

**DECISION OF SOUTH STAFFORDSHIRE DISTRICT COUNCIL'S  
STANDARDS AND RESOURCES (HEARINGS) SUB-COMMITTEE**

**5 MARCH 2020**

**DECISION REGARDING COMPLAINT BY COUNCILLOR R READE AGAINST PARISH  
COUNCILLOR N COX – LOWER PENN PARISH COUNCIL**

In attendance:

**District Councillors:** L Hingley, D Holmes, J Raven, I Sadler

**Parish Councillor:** R Taylor, R Tucker  
**(non-voting)**

**Apologies:** P Davis and M Roberts

**Officer:** Lorraine Fowkes (Monitoring Officer)

**Complainant:** R Reade

**Respondent:** Nigel Cox

**Investigator:** John Austin

**Independent Person:** Steven Cork

**Hearing**

The Hearing took place in accordance with the District Council's arrangements for dealing with Member Code of Conduct complaints as approved by the Standards and Resources Committee. The complaint before the Standards and Resources (Hearings) Sub-Committee ("the Sub Committee") concerned allegations made by R Reade ("the Complainant") against Councillor Nigel Cox (in his capacity as a parish councillor at Lower Penn Parish Council) ("Cllr Cox"). The allegations related to an alleged failure to declare an interest in a planning application in relation to Sandhills Nursery at Lower Penn Parish Council meetings on 16 May 2019, 6 June 2019 and 4 July 2019. Also, an alleged attempt by Cllr Cox to have the draft Minutes of 4 July 2019 meeting amended to record a declaration of interest.

In accordance with the Council's arrangements the Sub Committee considered representations from the following:

- John Austin, the Investigating Officer; Councillor R Reade; Councillor N Cox and his representative Ms Susan Minet.

The Sub Committee also considered the views of the Independent Person.

The Sub Committee noted that as part of the investigation report, Cllr Cox had accepted that his conduct in asking if the Minutes could be amended to record a declaration of interest that was not made at the meeting was wrong. However, Members of the Sub Committee considered that there was some ambiguity around the exact wording of the question and therefore the intent of Cllr Cox. Members noted that Cllr Cox was, at the time, a newly elected member of the Parish Council and formed the view that he may have been seeking guidance from the Clerk as to the procedure rather than seeking to amend Minutes in an inappropriate manner. On this point, the Sub Committee determined that there was no breach of the Code of Conduct by Cllr Cox.

With regard to the declaration of interest. The Sub Committee accepted the Investigating Officer's view that there was no disclosable pecuniary interest to declare in relation to Sandhills Nursery. Cllr Cox's interest was in Little Pippins Ltd which was not the subject of the discussions at the meetings of the Parish Council. However, the Sub Committee determined that Cllr Cox failed to take into account the possibility of a perception of a conflict of interest in the matter under discussion due to his interest in Little Pippins Ltd; which although was not operating a nursery at the relevant time was a potential provider of such services and therefore the public perception would be that Cllr Cox should declare an interest on the basis of bias. Whilst the two organisations may not be in competition they could be in the future. This therefore brought it within the Code of Conduct under paragraphs 20 and 21 and thus breaches of the Code principles of Selflessness, Honesty and Integrity and Leadership in Part One of the Code.

### Sanctions

The Sub-Committee then considered the potential sanctions having found that there was a breach of the Code of Conduct regarding the failure to disclose interests in relation to Cllr Cox's involvement with Little Pippins Ltd.

The Sub-Committee retired and considered that the appropriate sanction was as follows:

1. That Cllr Cox should receive training, in his capacity as a Parish Councillor relating to the Code of Conduct and the need to declare relevant interests. This should be in the form of a one to one session with the Monitoring Officer.