

Committee: STANDARDS

Agenda Item

Date: 28 OCTOBER 2016

**Title: REPORT: ALLEGATION OF A BREACH OF
THE CODE OF CONDUCT BY CLLR PAUL
GADD, SAFFRON WALDEN TOWN
COUNCIL**

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Author: Simon Pugh, Interim Head of Legal Services Item for decision

Summary

1. This report is to report the outcome of an investigation into an allegation that Cllr Paul Gadd breached the Code of Conduct of Saffron Walden Town Council ("SWTC"). The investigation concluded that Cllr Gadd has breached the Code. It asks the Committee to decide whether or not to accept the findings of the investigation. If the Committee finds that Cllr Gadd has breached the Code, members are asked to decide what sanction, if any, should be imposed.

Recommendations

2. That members determine whether to accept the findings of the Investigating Officer's report and, if they do, what sanction (if any) to impose.

Financial Implications

3. None

Background Papers

4. The Investigating Officer's report is attached to this report, as is the SWTC Code of Conduct. The report refers to an agreement between SWTC and WAR to share costs relating to a planning appeal. This is a background paper. The report also refers to the complaint submitted by Mr Andrew Ketteridge. This contains exempt information relating to third parties and is not attached to this report. However, the Investigating Officer's report sets out the nature of the complaint.

Impact

- 5.

Communication/Consultation	None
Community Safety	None

Equalities	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Investigation into an alleged breach of the Code of Conduct

Facts

6. A complaint was made that Cllr Gadd did not declare an interest in a matter considered by SWTC.
7. In summary, Uttlesford District Council refused planning consent for a development off Thaxted Road in Saffron Walden. The developer appealed against this refusal and the matter was referred for a hearing before a planning inspector. UDC decided not to defend its decision at the appeal hearing.
8. SWTC and a campaigning group called "WeAreResidents" ("WAR") applied successfully to take part in the appeal hearing. They agreed to share the cost of resisting the planning appeal on a 50:50 basis. Ultimately the appeal was refused.
9. Cllr Gadd is a member of SWTC and of WAR.
10. SWTC wrote to UDC on two occasions in 2015 requesting UDC to meet the costs of SWTC and WAR in resisting the appeal. The letters were authorised by SWTC's Planning and Road Traffic Committee. Cllr Gadd was not present when the first letter was authorised but was at the Committee meeting that authorised the second letter. He did not declare his interest through membership of WAR.
11. The Investigating Officer has concluded that this amounts to a breach of SWTC's Code of Conduct. Cllr Gadd should have declared this as a local non-pecuniary interest under para 7.4 of the Code and part 2 of the Appendix.
12. Cllr Gadd cannot attend the meeting but has confirmed by email that he accepts the finding in the report and is happy with the factual content of the report.

12. The complainant also is unable to attend the meeting owing to a prior commitment.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Decisions by the Standards Committee are open to challenge by way of judicial review.	1 – Given the circumstances, the risk of legal challenge is low. There is also no reason to believe that there would be grounds for legal challenge.	2 – There is some expense in defending legal challenges.	The best mitigating action is to ensure that the Committee reaches a reasonable decision, in a fair manner, which takes account of all relevant considerations and disregards any considerations that are not relevant.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.