

**CONFIDENTIAL**

**Final Report of an Investigation under the Localism Act 2011 by Colleen O'Boyle,  
Monitoring Officer of Epping Forest District Council, on behalf of Uttlesford District  
Council into a complaint made concerning Saffron Walden Town Councillor P.Gadd.**

**Complaint reference 1/2016/PLP**

**Complainant: Andrew Ketteridge.**

## **1.0 Summary of report**

- 1.1 This report considers complaints made by Mr Andrew Ketteridge on the 7th January 2016. It considers membership, or otherwise, of a group known as WeAreResidents.org (WAR) and whether appropriate declarations were made relating to that group at Saffron Walden Town Council (SWTC) meetings by Cllr P. Gadd.
- 1.2 The report outlines the relevant circumstances and draws upon the written complaint of Mr Andrew Ketteridge, a Statement from Councillor Gadd, the Code of Conduct at the relevant time of both SWTC, research of minutes referred to in the complaint, a legal agreement between SWTC and WAR relating to the sharing of costs of defending the planning appeal and the instructions from UDC relating to membership or otherwise of WAR.
- 1.3 The Complaint and Statement together with the legal agreement between SWTC and WAR relating to the sharing of costs of defending the planning appeal are attached as Appendices. The Code of Conduct for SWTC is available on line via the website.
- 1.4 An interview was conducted by me at the Uttlesford District Council Offices on the 21<sup>st</sup> June 2016. I am grateful for the cooperation of Cllr Gadd and the helpful staff on reception.
- 1.5 The report finds a breach of the SWTC Code of Conduct

## **2.0 Introduction**

- 2.1 I have been instructed by Uttlesford District Council (UDC) through the Public Law Partnership to conduct an investigation into the complaint at Appendix 1. Following the acceptance of that investigation I am instructed to draft a report of the outcome in so far as it relates to Cllr Gadd. I am the Monitoring Officer for Epping Forest District Council and have held that position for 16 years. I am also a qualified Solicitor with 31 years' post qualification experience in local government.
- 2.2 I have been directed by the complainant to the extracts from the District Council the SWTC Code of Conduct. I have considered the extract as well as the remainder of the Code. From those considerations, measured against the evidence I have seen, I have set out the allegation against Cllr Gadd together with my conclusion.
- 2.3 In considering the issues I have made no reference to nor been influenced by political allegiance as my sole focus is to examine conduct in relation to the adopted Code.
- 2.4 Councillor P Gadd is alleged to have failed to declare his interest as a member of WAR at SWTC meetings (paras 7, Appendix 1 and 2 of the SWTC Code of conduct refer).

## **3.0 Findings of Fact.**

- 3.1 It is common ground that Kier Homes applied for planning permission for a residential development off Thaxted Road, Saffron Walden, Essex which was refused by the District Council Planning Committee on the 30<sup>th</sup> April 2014.

- 3.2 Keir Homes appealed that decision.
- 3.3 The District Council made a subsequent decision not to defend the appeal.
- 3.4 SWTC and WAR applied to be party to the appeal proceedings (a Rule 6 application).
- 3.5 By a legal agreement between SWTC and WAR the two parties agreed to share the costs of defending the appeal 50:50 with an upper limit of £50,000 total.
- 3.6 The appeal by Kier Homes was dismissed.
- 3.7 SWTC wrote to the District Council on 21<sup>st</sup> July 2015 and again on the 7<sup>th</sup> September 2015 seeking payment of £42,585.10 to SWTC and WAR for their costs in defending the planning appeal.
- 3.8 The letters were written by the town clerk at the relevant times following authorisation by the SWTC Planning & Road Traffic Committee meetings of 16<sup>th</sup> July and 6<sup>th</sup> August 2015, respectively.
- 3.9 Councillor Gadd was not present at the meeting of the Town Council Planning & Road Traffic Committee meeting of 16<sup>th</sup> July 2015 but he was in attendance on the 6<sup>th</sup> August 2015. On that occasion an item which resulted in the decision to write again to the District Council was made. Cllr Gadd did not declare his interest.
- 3.10 Councillor Gadd had made a declaration in his register of interests that he was the Secretary of WAR – but did not express that at the meeting of the 6<sup>th</sup> August 2015 as referred to above.
- 3.11 The outcome of that meeting was confirmatory of an earlier decision (16<sup>th</sup> July 2015) at which Councillor Gadd had not been present.

#### **4.0 Application of the Codes**

- 4.1 Declaration of interests -by virtue of his membership of WAR and role as Secretary of that body, I find that Councillor Gadd did fail to disclose a Local non pecuniary interest at the Planning and Road Traffic Committee meeting of SWTC on the 6<sup>th</sup> August 2015 as required by the SWTC Code of Conduct.

#### **6.0 Overall Findings**

- 6.1 Councillor Gadd breached the SWTC Code of Conduct by failing to declare a local non pecuniary interest at the meeting of the Planning and Road Traffic Committee on the 6<sup>th</sup> August 2015 by virtue of his membership of WAR.

