

**Medway Council**  
**Meeting of Councillor Conduct Committee**  
**Wednesday, 8 August 2018**  
**6.00pm to 8.30pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Godwin, Shaw and Wildey

**Substitutes:** Councillors:  
Gulvin (Substitute for Mrs Diane Chambers)  
Mrs Josie Iles (Substitute for Kemp)  
Steve Iles (Substitute for Hicks)

**In Attendance:** Councillor David Carr (Subject Member)  
Jan Guylor, Head of Legal Services, Local Land Charges and  
Licensing/Deputy Monitoring Officer  
Perry Holmes, Chief Legal Officer/Monitoring Officer  
Martin Pilkington, Independent Person  
Teri Reynolds, Democratic Services Officer

**256 Election of Chairman**

Councillor Wildey was elected as Chairman for the meeting.

**257 Apologies for absence**

Apologies for absence were received from Councillors Mrs Diane Chambers, Hicks, Kemp and Wicks.

**258 Record of meeting**

The record of the meeting held on 18 April 2018 and the record of the Joint Meeting of Committees held on 16 May 2018 were both agreed and signed by the Chairman as correct.

**259 Urgent matters by reason of special circumstances**

There were none.

**260 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

There were none.

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### Other significant interests (OSIs)

Councillor Gulvin declared an OSI in agenda item 5 (Request for Dispensation) as he was mentioned within the report and the recommendation. He therefore left the room for the consideration and decision on this item.

### Other interests

There were none.

## **261 Request for Dispensation**

The Monitoring Officer introduced the report which sought a dispensation for a Cabinet Member who was also a Director of a Council Company. It also sought to widen three existing dispensations, agreed at the previous Councillor Conduct Committee meeting on 18 April 2018, to provide a dispensation for all Committees, not just Cabinet and Council, as was originally agreed.

Members were supportive of the recommendations but one Member suggested that the dispensation should be restricted to not include regulatory committees, such as Planning Committee, where it would be inappropriate for the Members to be able to participate where they had an Other Significant Interest.

### **Decision:**

- (1) The Committee granted a dispensation until 28 June 2019 to Councillor Turpin for the reasons set out in section 4 of the report to allow participation in debate and/or vote on any item at Cabinet, Council and any other Committee meeting of the Council (except regulatory committees) in which he has an Other Significant Interest in relation to his position as Director of Medway Norse.
- (2) That the dispensations granted for the following Councillors on 18 April 2018, be widened to allow them to also participate and/or vote on any item at Cabinet, Council and any Committee of the Council (except regulatory committees) in which they have an Other Significant Interest in relation to their position as Directors of Council companies:
  - i) Councillor Doe in relation to his position as Director and Chairman of Medway Development Company Limited;
  - ii) Councillor Gulvin in relation to his position as Director of Medway Development Company Limited;
  - iii) Councillor Mackness in relation to his position as Director and Chairman of Medway Commercial Group Limited, Medway Commercial Services Limited and Medway Public Services Limited.

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### 262 Exclusion of the press and public

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 7 because consideration of these matters in public would disclose information falling within Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 6, and, in all the circumstances of the case, the Committee considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### 263 Complaint CCC/2018/001

#### Discussion

The Committee considered the outcome of an external investigation into a complaint from a member of the public that Councillor Carr remained in the committee room for an agenda item at a Planning Committee meeting on 17 January 2018, after declaring that he was friends with the occupant of a neighbouring property, Councillor Purdy. The complainant was the applicant for the planning application which was the agenda item in which Councillor Carr had declared his Other Significant Interest (OSI). The planning application was refused.

Before reaching a decision on this matter the Committee also considered the views of an Independent person, in accordance with Section 28 of the Localism Act 2011.

Councillor Carr and the Complainant were invited to address the Committee under its procedures for dealing with complaints about Councillor Conduct. Councillor Carr accepted this invitation. The Complainant was not in attendance.

#### Decisions

- 1) The Committee agreed as a finding of fact that Councillor Carr was acting in capacity as an elected Member at the Planning Committee meeting on 17 January 2018 and that having properly declared his Other Significant Interest (OSI) in the complainant's planning application, he then failed to withdraw from the room for the consideration and decision of that item.
- 2) The Committee agreed that Councillor Carr had acted in breach of paragraph 13.3 of the Medway Council Member Code of Conduct at the Planning Committee on 17 January 2018.
- 3) The Committee agreed that the following sanctions should be applied to Councillor Carr:

#### i) **censure**

That Councillor Carr be censured for failing to leave the committee room on 17 January 2018 when he was a member of the Planning

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Committee considering a planning application in which he had and declared an Other Significant Interest (OSI).

That the censure should express the view of the Committee that as a very experienced Councillor and after clear legal advice on the point to all Planning Committee members, prior to and at the meeting, he should have known to leave the committee room when he stated clearly that Councillor Purdy was his friend, knowing that her home was next door to the applicant's property.

That the disappointment of the Committee that Councillor Carr, rather than accepting his error, had been critical of the complainant and the Council's Legal Officers, should be included in the notice of censure.

### **ii) Removal from the Planning Committee and the Licensing and Safety Committee**

That the Leader of the Council be recommended to remove Councillor Carr from the Planning Committee and the Licensing and Safety Committee, for the remainder of the municipal year.

### **iii) Letters of apology**

That Councillor Carr be required to write a letter of apology to the complainant and to the Head of Legal Services for his critical comments.

### **iv) Training**

That Councillor Carr undergo training on the Code of Conduct.

- 4) The Committee also recommended that when Councillors undertake training in relation to quasi-judicial committees (such as those with responsibility for planning or licensing matters or appeals), they be asked to sign a form which confirms they have both undergone the required training and understood it. It was agreed that this be put into place from the next municipal year.

**Chairman**

**Date:**

**Teri Reynolds, Democratic Services Officer**

Telephone: 01634 332104

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)