

**BABERGH DISTRICT COUNCIL**

**FROM: The Monitoring Officer**

**REPORT NUMBER    **F160****

**TO:     STANDARDS COMMITTEE**

**DATE OF MEETING    26 January 2007**

**LOCAL STANDARDS HEARING – COUNCILLOR A. PHILPOT, HOLTON ST MARY  
PARISH COUNCIL**

**1.    SUMMARY**

1.1    To report the outcome of the Hearing relating to two referred complaints in respect of Councillor Andrew Philpot of Holton St Mary Parish Council that took place on 27 October 2006 before the Parish Council Case Sub-Committee of the Standards Committee.

**2.    RECOMMENDATIONS**

2.1    That the contents of this report be noted.

**3.    FINANCIAL IMPLICATIONS**

3.1    In accordance with the statutory requirements, the findings of the Sub-Committee were published in one local newspaper circulating in the area and which involved a cost to this Authority of approximately £857.

**4.    KEY INFORMATION**

**4.1    THE COMPLAINTS**

4.1.1    Ms Jennifer Rogers, an Ethical Standards Officer with the Standards Board for England referred two complaints to the Council's Monitoring Officer in respect of Councillor A Philpot of Holton St Mary Parish Council, for local investigation and subsequent determination by the Standards Committee. Ms Caroline Whatling, Assistant Solicitor investigated the complaints on behalf of the Monitoring Officer

4.1.1    Both complaints were made by Mr Joyes, a local resident, and concerned allegations that Councillor Philpot had failed to declare interests at meetings of the parish council on 14<sup>th</sup> September 2005, 15<sup>th</sup> February 2006 and 1<sup>st</sup> March 2006 in breach of the Code of Conduct.

4.1.2    At the first meeting on 14<sup>th</sup> September 2005, Holton St Mary Parish Council considered a planning application that had been submitted to Babergh District Council by D Johnson and Son for the change of use of an agricultural building at Holton Place. The investigation revealed that Councillor Philpot had a contract with Mr Johnson, one of the applicants, to farm the land adjacent to the planning application site. Further, that Councillor Philpot owned land adjacent the site.

4.1.3    At the second meeting on 15<sup>th</sup> February, the Parish Council considered a planning application that had been submitted to Babergh District Council by Anglia Grain Services Limited for use of an agricultural building at Holton Place for grain cleaning. The applicant was the lessee or prospective lessee of Mr Johnson. On this occasion Councillor Philpot declared a personal

interest in the application. A decision on the application was deferred until the parish council meeting on 1<sup>st</sup> March 2006.

4.1.4 At the meeting on the 1<sup>st</sup> March, Councillor Philpot did not declare any interest in the planning application.

## 4.2 THE FINDINGS

4.2.1 Since Ms Whatling made findings of failure by Councillor Philpot to comply with the Parish Council Code of Conduct, a hearing of the complaints was convened before the Parish Council Case Sub-Committee of the Standards Committee to determine the issues. The hearing took place on 27<sup>th</sup> October 2006 at the Council offices.

4.2.2 Councillor Philpot attended the hearing and accepted all findings contained in the investigation report including the findings of breach.

4.2.3 The Sub-Committee addressed all matters contained in the investigation report where there were adverse findings and made determinations as follows:-

- (a) that Councillor Philpot had a personal interest in each planning application by reason of i) his ownership of land adjacent the application site and (ii) having a contract with one of the applicants to farm land adjacent to the application site
- (b) that Councillor Philpot had a prejudicial interest in the planning applications arising from his contract with the applicant (who stood to gain or lose from the grant of planning permission), but he did not have a prejudicial interest from his land ownership in the vicinity of the application site.
- (c) that Councillor Philpot had failed to observe the Parish Council's Code of Conduct by failing to disclose the existence and nature of his interest at the meetings and not withdrawing from the room during consideration of the planning applications
- (d) that Councillor Philpot had sought improperly to influence the decision of the parish council by remaining in the meeting of 15 February 2006, speaking and moving approval of the planning application, and then remaining in the meeting of the Parish Council on 1 March 2006 and speaking on the planning application.

## 4.3 SANCTIONS

4.3.1 The Sub-Committee censured Councillor Philpot for his actions in breach of the Parish Council Code of Conduct and recommended that he undertake further training on the Code of Conduct to ensure that there are no further breaches of the Code.

4.3.2 Councillor Philpot undertook one-to-one training on the Parish Council Code of Conduct with the Monitoring Officer on 13<sup>th</sup> December 2006.

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