

Decision Notice - Uttlesford District Council Standards Committee, Hearings Panel Meeting held on 13th April 2023.

Panel Members:

Councillor Asker (Chairman)

Councillor B Light

Councillor A Khan

Mrs Georgina Butcher-Doulton (Independent Person – Hearing)

Subject Councillor: Cllr John Lodge

Complainant: Cllr George Smith

Independent Investigating Officer: Gill Sinclair

Independent Monitoring Officer: Quentin Baker

Independent Person for Initial Assessment: David Pearl

Background

On the 13th April 2023 a Hearings Panel was convened to hear and determine an allegation that Cllr John Lodge, (Subject Councillor), had breached the Uttlesford District Council (UDC), Councillor Code of Conduct (CoC). The Complaint dated 04-08-2022 was made by fellow UDC Councillor Cllr George Smith, (Complainant), and following an Initial Assessment (IA) by the Independent Monitoring Officer (IMO) and Independent Person (IP) on 29-11-2022, was referred for investigation. An independent Investigation Officer (IO) was appointed and their final report was received by the IMO on 24-02-2023.

Summary of Complaint

The Complainant alleged that the Subject Member breached the UDC Members Code of Conduct by failing to register Disclosable Pecuniary Interests and by omitting to properly declare and disclose relevant Personal/Prejudicial Interests during meetings of the UDC Planning Committee held on the 20-02-2019 and 13-03-2019.

Decision

The Panel carefully considered the IO's report and heard from the Subject Councillor, Complainant and IO concerning their understanding of the CoC, the legislative requirements underpinning it and how it was implemented in UDC.

The Panel noted and acknowledged that the Subject Councillor had raised a number of valid points about the governance and operation within UDC of the CoC and these mitigated the breaches identified by the IO. The Panel reflected this in their conclusions regarding the appropriate sanction. The Panel were of the view that these matters gave rise to important lessons to be learned for UDC in its implementation of the CoC including the need for comprehensive training on the CoC for Councillors and for Officers to provide continued monitoring and support for

councillors in relation to ethical standards. Regarding these observations the Panel will provide comments/recommendations separately.

As regards the question of whether the CoC had been breached the Panel's conclusions were as follows:-

1. The Panel accepted in full, the independent Investigating Officer's findings that the Subject Councillor had breached the UDC CoC.
2. In relation to Disclosable Pecuniary Interests, (DPIs), as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (DPIs), the Panel found:-
 - i. That Councillor Lodge breached the UDC CoC due to his failure to properly disclose details of his employment/office in his 2015 Register of Interests and those of a Relevant Person. However, the Panel noted that Councillor Lodge did disclose of his employment/office details in Section 2 of his Register under the heading "Other Pecuniary Interests" and as such this was a 'technical' breach.
 - ii. That Councillor Lodge didn't breach the requirement to register details of the Loan Agreement /Legal Charge provided by Manchester and Edinburgh Investment Property Company Ltd, (MEIP), to Company Y because the Loan Agreement/Legal Charge does not amount to a 'beneficial interest in land' as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as such it was not a DPI albeit it would fall within the ambit of an 'other interest'.
 - iii. That Councillor Lodge breached the requirements to register details of his shareholdings in M&EIP which exceeded one hundredth of the total issued share capital and those of a 'Relevant Person'. The Panel concluded that MEIP had a 'Place of Business' within the UDC boundaries because its registered office was within the UDC district and it was involved in funding residential development situated within the district.
3. In relation to the declaration of interests made by Councillor Lodge at the Planning Committee meetings of 20th February and 13th March, the Panel found:-
 - i. That Councillor Lodge breached the requirements of the Code of Conduct by failing to disclose the existence and nature of a Personal and Prejudicial Interest in Planning Application UTT/18/3278/FUL. However, it was noted that Cllr Lodge removed himself from each meeting and did not participate in the debate or vote taken in respect of the relevant application.

Sanction

4. The Panel acknowledged that the Subject Councillor had highlighted a number of valid point regarding the governance of the Code of Conduct within UDC which amounted to mitigation and the Panel reflected that in its decision regarding sanction which it set towards the lower end of the potential options as follows:

- i. To report its findings and the IO report, (subject to agreed redactions), to Full Council to enable lessons to be learned and to inform future training and guidance for members. It is recommended that this be undertaken at a point when newly elected Councillors have taken up their seats and to be accompanied by a report explaining any proposed improvement measures.,.
- ii. To issue a reprimand to Councillor Lodge.

The Panel noted the proximity of the council elections due to take place on 4th May and concluded that the decision notice should be withheld from publication until the 5th May.

Signed: Cllr Heather Asker

Chairman of the Hearings Panel