

FACT FINDING SUMMARY

Complaint from a Resident that a Member of Charnwood Borough Council failed to observe the Member Code of Conduct

Complaint Ref: MC2 23/24

A complaint was submitted by a resident ('the complainant') that a Member of Charnwood Borough Council ('the subject Member') failed to observe the requirements of the Member Code of Conduct.

The complaint alleged that the subject Member objected to the complainant's planning application in a biased and underhanded way, did not respond to an email she sent to him about the application, supported factually incorrect objections from a neighbour about an extractor fan, and also supported an objection on highway related parking grounds, despite parking his own vehicle irresponsibly on the brow of a hill.

The subject Member did not submit a response to the complaint within the allowed time period.

Having considered the complaint, the Monitoring Officer concluded that it was not sufficiently serious enough to warrant further action or investigation.

This is because ward councillors are not the decision makers in relation to planning applications in their area, but instead decisions are either made by planning officers under delegated powers, or by the Plans Committee. In this case, although the subject Member requested that the application be called-in to be decided by the Plans Committee the deadline for call-in was missed, and therefore the application was considered and approved by officers under delegated powers.

Also, because there is no specified process for ward councillors to follow in deciding whether or not to object to or call-in a planning application, they are free to consider and respond to applications as they see fit, including deciding what, if any, contact to have with applicants, neighbours and objectors.

Finally, the Member Code of Conduct only applies when a councillor is acting in their capacity as a councillor, and so it does not apply to how they park private vehicles.

Views of the Independent Person

An Independent Person, Mr Michael Gibson, was consulted and supported the Monitoring Officer's decision that the complaint was not serious enough to warrant further action or investigation.

Adrian Ward
Monitoring Officer

Date: 19th July 2023