

Notification of a new allegation received by the Standards Board for England

SBE allegation reference no(s).	SBE15202.06
Name of person(s) making the allegation:	Mr Philip Harland & Mr Andrew West
Name of person allegation is against:	Councillor Andrew Paskins
Name of relevant authority/ies:	Oxford City Council

Introduction

The Local Government Act 2000 established the Standards Board for England and gave it a primary duty to consider written allegations. The Act also gave the Standards Board a wide discretion to decide whether or not a written allegation should be referred to an Ethical Standards Officer (ESO) for investigation.

Under powers granted by Section 112 of the Local Government Act 2003 the Board decided to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure which involves final approval by a senior manager.

Allegation recently considered

The Standards Board for England recently received an allegation and officers conducted an assessment to decide whether to refer it for investigation. The following is a general summary of the allegation:

The complainants allege that Councillor Paskins has breached Oxford City Council's Code of Conduct as a result of his actions and comments at a planning committee meeting on 17 May 2006.

The planning application in question proposed the extension and conversion of a family home into self-contained flats, an action the complainants allege Councillor Paskins has a personal agenda against. At the meeting, Councillor Paskins is alleged to have turned to his political party colleagues and said "I think we should now vote to reject this application, and I will be voting to reject it". At a later point in the meeting, when the chair of the planning committee suggested a modification to the application, Councillor Paskins is alleged to have put his hand on the shoulder of the chair, and told him not to say anything.

The complainants consider that this behaviour breaches section 4, item 29 of Oxford City Council's code of practice for councillors and officers engaged in the determination of planning applications.

It is also alleged that Councillor Paskins visited an objector to the application in question without notifying the applicants, and did not mention this visit until the meeting, which the complainants consider to be a further demonstration of his bias against the application.

It is further alleged that Councillor Paskins does not consider certain planning applications impartially, as a result of his personal agenda against the conversion of family homes into self-contained flats. The complainants have provided a copy of a political leaflet of one of Councillor Paskins' party colleagues, who represents the same ward as Councillor Paskins, in which it is stated that "I have tried to resist attempts to turn all our family housing into flats."

Decision

The allegation that Councillor Paskins did not consider the planning application impartially raises questions of predetermination. Predetermination is a common law concept, which predates and is unchanged by the Code of Conduct. It is the Standards Board for England's view that the courts are the appropriate forum for considering whether a council decision is flawed because a member predetermined their view of the matter. It was considered that this would also apply to the allegation that Councillor Paskins displayed bias against the application by visiting an objector who lived next door to it, without notifying the complainants.

With regard to Councillor Paskins' alleged comments to his party colleague that they should vote against the application, it is considered that Councillor Paskins is entitled to express a view on an application. The information provided with the complaint does not suggest that Councillor Paskins demanded or coerced the other councillors into voting against the application, nor does it suggest that they would not have voted against the application in any event.

The allegation that Councillor Paskins told the chair not to say anything further about the application is noted, but it is not considered from the information provided that this alleged behaviour discloses a potential breach of the Code of Conduct.

With regard to the comments made in the political leaflet enclosed by the complainants, it is noted that the relevant quote the complainants have cited was made by a different member, and not Councillor Paskins. It is not considered that one member's partiality or otherwise on a particular issue can be called into question through views expressed by a different member, regardless of their political allegiance.

Based on the information provided with the allegation, therefore, and in all the circumstances, it was considered that the alleged conduct would not have involved any failure to comply with the authority's Code of Conduct.

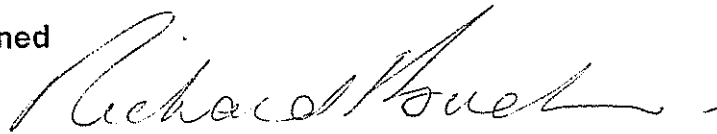
Accordingly, the decision was that this allegation should NOT BE INVESTIGATED.

A copy of this notification letter has been sent to the person(s) making the allegation(s), the member against whom the allegation was made, the monitoring officer of the relevant authority, and the clerk to the parish council (where applicable).

It is the policy of the Standards Board to notify all the above parties in writing once we have received and assessed an allegation. Our assessment is made on the basis of the written allegation summarised in this notification. The assessment role of the Standards Board is separate and distinct from the investigative role of an Ethical Standards Officer. Consequently the Board makes no finding of fact at this stage; it only decides whether an allegation should be investigated.

If you have any form of disability, or special need, which means you will require additional support in respect of this or future contact with the Board, please let us know as soon as possible. If you have any difficulty reading this letter and require a large print, Braille, tape or translated version of the information please let us know.

Signed



Richard Buck – Acting Principal Referral Case Manager
(On behalf of the Standards Board for England)

Date: 19th June 2008 –

Case summary

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SBE case number	SBE13637.05
member	Councillor Susanna Pressel
authority	Oxford City Council
allegation	A member failed to declare a personal interest, failed to withdraw from meetings when a matter in which she had a prejudicial interest was discussed and improperly sought to influence a decision on the matter.
date received	21 December 2005
date completed	4 July 2006
SBE outcome	The Ethical Standards Officer found no evidence of any failure to comply with the Code of Conduct.

summary

It was alleged that Councillor Susanna Pressel failed to withdraw from an Oxford City Council committee meeting on 13 September 2005 when a planning application in which she had a prejudicial interest was discussed.

The application was to moor houseboats in an area known as Tumbling Bay in Oxford.

Councillor Pressel allegedly had a prejudicial interest because she was involved with a wildlife group and an allotment association, which had both objected to the application.

It was also alleged that Councillor Pressel failed to withdraw from the meeting room on 13 December 2005, when the committee reconsidered the application.

Councillor Pressel said she declared a personal interest at both meetings as a member of the wildlife group and the president of the allotment association, but did not withdraw from the room because she did not believe she had a prejudicial interest.

The Ethical Standards Officer considered that Councillor Pressel had a personal interest in the application because it indirectly related to the wildlife group and her position as president of the allotment association.

However, the Ethical Standards Officer noted that Councillor Pressel did not have any position of responsibility within the wildlife group, did not regularly attend its meetings, did not pay any membership fee, was not involved in forming the objection and did not stand to make any personal gain from the application.

The Ethical Standards Officer also noted that Councillor Pressel was not involved in the day-to-day affairs of the allotment association, did not have an allotment managed by the association, had no involvement in forming the objection and did not receive any personal gain.

The Ethical Standards Officer concluded that Councillor Pressel did not have a prejudicial interest in the application.

The Ethical Standards Officer found that there was no evidence of any failure to comply with the Code of Conduct.

relevant paragraphs of the Code of Conduct

The allegation in this case relates to paragraphs 9 and 12 of the Code of Conduct. Paragraph 9 states that "a member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent". Paragraph 12 states that a member with a prejudicial interest in any matter must "withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting" and that he must "not seek improperly to influence a decision about that matter".

Ends.