

# **DECISION NOTICE: NO BREACH OF THE CODE OF CONDUCT**

**Complaint Reference: TWBC09/08**

**Date of Standards Consideration Sub-Committee: 15  
December 2009**

## **Decision**

In accordance with Section 57A(2)(b) of the Local Government Act 2000, the Standards Consideration Sub-Committee found that there had been no breach of the Tunbridge Wells Borough Council's Code of Conduct by Councillor Marriott for the reasons given in the Investigating Officer's report, namely that, once the facts had been fully ascertained, he did not have a personal or a prejudicial interest in the planning application under consideration at the Eastern Area Planning Committee meeting on 23 February 2009 and therefore did not breach the Code by not declaring a prejudicial interest and remaining in the meeting.

Members also considered that there was no evidence to suggest that Councillor Marriott would benefit personally from the development in the future.

However, the Sub-Committee acknowledged that, owing to a lack of clarity over the personal interest involved, which was reflected in the wording of the minutes of the Eastern Area Planning Committee meeting on 23 February 2009 and the discussion that took place at the Paddock Wood Town Council's Planning and Environment Committee meeting on 2 March 2009, it was understandable why a complaint had been made. The Sub-Committee commented that it was imperative that members were clear and precise when declaring interests at meetings, and that their declarations were fully recorded. In addition, it was considered that every member should be encouraged to be responsible for checking the accuracy of the minutes when they were circulated.

Members were advised that the details of the complaint had entered into the public domain before the Consideration Sub-Committee had discussed it. The Sub-Committee expressed their regret that the confidentiality of this complaint had been breached.

This decision notice is sent to the persons making the allegation and the Councillor against whom the allegation was made.

Dated: 16 December 2009