expect to confirm it disputes the statements made by Cllr France.
- 5.11 Subsequently, approximately 1 week later, Cllr France sent out a letter addressed to residents. This letter states:-  
 “I am writing regarding the above area of land. (*Land at Railway Park/Brinscall Nature Trail*)

In the proposal published in June by Chorley Council the above piece of land was included in sites suggested for housing development (see plan opposite).

I can confirm that no housing development will go ahead at this stage and the land will be designated as recreational open space.



I will commit to remaining vigilant over future plans for housing in our village and ensure that your views are always heard.”

Attached to this letter was a plan and extract from the June document, both were marked confidential.

- 5.12 This letter was materially wrong as the June document was not a “published proposal” as stated by Cllr France, but a confidential internal consultative draft.

## **6 Complainant’s additional submissions**

- 6.1 Cllr Cullens has indicated that the primary reasons for bringing this complaint are firstly that the actions of Cllr France have increased the burden on the planning service due to an increased level of contact from the members of the public. Cllr Cullens is able to comment on this as he is the portfolio member for Planning and he has had this reported to him. He also believes there are reputational issues as the misrepresentation of the Council’s position leads to bad feeling by the public.
- 6.2 The Council ran briefing sessions for members. These enabled members to question the process, and seek clarification of or challenge the draft proposed allocations. At the session attended by Cllr Cullens the officers stressed the confidential nature of the documents and process.

## **7 Cllr France’s additional submissions**

- 7.1 Cllr France accepts that the papers received in June were confidential. However, he believes that the confidentiality was lost when the “Preferred Options” paper was published for the Council meeting in July.
- 7.2 Cllr France believed that the June document and July paper contained the same information, although when challenged on this he acknowledged that they were in fact different.
- 7.3 Cllr France now accepts that the content of his campaign leaflet is in fact incorrect and in part misrepresents the June document.
- 7.4 The subsequent letter was sent to correct his mistake.
- 7.5 The attachment to the letter was marked confidential but Cllr France believes this confidentiality was lost by the publication of the Preferred Options Paper. If confidentiality was not lost by that publication then Cllr France believes it was in the public interest for the June document to be published. He confirms his reasons for this belief were that he was being accused of misrepresentation whereas in his view the June document confirmed that he was correct in his statements. It is Cllr France’s position that the public interest was served by him clarifying what was stated in June.

## **8 Evidential Issues**

- 8.1 One of the major issues in this investigation has been what information has been disclosed to who and when.
- 8.2 To be clear to members of the Standards Committee. The document attached to the complaint and marked as confidential will not have been the document circulated to Cllr France.
- 8.3 The document attached to the complaint was marked "Confidential – Member Working Group Version 1.1 08/06/2011". The document which was circulated to Cllr France in June 2011 was "Confidential – Version 1.2 13/06/2011".
- 8.4 However, the documents are materially the same and the information relied on by Cllr France in his campaign leaflet is contained in both version 1.1 and version 1.2. Both are marked confidential and the same obligations relate to both.

## **9 Reasoning as to whether there have been failures to comply with the Code of Conduct**

Allegation 1 - That Councillor France used his office as a councillor to mislead the public by making unsubstantiated claims and that through his actions and false claims of the Council issuing documents supporting his claims he has brought Chorley Borough Council into disrepute.

- 9.1 Cllr France received the information relied on within his campaign leaflet due to his position as a Councillor.
- 9.2 The campaign leaflet misrepresented the information Cllr France had received. It neither reflected the content of the June consultation document nor, failed to reflect the content of the July Preferred Options document which was in the public domain.
- 9.3 Cllr France was either wilful, negligent or reckless in his campaign leaflet statement. The content was wrong. The site identified as CS0030 was allocated as public space not housing or employment as stated. The site CS0043 was allocated as employment land not housing as stated. Any confusion that may have been caused by the June document is overridden by the Preferred Options Paper which is clear.
- 9.4 The statement that 165 houses could be built across the 3 sites if approval were granted at a density of 50 dwellings per hectare is factually correct as per the June document. However, this figure is misleading. Even on the June document which was superceded by the Preferred Options paper, only 9 properties are suggested for build on site CH0169 only.
- 9.5 The leaflet is titled "Labour Campaign Special" and by its nature is a political document. There is an expectation that such a document will contain some hyperbole. However, the context of the statements misrepresents confidential information he held and fails to reflect updated information he received. It is reasonable to consider that the campaign leaflet was a deliberate attempt to misrepresent the position in relation to these sites to the public in order to make political gain.

- 9.6 Cllr France subsequently issued a letter which failed to state that his earlier campaign leaflet had been in error. The letter infers that he was responsible for the removal of the allocation of CS0030 as Housing and Employment. The July Preferred Options document had already indicated a proposed allocation of open space.
- 9.7 It is acknowledged that Cllr France contributed to the Labour Group representations brought to Council in July and that he opposed development on CS0030. (this comment is not allocated in the objections but is in accordance with Cllr France's statement and it is reasonable to attribute it to him).
- 9.8 Had the letter contained an admission of fault and confirmed the correct position it would be reasonable to conclude that Cllr France had in fact mistaken the content both of the June document and the Preferred Options paper. However, as stated above it does not. As the letter appears to perpetuate the belief that site CS0030 was at the time of the leaflet to be allocated as housing, it is reasonable to conclude that Cllr France was wilfully attempting to mislead the public.

Allegation 2 - That Councillor France has published details of a confidential document against the Council's wishes in his undated letter to residents of Brinscall.

- 9.9 There is no definition within the Code of Conduct as to what constitutes a confidential document. However, the document attached to Cllr France's rebuttal letter is clearly marked confidential. Cllr France has acknowledged that the document (whether the one attached to the complaint is the correct version or not) he attached to his letter was marked confidential.
- 9.10 The marking of the document does not in itself make it confidential and confidentiality can be lost due to changes in circumstances and the passing of time.
- 9.11 In this instance the document was a consultation paper and was marked confidential for 2 reasons
- it contained commercially sensitive information that if obtained by a developer may provide a commercial advantage; and
  - the content was not final recommendations and was very likely to change, release may have lead to unfounded public concern.
- The site allocations process of which this document is a part has not been concluded and as such these early documents remain confidential and have not been published by the Council.
- 9.12 The Preferred Options paper was published and made public in July. However, this did not negate the confidentiality of the June document. The content of the 2 documents is materially different with the June document containing illustrative workings and figures.
- 9.13 It is a reasonable conclusion therefore to decide that the document disclosed was confidential.
- 9.14 Cllr France has suggested that it was in the public interest that the June document be disclosed as he felt that the conservative group were misleading the public in the allegations they had made against

him. Cllr France has to show that the disclosure is reasonable, in the public interest and made in good faith.

- 9.15 The statements made by the conservative councillors in the intouch publication were correct whereas the statements made by Cllr France in his leaflet were not. The disclosure does not support Cllr France's statement and therefore it is extremely difficult to see how this disclosure of a clearly marked confidential document is in the public interest.
- 9.16 It is also relevant to consider whether Cllr France took any advice prior to disclosure either from the document author or the council's legal service. He did not.
- 9.17 The public interest defence is not made out in this matter.

## 10 Finding

- 10.1 **You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. (para 5)**
- 10.2 Cllr France received information in his role as a Councillor. In his role as a Councillor he issued a campaign leaflet which misrepresented that information. In particular, this misrepresentation related to the position of the Council as a body rather than concerning individual members.
- 10.3 Cllr France then issued a letter to residents which failed to correct his misrepresentation and included with the letter a document marked confidential.
- 10.4 As a result of Cllr France's actions the Council experienced an increase in telephone contact from residents in that area who were misled by Cllr France's leaflet.
- 10.5 **Finding** – Cllr France breached the code of conduct by his actions and brought the authority into disrepute.
- 10.6 **You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:**
- (ix) You have the consent of a person authorised to give it
  - (x) You are required by law to do so;
  - (xi) *..not applicable....*
  - (xii) The disclosure is
    - a. Reasonable and in the public interest; and
- Made in good faith and in compliance with the reasonable requirements of the authority. (para 4 (a)).**
- 10.7 Cllr France received a document that was clearly marked confidential. He subsequently not only disclosed some of the content but appended an extract from the document to a letter he sent to the public.
- 10.8 Cllr France neither sought the consent of someone authorised to disclose the document, nor was he required to disclose it by law.

- 10.9 It has been considered whether the disclosure was reasonable and in the public interest. As the content was misrepresented by Cllr France it cannot be seen to be in good faith. Neither was it in compliance with the reasonable requirements of the authority as the grounds for maintaining the documents confidentiality existed at the time of the disclosure indeed they continue to exist now. The reason for disclosure provided by Cllr France was to protect his own personal interests in a situation he had created himself and is not in the public interest.
- 10.10 **Finding** – Cllr France breached the code of conduct by disclosing confidential information.

## Appendix A

1. Assessment Sub Committee Papers to include the complaint and supporting documents
2. intouch Conservative Publication
3. Interview Attendance Note – Complainant – 18 October 2011
4. Interview Attendance Note – Respondent – 25 October 2011
5. Email exchange Monitoring Officer and Jennifer Moore – 2 November 2011
6. Member Contact record held by Planning concerning LDF
7. Letter to Councillors 14 June 2011
8. Document marked Confidential – version 1.2 dated 13 June 2011 relating to Brinscall / Withnell
9. Extract from Proffered Options Paper taken from Full Council Agenda – dated 19 July 2011

## COMPLAINT FORM

### Your details

1. Please provide us with your name and contact details:

<b>Title:</b>	COUNCILLOR
<b>First name:</b>	ALAN
<b>Last name:</b>	CULLEN
<b>Address:</b>	719 PRESTON ROAD CHORLEY LANCS P26 7EJ
<b>Daytime telephone:</b>	01772 628271
<b>Evening telephone:</b>	01772 628271
<b>Mobile telephone:</b>	01951 474377
<b>Email address:</b>	alan.cullen@chorley.gov.uk

Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we may tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which of the following best describes you:
- Member of the public
  - An elected or co-opted member of an authority
  - An independent member of the Standards Committee
  - Member of Parliament
  - Local authority Monitoring Officer
  - Other council officer or authority employee
  - Other

### Making your complaint

3. Your complaint must be that the Member(s) has, or may have, breached the Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at <http://www.standardsforengland.gov.uk/>  
 Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee.  
 To see the process the complaint would follow please see appendix 1.
4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
CUR	CHRISTOPHER	FRANCE	CHORLEY





Over recent weeks Councillor Christopher France has been running a campaign within his Ward of Wheelton and Withnell against 'proposed' housing development on 3 sites in Brinscall. This campaign has been by Newsletter, Flyer (copy attached), house visits and a local petition.

Claims that at the last Council meeting that the proposal to build housing on these sites was voted through are unfounded as the vote was to retain one sector of land as Open Space, one as protected employment land and a third for housing. These claims have caused a great deal of consternation in the area and Chorley Borough Council has received numerous enquiries protesting to the alleged proposals.

Following distribution of a newsletter by another Ward Councillor setting out the facts on this issue Councillor France issued a rebuttal letter to residents, copy attached, and it is against this that this complaint is lodged. The letter states 'In the proposal published in June by Chorley Council the above piece of land was included in sites suggested for housing development.' No such document has been published by the Council and the only document that relates to this issue in June was a confidential document for internal member discussion, copy attached. It was stressed at all meetings that the document was to remain confidential in order to reduce public concern during member deliberations on sites.

This complaint is made on two issues:

- 1 That Councillor France used his office as a Councillor to mislead the public by making unsubstantiated claims and that through his actions and false claims of the Council issuing documents supporting his claims he has brought Chorley Borough Council into disrepute.
- 2 That Councillor France has published details of a confidential document against the Council's wishes in his undated letter to residents of Brinscall.

**Only complete this next section if you are requesting that your identity is kept confidential**

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- You have reasonable grounds for believing that you will be at risk of physical harm if your identity is disclosed.
- You are an officer who works closely with the subject Member and you are afraid of the consequences to your employment or losing your job.
- You suffer from a serious health condition and there are medical risks associated with your identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:


**Additional Help**

7. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

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

If you need any support in completing this form, please let us know as soon as possible.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515196 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી. આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کے لیے بروہو موہانی اس سروس پر کال کریں

01257 515823

تلفون کریں:

## Diversity Monitoring Form

Chorley Council wants to ensure that all its customers are treated fairly and no one is discriminated against unlawfully. We ask you to complete this form so that we can monitor the services we provide to you and improve them. **The information you supply here is confidential and for monitoring purposes only**

1. **Are you:** Male  Female
2. **Which of the following age groups do you belong to?**
- Under 15   
16 to 17   
18 to 24   
25 to 39   
40 to 49   
50 to 59   
60 to 64   
65 years and over
3. **Do you have any long-standing illness, disability or infirmity?**  
*(Long standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time.)*  
 Yes  No
- a) **If so, does this illness or disability limit your normal day to day activities in any way?**  
 Yes  No
4. **To which of these groups do you consider you belong?** *(Please tick one box only)*
- |  |                                     |   |                          |
|--|-------------------------------------|---|--------------------------|
| <u>White</u>                                       |                                     | <u>Mixed</u>                                    |                          |
| British  | <input checked="" type="checkbox"/> | White & Black Caribbean                         | <input type="checkbox"/> |
| Irish  | <input type="checkbox"/>            | White & Black African                           | <input type="checkbox"/> |
| Other White Background<br>(Please write in)        |                                     | White & Asian                                   | <input type="checkbox"/> |
|  |                                     | Any other mixed background<br>(Please write in) |                          |
| <u>Chinese</u>                                     | <input type="checkbox"/>            |   |                          |
| <u>Black or Black British</u>                      |                                     | <u>Asian or Asian British</u>                   |                          |
| Caribbean  | <input type="checkbox"/>            | Indian  | <input type="checkbox"/> |
| African  | <input type="checkbox"/>            | Pakistani                                       | <input type="checkbox"/> |
| Any other Black background<br>(Please write in)    |                                     | Bangladeshi                                     | <input type="checkbox"/> |
|  |                                     | Any other Asian background<br>(Please write in) |                          |
| <u>Any other ethnic group</u><br>(Please write in) |                                     |   |                          |
5. **What is your religion?**
- |  |                                     |          |                          |
|--|-------------------------------------|----------|--------------------------|
| Christian  | <input checked="" type="checkbox"/> | Buddhist | <input type="checkbox"/> |
| Hindu  | <input type="checkbox"/>            | Jewish   | <input type="checkbox"/> |
| Muslim   | <input type="checkbox"/>            | Sikh     | <input type="checkbox"/> |
| Other religion <input type="checkbox"/><br>(Please write in) |                                     | None     | <input type="checkbox"/> |

**What is your postcode?**



# LABOUR CAMPAIGN SPECIAL

Chorley Borough Council has already approved the Local Development Framework plan and it has now gone to public consultation. This plan is extremely important as it identifies potential development sites across Chorley over the next 25 years.

In Brinscall three sites have been located and are identified on the back of this flyer. **CH0169** has been identified as a housing site as has **CS0043**. **CS0030** which is currently part of Railway Park has been identified for either housing, employment land or both. This means that potentially **165 houses** could be sited there if development approval was granted for 50 dwellings per hectare.

Chris France has already called for the abandonment of the council's current approach and has previously voted against the draft. Chorley Council seeks to set the minimum dwellings per hectare rate at 16 when the national average is above 30. **This means that twice as much land must now be found for development.**

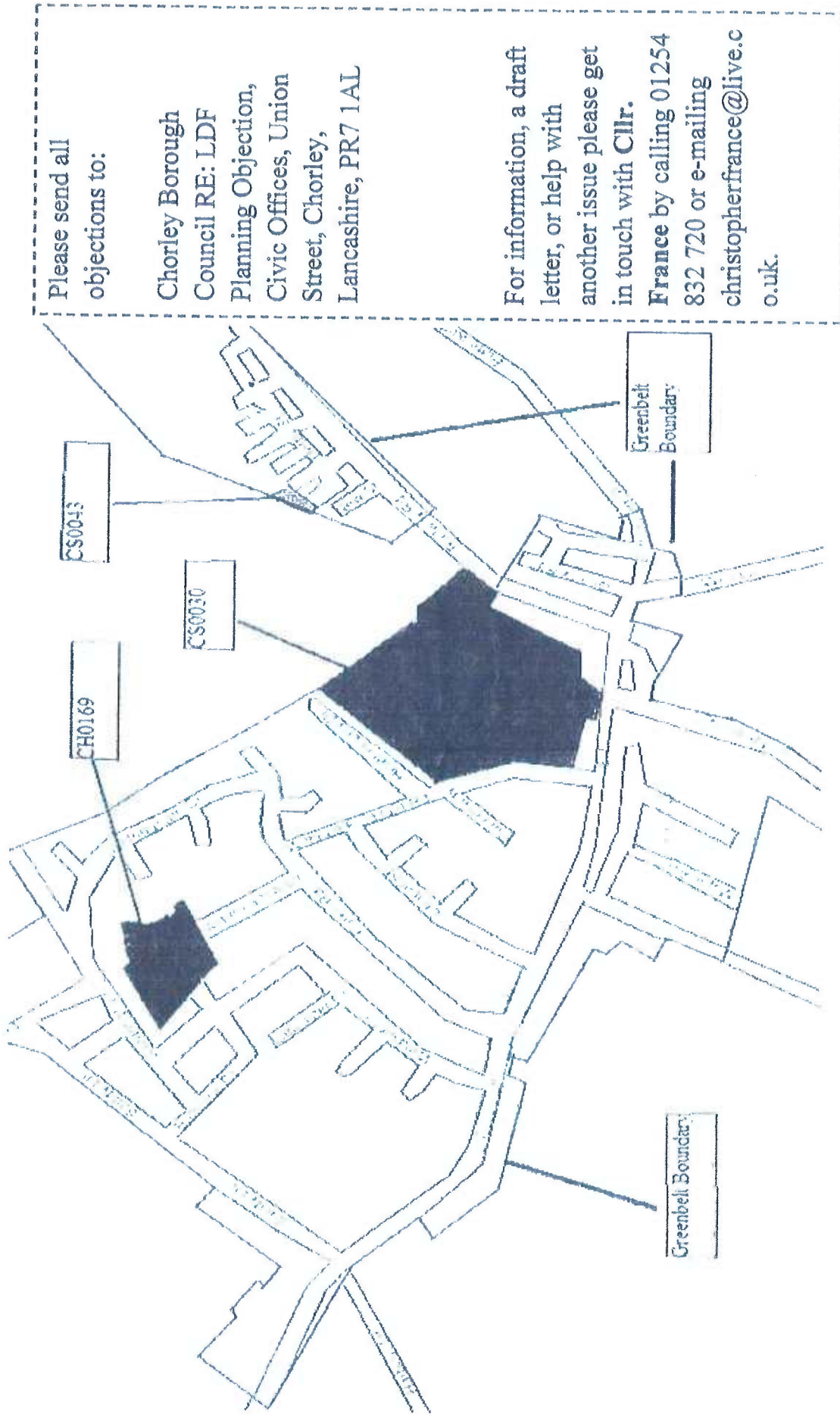
**Chris France proposed the figure be brought in line with the national average so as less sites need to be found and called for development at CS0030 to be halted immediately as it should be maintained as a nature reserve and open space.**

However, at the last full Council meeting all but one attending Chorley Conservative Councillors (including the Conservative Councillor from Wheelton and Withnell) and all Chorley Liberal Democrats, who now share power with Chorley Conservatives, voted for the plan. So although **all Chorley Labour Councillors in attendance unanimously voted against the proposal** it was approved and has now passed through to its final stages.

**We are now in the brief public consultation period and this is the last chance to stop the above sites being allocated for development.**

All residents wishing to object to any of the above sites must write to Chorley Borough Council (the address is on the reverse) with the site codes as soon as possible for the consultation period is brief. A full and more detailed layout of Chorley's proposed development sites can be found at <http://www.chorley.gov.uk/index.aspx?articleid=608>.

If a resident would like a copy of a draft letter or any advice then please get in touch. Chris France's details are on the reverse.



The above map is intended to provide a basic guide reference only and was created independently for copyright reasons. More detailed maps are available on the Chorley Borough Council website via the link on the reverse page.

This leaflet was printed and promoted by David Snape, 14 The Avenue, Adlington on behalf of Councillor Christopher France, 25 Larch Drive, Brinscail, Chorley.

# Cllr Chris France

Councillor for Abbey Village, Brinscall, Wheelton & Withnell



Cllr Chris France  
Tel: 01254 832720

Dear Resident

## Land at Railway Park/Brinscall Nature Trail

I am writing regarding the above area of land.

In the proposal published in June by Chorley Council the above piece of land was included in sites suggested for housing development (see plan opposite).

I can confirm that no housing development will go ahead at this stage and the land will be designated as recreational open space.

I will commit to remaining vigilant over future plans for housing in our village and ensure that your views are always heard.

Best wishes

Yours sincerely

*Chris France*

Chris France

By virtue of paragraph(s) 7a of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted





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**Conservatives**

# intouch

**How to contact us**

 1 West Bank Chorley  
 Lancashire PR7 1JF  
 01257 262677  
 office@chorleyconservatives.com  
 www.chorleyconservatives.com

**with Wheelton & Withnell**
**September 2011**


## LAND OFF HEATHER LEA DRIVE

### Labour Scare mongering in Brinscall

Following a 'Campaign Special' and visits by Labour party members to several homes in Brinscall we set the record straight.

Councillor France and the Labour Party are guilty of malicious scare mongering over proposed housing developments and we are aware that this has given rise to a great deal of upset and concern.

**In setting the record straight the 15 year plan allows for just 32 new homes in the whole of Wheelton and Withnell Ward and not the 165 Labour detail for one site.** The only site proposed for housing development is land at Drinkwater Farm, Windsor Drive. This site will form a part of the Site Allocations Plan which will be going out to public consultation later this week and the Council would welcome your views on this.

If Councillor France had studied the plan properly, which he voted against, he would have seen that the land that forms a part of Railway Park and **is designated to remain Open Space.** In addition the designation against the Commercial Premises on Hartington Road is for there to be no change to this land.

It is regrettable the concern the Labour members have raised and we would ask that you call upon Councillor France to explain the actions he has taken.



Local Conservative Councillor Alison Hansford

**You can read the Conservative-led Council's report to Chorley Borough Council through this special web link <http://bit.ly/brinscall> See Appendix 3 PREFERRED POSITION ON ALL OTHER SUGGESTED SITES PDF page 37 item Agenda Page 107 Reference CS0030**

  
 twitter  
 ChorleyTories



## Conservatives



# intouch

If you have a problem or concern call us on 01254 831178

## Chorley Hospital

The Labour Party in Chorley has started a campaign to save Chorley Hospital despite the Chief Executive of Chorley NHS Trust confirming that there are no plans to close the facility. This is yet more scaremongering by Labour. What a way to treat the people of Wheelton and Withnell.

## Swimming Bath Centenary

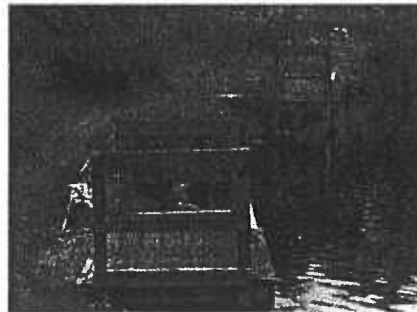
It was excellent to see Brinscall Baths celebrate its centenary recently. Saved by the Conservative lead Council 4 years ago the facility is a great asset to the people of the area and if Labour had had their way one that would have closed down.

## Wheelton Police Station

Local Conservative Councillor Alison Hansford has campaigned for some considerable time against the closure of the local Police Station. Although only limited consultation has taken place it is essential we retain a strong police presence in the area. Commented Alison ' If a final decision to close the Station is made the police have stated that they will look at sharing a local facility. I will continue to campaign to ensure there is no reduction to policing in and around this area. Your local Conservatives have

ensured that we retain our PCSO numbers.'

## New Fishing Platform Helps the Disabled



Your local Conservative Councillor is delighted that following her campaign new Fishing Platforms have been installed at Lodge Bank, Shale Holes and Junior Lodge Withnell Fold. Alison said these have been a tremendous success in encouraging both disabled people and youngsters to take up fishing. As a result Withnell Angling Club has set up a scheme to teach local children to get involved in fishing.

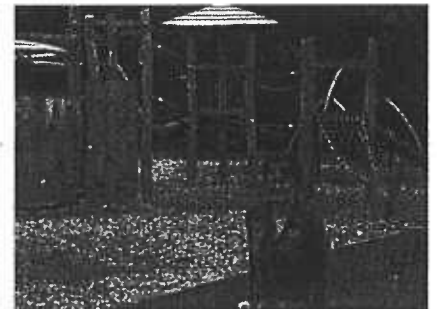
In addition by changing the access to Shale Holes we have been able to open up Railway Park to families with prams.'

## Conservative Councillor secures new Play Areas in Wheelton and Brinscall

Two new play facilities have been opened in the area thanks to a

campaign by Alison Hansford. By consulting with many local children and teenagers we have been able to create the facilities that they themselves helped to design. Since the play areas have been opened it has been great to see the number of young people who have been using them.

Alison has now set her sites upon securing a new facility for Abbey Village and will be taking her proposals to Chorley Borough Council.



## Your Conservative Councillors

**Councillor Alison Hansford**  
01254 831178  
alison.hansford@chorley.gov.uk

**County Councillor Pat Case**  
01257 480165  
pat.case@lancashire.gov.uk

**KEEPING IN TOUCH**

Printed and posted by Alex Collins, on behalf of Chorley Conservative Association, both of 1 West Bank Chorley PR7 1JF.

Please give us your contact details so we can keep in touch with you about the issues affecting our area:

Name

Address

Email

Home/Mobile no

Please return to: **CCA 1 West Bank Chorley PR7 1JF**

**HOW CAN YOU HELP US?**

- Display a poster at election time
- Deliver leaflets
- Help with stuffing envelopes
- Attend social events
- Join the local Party
- Vote by post
- Stand for Council

How we use your information  
The data you provide will be retained by the Conservative Party and Chorley Conservative Association ("the data holders") in accordance with the provisions of the Data Protection Act 1998 and related legislation. By providing your data to us, you are consenting to the data holders making contact with you in the future by telephone, text or other means, even though you may be registered with the Telephone Preference Service. Your data will not be sold or given to anyone not connected to the Conservative Party. If you do not want the data we use you give to us to be used in this way, or for us to contact you, please indicate by ticking the relevant boxes: Post: C. Case 1, 5459 1J, Please LJ

## Attendance Note

For Monitoring Officer

Matter reference: 000849  
 Matter name: Standards Complaint - Cllr Chris France - 2011  
 Attended by: Chris Moister  
 Attendance with: Cllr Alan Cullens

Attendance on: 18 October 2011  
 Recorded on: 26 October 2011  
 Subject: Standards Complaint – Interview

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The following is a note of a meeting held with Cllr Cullens on 18 October.

Cllr Cullens – The complaint was made because of the pressures placed upon the Planning Team and Contact Centre as a result of a leaflet published by Cllr France. It was not simply that the leaflet was misleading or untrue, but that it caused significant additional work for the Council and concern from the public.

Cllr Cullens – I was made aware of this issue as I was advised of it by Lesley-Ann Fenton in my role as Executive Member for Planning.

Cllr Cullens – I was particularly concerned about the reputational issues for the Council as it was stated in the email that allocations raised had been fixed and this was not the case.

CM – Can you confirm what your complaint is?

Cllr Cullens

Generally that Cllr France had disclosed and misrepresented confidential information in a way that was specifically designed to cause public outcry specifically –

1. That the leaflet circulated by Cllr France made reference to confidential information and that this information was misrepresented by Cllr France.  
 In particular
  - Site CH0169 to be allocated for housing – agreed
  - Site CS0043 to be allocated for housing – not agreed option was to retain for employment
  - Site CS0030 to be allocated for housing – not agreed option to protect as public open space
2. The leaflet used confidential illustrative information to “scaremonger” the public buy using the figure of 165 new properties
3. That Cllr France reproduced an extract from a confidential document and circulated it to the public under cover of an undated letter. The confidentiality of this document had not then and has not now been waived.
4. That by his conduct Cllr France has also brought the Council into disrepute.

CM – Can you confirm when the leaflet was produced or distributed?

Cllr Cullens – I became aware of the leaflet on the Weekend 19 – 21 August as it was brought to my attention by the public at that time and I was contacted on the Monday Morning (22<sup>nd</sup> August) by Lesley-Ann Fenton about this matter in my Planning member role.

On 21 August I had met a member of the public who handed me a copy of the leaflet for information.

Subsequently, with colleagues, a newsletter in response was produced (24 August) which confirmed that only 1 of the 3 sites were in fact proposed for housing and confirmed that this was a proposal that was for public consultation.

Within one week of this newsletter in response (although Cllr C cannot be certain of the date he believes it to be prior to 31 August) Cllr France issued a letter which appended an extract from a document that had been circulated to members in June of this year for consultation purposes. The document was marked confidential on both sides.

Cllr Cullens also takes issue with the letter as it does not seek to step back from the earlier position in the campaign leaflet but infers that the Council have changed their position as a result of Cllr France's actions. Cllr Cullens notes that the letter specifically states that the confidential document has been "published" which again is untrue. It was and remains confidential.

CM – What was your understanding as to why this was confidential?

Cllr Cullens – The document was an options paper and the information contained therein could very easily have been misinterpreted by people who hadn't received the presentations and additional information provided by planning. It was important to maintain confidentiality to prevent this misunderstanding. This was also an options paper for members to consider and was not necessarily the same document that would go into the public domain for consultation. It was important to keep the original document confidential to avoid any public confusion as to what was being consulted on.

CM – What briefings did you/ other councillors receive about the process this document?

Cllr Cullens – I had a number of sessions specific to me but there were a number of briefing sessions for members run by planning (specifically Jenni Moore and Julian Jackson) whose dates they can confirm where the process was explained and the importance of the integrity of the process was stressed.

It would have been concerning one of these briefings that Cllr France received the confidential document.

Cllr Cullens – The actions of Cllr France caused significant public concern. A petition against the alleged proposal was started at Brinscall Post Office and got many signatures before the Post Mistress withdrew her support (and the venue) after she became aware of the truth of the situation.

## Attendance Note

For Corporate Director of Governance

Matter reference: 000849  
Matter name: Standards Complaint - Cllr Chris France - 2011  
Attended by: Chris Moister  
Attendance with: Cllr Chris France (accompanied by Cllr Peter Wilson)  
Attendance on: 25 October 2011  
Recorded on: 03 November 2011  
Subject: Standards Investigation

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CM – reconfirmed the process and purpose of the interview.

CM – restated the complaints made

1. That in a leaflet “campaign special” issued in or around mid August Cllr France had misrepresented information taken from a confidential document by stating that land had been allocated for housing when it was not, and by overstating the potential effect of the proposals on house numbers to be built (stated by Cllr France as 165)
2. That Cllr France had disclosed an extract from a confidential document by attaching it to a letter sent to residents at the end of August.

CM – What was your understanding of the papers you received in June? Did you view them as confidential?

Cllr France – Yes they were clearly confidential.

I understood that they were to enable members to discuss the possible site allocations and provide us with an opportunity to make representations on the allocations at the council meeting in July.

When I issued the leaflet I believed that the sites were still allocated for housing as per the document issued in June and that the Council meeting had not changed these allocations.

The content of the leaflet was a mistake. Cllr France misunderstood the content of the information concerning sites CS0043, CS0030 and CH0169. He believed at the time the leaflet was issued that it was the intention of CBC to allocate these sites for housing.

Cllr France states that as soon as he became aware of his mistake he issued the letter which corrected his position.

CM – This was the letter which contained the extract of the confidential document?

Cllr France – Yes. I had cross referenced this document with the document published on-line and it was substantially the same, only the boundaries (not site boundaries but area boundaries on the illustrative plans) were different.

There had been a considerable period of time elapsed from receipt of the confidential document (received some time in June) and the date of both the leaflet and the letter. This coupled with the publication of substantially the same information lead Cllr France to believe that the document and/or its content was no longer confidential.

In any event, there was a public interest in disclosing this document.

The conservative group had published a response to the initial leaflet which had accused Cllr France of misleading the public as to the intentions of the Council concerning the 3 sites. To the best of his recollection he was accused of lying with "deliberate and malicious intent".

Cllr France felt that this misrepresented the Council's position as these site were considered and the confidential document he disclosed demonstrated this.

CM – But you were mistaken as to the effect of that document?

Cllr France - Yes CS0030 – accept that it was not proposed to allocate this site for housing  
CS 0043 – accept that this site was already allocated for housing  
CH0169 – accept that this site was already allocated for housing and employment use but that the proposal was to allocate for employment land only.

CM – How did the disclosure of the document serve the public interest?

Cllr France – It showed that these sites were being considered and therefore demonstrated that the conservatives were seeking to mislead the public with their response and that I wasn't lying. Although accept was in error as to its content, I wasn't lying I just made a mistake.

CM – Had you discussed the confidential document with officers?

Cllr France I met with officers with Cllr Edgerley and made objections to the allocations at that time. I also made written objections to the allocations at the meeting in July.

CM - Did you discuss the leaflet or letter with anyone?

Cllr France – I discussed it with David Snape (who has acted as an Election Agent for the Labour Group)



**Chris Moister**

---

**From:** Jennifer Moore  
**Sent:** 02 November 2011 16:26  
**To:** Chris Moister  
**Subject:** RE: Standards Investigation  
**Attachments:** StdsInv-MemberEngementSite Allocations.docx

**Importance:** High  
**Sensitivity:** Confidential

Dear Chris,

Please find the answers below to the questions you posed for this investigation. I have discussed the information with Peter McAnespie, Policy & Urban Design Manager, in order to prepare and provide appropriate information for you. I have explained the confidentiality of this matter to Peter.

I would ask you to note that L-AF, PMcA and I met with Cllr Cullens as Executive Member to agree the process by which members would be consulted on site allocations, prior to the matter being put to Full Council 19<sup>th</sup> July. One key element was that members needed to understand the information about individual sites in order to make an informed decision, and that members would need opportunities to discuss choices with officers on an individual, ward or group basis. The Executive Member was seeking to gain consensus on the sites proposed.

In simple terms, a settlement hierarchy policy exists in the LDF Core Strategy, and a working assumption is made that various settlements must contribute a certain proportion of development to meet housing requirements – based on the agreed approach to spread growth evenly. At the top of that hierarchy is Chorley Town, followed by Buckshaw, then six urban service centres (Adlington, Clayton Brook, Clayton-le-Woods, Coppull, Whittle-le-Woods, Euxton), then Rural Service Centres (Brinscall, Eccleston), followed by other places. The summary spreadsheet details the calculations for each part of the settlement hierarchy – in effect they operate as control targets for each settlement. The summary spreadsheet explains how much land may be needed to meet those control totals. Some settlements had a larger source than others from which to meet the control totals. Others did not have enough. A spreadsheet was also prepared for each element of the settlement hierarchy detailing the pool of sites from which allocations could be selected, and officer views. Alongside this, an sustainability assessment for each site was also prepared, and this would ultimately be published. This information was also considered necessary for members to make an informed decision about sites for allocation.

The summary and settlement spreadsheets were amended from time to time by officers, as further information and options were considered, and also following guidance & discussion with members at informal cabinet, meetings and drop in sessions. Policy team were instructed to maintain version control and issue records.

The process for wider member engagement was broadly as follows:

- Member Learning Hour – an event designed to explain the site allocations process, the information that would assist members in deciding which site should be allocated, including detailed assessments of sustainability for each suggested site. A presentation was given by myself, and Democratic Services noted attendance. I have a paper copy of this presentation only, as it was subsequently removed from the corporate presentation folder. A few examples of site assessment sheets were shared with members and collected by L-AF at the close of the event. No other information was distributed except the presentation. Members were advised that they would receive a full pack of information for their consideration in due course, and we outlined the engagement programme before Full Council. I am confident that confidentiality was raised in the context that the decision to allocate sites had significant commercial and public sensitivity, but perhaps other attendees could advise.

- Member Drop-in Sessions – where members could speak with officers about any particular sites and issues.
- The opportunity for Individual or Groups of Members to meet with officers on request.
- Informal Cabinet - A series of briefings & discussions were held with Informal Cabinet, to help them understand officer's views about which sites should be allocated and why, and to seek their guidance on how to engage with all members and party groups.

I have provided under separate cover a hard copy of documents which constitute material provided to members during the process of determining which sites should be allocated. Specifically this is a set of spreadsheets detailing sites being considered for allocation which was provided to the LDF Member Group, and the pack provided to all members 14 June 2011. If you need anything further, then please contact me.

Jenni

Jennifer Moore  
Head of Planning  
Chorley Council

DD: 01257 515571

EMAIL: [jennifer.moore@chorley.gov.uk](mailto:jennifer.moore@chorley.gov.uk)

1. Can you please confirm the dates of any training / information / drop-in sessions arranged for Councillors relating to the site allocation process?

Response: Attached is a summary of member engagement prior to Full Council on 19<sup>th</sup> July 2011, with dates & details of attendees. Attendance records were maintained by Peter McAnespie & his team, and on occasion Democratic Services. This document will also provide the answer to question 3.

2. Can you please confirm the dates of any information sessions relating to this process for which the public were invited but Councillors were aware?

Response: All dates included in the above, none in public.

3. Are you able to confirm which Councillors attended any of the above referred to sessions and if so who and when?

Response: Yes - Attendance included in attached document.

4. Did the sessions explain the operation of the first confidential document and how the Site Allocations process was to work?

Response: See above comment on member learning hour. Peter McAnespie advises me that a number of members had noted the confidentiality of the documents provided, and indeed asked him/his staff about what information could be shared with the public. Peter advises me that the response was that the information was not shareable, but the public could information contained in published documents at the issue & options stage.

5. Did you provide a "consultation pack" for Councillors which included a confidential Site Allocations document?
  - a. If so when was this provided to Councillors; and
  - b. For what reason was the document confidential; and
  - c. Was confidentiality ever waived over the document, and if so when;
  - d. Is this document the same as the one place before Council at the July Council meeting?



Response: A pack was provided 14 June 2011, and consisted of a letter, together with a summary spreadsheet and a spreadsheet for each settlement (version 1.2), and a full set of individual site assessments. A copy of that pack has been provided for you. The letter explains the purpose of the pack – i.e. the aim was for members to try to reach a consensus in advance of Full Council. The letter was agreed with L-AF prior to issue. Members were asked to respond by 30 June. A record has been kept of responses made.

The documents were marked confidential because the decisions to be made for site allocation have a commercial sensitivity – in that any perception of certainty of site allocation would affect land/property values; that such perception may influence the submission or timing of a planning application; such information (if disclosed) may undermine any future consideration of an application or subsequent planning appeal. In addition, any perception of an intention to allocate may provoke public concern, which could be perceived as influencing member decision making prior to full council.

I am not aware of any request for confidentiality to be waived.

The report to Full Council included a spreadsheet of sites recommended for allocation – the data had been modified from that previously issued on 14 June to all members, and to that issued to informal Cabinet 23 June, and it was in a different format.

Ends

---

**From:** Chris Moister  
**Sent:** 26 October 2011 10:10  
**To:** Jennifer Moore  
**Subject:** RE: Standards Investigation  
**Sensitivity:** Confidential

Thanks Jenni

Chris

Chris Moister  
Head of Governance  
Chorley Council  
tel: 01257 515160

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**Chorley Council - rated "excellent" - aiming higher**

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**From:** Jennifer Moore  
**Sent:** 26 October 2011 10:07  
**To:** Chris Moister  
**Subject:** RE: Standards Investigation  
**Importance:** High  
**Sensitivity:** Confidential

Dear Chris,

I will need to confer with Peter McAnespie who holds the records for this information, and I will of course explain this matter is confidential.

I'm sure we can provide a full response for tomorrow.

Jenni

---

**From:** Chris Moister  
**Sent:** 26 October 2011 09:38  
**To:** Jennifer Moore  
**Subject:** Standards Investigation

Hi Jenni

I have received a complaint concerning the conduct of a Member of the Authority concerning the misrepresentation of publication of confidential papers on the Site Allocation process for LDF.

In order to progress this matter can you please respond to the questions below. In the alternative, if you would prefer, can you pull together the information sought and we can arrange to meet.

1. Can you please confirm the dates of any training / information / drop-in sessions arranged for Councillors relating to the site allocation process?
2. Can you please confirm the dates of any information sessions relating to this process for which the public were invited but Councillors were aware?
3. Are you able to confirm which Councillors attended any of the above referred to sessions and if so who and when?
4. Did the sessions explain the operation of the first confidential document and how the Site Allocations process was to work?
5. Did you provide a "consultation pack" for Councillors which included a confidential Site Allocations document?
  - a. If so when was this provided to Councillors; and
  - b. For what reason was the document confidential; and
  - c. Was confidentiality ever waived over the document, and if so when;
  - d. Is this document the same as the one place before Council at the July Council meeting?

As I am sure you understand this investigation is confidential. Whilst I realise you will need to obtain this information from other officers, can you ensure that the reasons for requesting are kept private.

Thanks Jenni

Regards  
Chris Moister

[Mailto:chris.moister@chorley.gov.uk](mailto:chris.moister@chorley.gov.uk) | Telephone: 01257 515160 | Fax: 01257 515114  
Document: 000849/11289

Chorley Council - rated "excellent" - aiming higher

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**MEMBER ENGAGEMENT IN SITE ALLOCATIONS****PREFERRED OPTION STAGE – MAY TO JULY 2011**

Doc produced for Chris Moister 01 November 2011

**MEMBER LEARNING SESSION: 23 MAY 2011**

Attendees: Councillors Eric Bell, Terry Brown, Alan Cullens, Dennis Edgerley, Marie Gray, Alison Hansford, Steve Holgate, Paul Leadbetter, Greg Morgan, Pauline Phipps, Dave Rogerson, Geoffrey Russell, Rosie Russell, John Walker and Paul Walmsley.

Officers: JM, L-AF, PMcA.

Documents circulated: A copy of a presentation made by JM. Approx three examples of completed site sustainability assessments, collected by L-AF at end of meeting.

**LDF MEMBER WORKING GROUP: 02 JUNE 2011**

Members: Councillor Peter Goldsworthy (Chair) Alan Cullens (Vice-Chair) and Councillors Alistair Bradley, David Dickinson, Dennis Edgerley, Harold Heaton, Roy Lees, Mick Muncaster, Paul Walmsley, and Julia Berry.

Apologies: Cllr Counce, Cllr Russell

Officers: L-AF, JM, PMcA, Stephen Lamb, Alison Marland, Rachael Hulme

The agenda included items on previous consultation, next steps and process.

**Version 1.0 Spreadheets distributed** – Summary Spreadsheet, and 8 x Settlement Spreadheets for Chorley Town, Buckshaw, Adlington, Clayton Brook, Clayton-le-Woods, Coppull, Euxton, Whittle-le-Woods. Note that the spreadsheets for other settlements were not completed at that time.

**MEMBER PACK - ISSUED 14 JUNE 2011**

***Letter, Version 1.2 – Summary Spreadsheet & Settlement Spreadheets, Composite Map, Site Sustainability Assessments – marked confidential***

**INFORMAL CABINET - LDF BRIEFING: 23 JUNE 2011**

Cllr Goldsworthy, Cllr Morgan, Cllr Heaton, Cllr Ball, Cllr Cullens, Cllr Joycel

Gary Hall, Lesley Ann Fenton, Jamie Carson, Jenni Moore, Peter McAnespie, Alison Marland, Stephen Lamb.

***Version 1.3 & some marked 1.4 – Summary Spreadsheet & Settlement Spreadheets distributed.***

**MEMBER DROP IN SESSIONS**

**22 June 2011** - Cllr R Russell, Cllr G Russell, Cllr T Brown

**23 June 2011** - Cllr Alison Hansford, Cllr Mark Perks, Cllr Pauline Phipps, Cllr John Walker

**29 June 2011** - Cllr Matthew Crow

**REQUESTS FOR MEETINGS - WARDS**

**Fri 01 Jul 2011 Cllrs Edgeley, A Lowe, M Lowe:** - Peter McAnespie and Stephen Lamb.  
Note that Cllr A Lowe did not attend.

**Mon 04 July 10am Cllrs Phipps, Murfitt -:** Stephen Lamb, Peter McAnespie

**Mon 04 July 11am Cllrs Wilson, Molyneaux, Hoyle -:** Stephen Lamb, Peter McAnespie.

**EXECUTIVE MEMBER/LABOUR GROUP REPRESENTATIVES: MON 04 JULY 2011,  
5:30PM**

Cllr Cullens, Cllr Edgerley, Cllr France. Officers: L-AF, JM, PMcA. The purpose of the meeting was to agree process towards Full Council and discuss key concerns.

**INFORMAL CABINET & STRATEGY GROUP: 07 JULY 2011**

Members: Cllr Goldsworthy, Cllr Morgan, Cllr Cullens, Cllr Heaton, Councillor Bell (Cllr Ball apologies). Officers: Jamie Carson, Gary Hall, Lesley Ann Fenton, Jenni Moore, Peter McAnespie, Stephen Lamb

The purpose of the meeting was to update members of progress to date, with a view to agreeing final recommendations.

Ends

Date 14<sup>th</sup> June 2011

Dear Councillor

**Re: Drop In Sessions - Site Allocations and Development Management Policies  
Development Plan Document**

As you may be aware, Chorley Council is currently working on a Development Plan Document looking at the allocation of sites and key local planning issues and development management policies for the Borough. This follows on from the Core Strategy, giving it a local, land use dimension. Within it are suggestions for housing, employment, open space, provision of allotments, new schools and health centres, public transport routes, local heritage sites etc.

The Council has already undertaken a consultation phase for a previous 'Issues and Options' stage of this document and it is currently revising the document in light of comments received.

In advance of a 'Preferred Option' version of this document going out to consultation ideally in August/September, we are currently asking Members to have a look at settlement summaries attached with a view to coming to a consensus on the sites to be taken forward for employment and housing use.

More specifically, Members are asked to consider which sites they wish to pursue through the Site Allocations DPD process and highlight those not considered suitable for allocation. Please note that site selection will be subject to tests of 'soundness' and therefore there must be proper planning reasons for their exclusion/inclusion.

To inform these choices, Members are provided with the following:

- Settlement Summary Housing Land Requirements 2010- 2026 and Settlement Summary Employment Land Requirements 2009- 2026
- A Sustainability Assessment of all the sites and
- A Borough Map showing all housing and employment site suggestions. (sites filtered out at the Issues and Options Stage December 2010 are not shown)

- A Schedule of Sites and Settlement Maps detailing the location and boundaries of these sites for:
  - the Key Service Centre of Chorley Town (3 maps – composite and north/south Chorley),
  - the 6 Urban Local Service Centres (Adlington, Coppull, Whittle-Le-Woods, Clayton-Le-Woods (Lancaster Lane), Euxton, Clayton Brook/Green)
  - the 2 Rural Local Service Centre of Eccleston and Brinscall/Withnell
  - Buckshaw Village
- Schedule of Other Rural Settlements.
- Schedule of Major Developed Sites.

In order to facilitate this process, two drop in sessions have been set up for Members when Officers will be available to explain the process further, answer any queries and receive feedback you may have. **These will take place on Wednesday 22<sup>nd</sup> June Committee Room 2, 5:30 – 7pm and Thursday 23<sup>rd</sup> June, Committee Room 1, 3-5pm.**

It is intended that the Preferred Option version of this document will be presented at full Council on 19<sup>th</sup> July. In order to meet this deadline, Members are asked for their responses by 30<sup>th</sup> June.

If you cannot attend one of these sessions and you wish to discuss any matters with an Officer, please contact the any member of the Policy and Design Team.

Yours faithfully

Peter McAnespie  
Policy and Design Team Leader



By virtue of paragraph(s) 7a of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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SETTLEMENT	Site Suggestion Ref	Site Address	SA Band	Current Local Plan	Officer Recommendation	Justification	Site Area (ha)	Housing Units	Employment (ha)
Whittle-Le-Woods	CH0016	Land to West of Lucas Lane	C	Safeguarded Land	Allocate for Housing	Band C. Required to meet overall requirements for ULSCs. Not suitable for employment due to difficult access issues, and also topography.	9.90	130	0.00
<b>Whittle-Le-Woods Total</b>								396	0.00
Brinscall/Withnell	CH0169	Land at Drinkwater Farm, Windsor Drive	C	Within Settlement	Allocate for Housing	Band C. Within Settlement and surrounded by housing. Unlikely to be needed for open space	0.40	9	0.00
<b>Brinscall/Withnell Total</b>								9	0.00
Eccleston	CH0076, CH0207	Land at the Carrington Centre & to the east of the Carrington Centre	C	Within Settlement & Safeguarded Land	Allocate for Mixed Use (Retail, Housing, Library & Employment)	Mostly brownfield, close to existing centre. Existing employment units in poor condition and not in full use.	3.00	40	0.00
Eccleston	CH0077	Sagar House, Langton Brow	C	Within Settlement	Commitment - Allocate for Housing	Commitment	2.80	70	0.00
Eccleston	CH0148, CH0224	75 Towngate	C	Within Settlement	Allocate for Housing	Band C. Within Settlement and flanked by housing on three sides. Unlikely to be needed for open space.	0.40	9	0.00

SETTLEMENT	Site Suggestion Ref	Site Address	SA Band	Current Local Plan	Recommendation	Justification	Site Area	Housing Units	Employment ha
Whittle-Le-Woods	CH0366	Land off Birchin Lane	C	Safeguarded Land	Designate as Safeguarded Land	Not necessary to release all safeguarded land in Whittle - poorer accessibility and topography on northern safeguarded sites. More impact on adjacent green belt and countryside.	5.20	0	0.00
<b>Whittle-Le-Woods Total</b>								0	0.00
Brinscall/Withnell	CS0030	Land off Heather Lea Drive	C	Within Settlement & Open Space	Protect as Open Space	Final Detailed Open Space Study awaited. Existing Park - unlikely to be surplus to open space requirements.	2.80	0	0.00
Brinscall/Withnell	CS0043	Commercial Premises, Hartington Road	C	Housing (Redevelopment)	Protect as Employment	In active use	0.10	0	0.00
<b>Brinscall/Withnell Total</b>								0	0.00
Eccleston	CH0081	Land off Parr Lane	D	Safeguarded Land	Designate as Safeguarded Land	Poor sustainability score - will need significant infrastructure. Sufficient land identified elsewhere.	1.50	0	0.00
Eccleston	CH0093, CH0094, CH0095, CH0287	Land at Tincklers Lane	D	Safeguarded Land	Designate as Safeguarded Land	Poor sustainability score - will need significant infrastructure. Sufficient land identified elsewhere.	5.60	0	0.00