



South Bucks District Council

SOUTH BUCKS DISTRICT COUNCIL

Non- Executive Delegated Decisions Made by Officers

Regulation 7 of the Openness of Local Government Bodies Regulations 2014 requires a written record to be produced as soon as reasonably practicable after an Officer has made a decision under delegation. This means that in order to comply with these new requirements, Officers discharging delegated powers which would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either under a specific express authorisation; or under a general authorisation to officers to a) grant a permission or licence; b) affect the rights of an individual or c) award a contract or incur expenditure which in either case materially affects the Council's financial position must complete the form below.

1. Name and role of officer: Joanna Swift Monitoring Officer

2. Date of decision: 2nd October 2019

3. Summary of the decision:

The Monitoring Officer received a complaint in April 2019 concerning the alleged conduct of Councillor John Read of South Bucks District Council. In accordance with the Council's Complaints Procedure Councillor Read was invited to comment on the complaint. The response received from Councillor Read was passed to the Complainant who remained dissatisfied and considered that it did not adequately address their concerns. The complainant therefore asked for the complaint to be considered under Stage 2 of the Procedure.

At Stage 2 the monitoring officer considers whether the complaint should be referred for investigation or whether no further action is warranted taking into account the following criteria set out in the Council's Complaints Procedure:-

(a) The complaint appears to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit-for-tat, or there are other reasons why an investigation may not be in the public interest.

(b) The same, or substantially similar, complaint has already been the subject of assessment or investigation and there is nothing more to be gained by further action being taken.

(c) It appears that the complaint concerns or is really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct.

(d) There is not enough information currently available to justify a decision to refer the matter for investigation.

(e) The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and therefore it is not in the public interest to pursue.

(f) Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated.

(g) Where the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.

(h) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.

(i) If it is considered that the subject Member has offered a satisfactory remedy to the complainant (for example by apologising) or the complaint is capable of other informal resolution such as mediation and the Member complained of is amenable to such approach.

(j) If it is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.

(k) Where the allegation discloses a potential breach of the Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action and:

- the Member and Officer resource needed to investigate and determine the complaint is wholly disproportionate to the matter complained about; or
- in all the circumstances there is no overriding public benefit or interest in carrying out an investigation.

Having carefully considered the details of the complaint, the response from Councillor Read, the referral criteria set out above and the views of the Council's Independent Person the monitoring officer decided in consultation with the Chairman of the Audit Committee, that the complaint should not be referred for investigation, as no breaches of the code of conduct have been identified that warranted the cost of a further investigation

4. Reasons for the decision:

Background to the Complaint

The complainant alleged that Cllr Read's involvement in preparation of the draft Chiltern and South Bucks Local Plan, and in particular failure to disclose personal and prejudicial interests and to remove himself from meetings when proposals to remove land from the Green Belt were discussed breached the code. Also, the complainant complains about three incidents, the first relating to an allegation that Cllr Read forced

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a postmaster to remove a Save the Green Belt poster which was displayed at a Post Office. Further, that Councillor Read instructed Council staff to make incorrect statements online about a Civic Amenity Society. The complainant also alleged that the minutes of a meeting which took place with Cllr Read were inaccurate.

The complainant alleged that Cllr Read has breached SBDC's Members code of conduct because of;

- i) Failure to disclose personal interest- paragraphs 5
- ii) Failure to disclose prejudicial interest- paragraph 7
- iii) Failure to declare prejudicial interest and withdraw from meetings- paragraph 9
- iv) Failure to refrain from exercising executive functions – paragraph 9
- v) Seeking improperly to influence a decision about business- paragraph 9
- vi) Failure to limit purpose of attendance- – paragraph 9
- vii) Failure to provide leadership to the council and communities by personal example- – paragraph 3(1)
- viii) Failure to respect others and bullying behaviour- – paragraph 3(2)
- ix) Misconduct of types likely to bring the council into disrepute- – paragraph 3 (5)
- x) Mis-use of position, not acting in the public interest- – paragraph 3(6)
- xi) Not taking decisions for good and substantial reasons, not attaching weight to all relevant considerations including public opinion – paragraph 3 (8)

Reasons for the Decision

- i. Councillor Read has been an elected member of South Bucks District Council May 2015. He is the Deputy Leader of the Cabinet. He is a member of Chiltern and South Bucks Joint Committee, and the Joint Planning Policy Member Reference Group and Chairman of the Planning and Economic Development Policy Advisory Group.
- ii. Councillor Read was acting in his official capacity when attending Cabinet and Council meetings, chairing the Planning and Economic Development Policy Advisory Group, and when he attended the meeting between the Civic amenity Society, himself and officers of the Council and therefore the code of conduct was engaged. The monitoring office noted Councillor Read's explanation of how this meeting was arranged and that he had not been provided with questions before hand.
- iii. The Complainant alleged that Councillor Read has a personal and prejudicial interest because his late father worked for and was provided a grace and favour home by a Company whose land is being considered for release from the green belt and because the registered office of Councillor Read's business was also located on the Company's property in 2008.
- iv. The complainant alleged that as the Chairman of the Planning and Economic Development Policy Advisory Group the PAG on 25th September 2018, the Deputy leader of the Council and a member of Joint Planning Policy Member Reference Group, Councillor Read should have declared a personal and prejudicial Interest and removed himself when proposals to remove land from the Green Belt in were discussed.
- v. In their complaint form, the Complainant stated that Councillor Read forced a postmaster to remove a Save the Green Belt poster which was displayed at a Post Office; that Councillor Read instructed Council staff to make incorrect statements

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online about the Civic Amenity Society and the complainant further complains that the minutes of the meeting which was attended by Cllr Read, Council officers and some members of the Civic Amenity Society which took place on 4 April 2019 are inaccurate. The complainant alleged that Councillor Read frustrated many attempts to meet with him. The complainant alleged that Councillor Read called a meeting short without any warning. The complainant alleged that Councillor Read provided incorrect information about a development which he claimed to have been located in the Green Belt.

- vi. In response to those comments Councillor Read confirmed that he does not have a close association with this Company nor its owners nor does he have a personal or prejudicial interest. Cllr Read confirmed that he did not force the postmaster to remove the Save Our Greenbelt poster but merely pointed out that the information on the poster was incorrect. He also confirmed that he has never refused to meet with the Civic Amenity Society, he confirmed that he called the meeting short as the meeting lasted longer than one hour and he had to leave for another meeting which was available on the public record, he confirmed the meeting started late as some of the members of the Civic Amenity Society turned up late and an agenda or an indication of time required for the meeting had not been provided to him by the Society prior to the meeting taking place. Councillor accepts that the information he gave about a development being on green belt was incorrect but confirmed that the site was in an Area of Outstanding Natural Beauty and, he apologised for the error. Councillor Read confirmed that he did not produce the minute of the meeting; this was produced by a member of the Councils' staff.
- vii. The monitoring officer noted that Councillor Read's late father's last appointment with the Company was in 2011; consequently a close association with the Company is not present. The Monitoring officer also noted that Councillor Read does not have any personal links with the Company or its owners; the business Councillor Read ran briefly entered into a commercial rental agreement with a Trust associated with the Company many years ago. The monitoring officer found no evidence that Councillor Read has a continuing commercial or personal relationship with the Company.
- viii. The monitoring officer noted that Cllr Read offered a meeting date to the Society in his response to the first email from the complainant requesting a meeting. The monitoring officer notes that Cllr Read offered a meeting during the day but the Society preferred an evening meeting so that other councillors could be in attendance. The monitoring officer noted that Councillor Read was acting on advice received from Council staff that he should attend any such meetings with council staff present and he explained this to the Society. The monitoring officer gave appropriate weight to Councillor Read's direct explanation of the events that took place at the Post Office as this was the only direct statement available. It was unfortunate that Councillor Read provided incorrect information about the development which he said initially was on the Green belt; however the Monitoring Officer noted that he apologised for this error and corrected the mis-information.
- ix. The Monitoring officer noted that as Cllr Read is the Portfolio holder for Planning and Economic Development it is not unreasonable for Cllr Read to ask council officers to ensure that members of the public have accurate and up to date

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information at a public meeting, if he genuinely believes incorrect information is being disseminated.

5. When making the decision did the officer take into account information from another report? Yes No The background papers for this decision are exempt information under paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972

6. Details of any alternative options considered and rejected by the officer when making the decision:

The option of referring the complaint for investigation under Stage 2 of the Complaints Procedure was considered but having regard to the criteria adopted by the Council and for the reasons at paragraph 4 above the monitoring officer considered that no breaches of the code of conduct had been identified that warranted the cost of a further investigation.

7. (a) Details of any conflict of interests declared by any Member who was consulted regarding the decision: No conflicts of interest

(b) Note of dispensation: Not applicable

Does this notice contain any exempt information? Yes (if yes, select reasons below) No

- 1. Identifies individuals (names, addresses, contact information etc.)
- 2. Likely to reveal the identity of an individual
- 3. Financial or business affairs of any person or organisation
- 4. Consultations or negotiations in connection with any labour relations
- 5. Legal professional privilege that could be used in legal proceedings
- 6. Any enactment (prosecution) to a person or organisation
- 7. Any action taken to do with prevention/investigation/prosecution of crime

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