

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
CODE OF CONDUCT HEARING**

31 October 2018

**HEARING INTO A COMPLAINT MADE BY THE DORA LEVANTI-ROWE ABOUT THE
CONDUCT OF PARISH COUNCILLOR CHARLES NIGHTINGALE**

PRESENT:

Panel: Councillor Douglas de Lacey (Chairman)
Councillor Mark Howell
Councillor Aidan Van de Weyer

Legal Advisor: Rory McKenna

Independent Person: Grant Osbourn

Investigator: Stephen Pearson (Freeths)

Also Present: Charles Nightingale
Theodora Levanti-Rowe
Patrick Adams, Democratic Services Officer

BACKGROUND

On 31 May 2018, Mrs Theodora Levanti-Rowe, acting in her capacity as a member of the public, made a complaint in relation to an alleged breach of the Code of Conduct by Cllr Charles Nightingale in his capacity as a member of Great Shelford Parish Council. The complaint related to his supposed failing to declare an interest in a planning application put before the Planning Committee of the Parish Council on the 4 April 2018 and the voting which took place in relation to that application.

The basis of the complaint:

- Cllr Nightingale failed to declare an interest in planning application S/1041/18/FL when it came before the Planning Committee of the Parish Council on the 4 April 2018 and voted on the decision.
- Cllr Nightingale used his position as a District Councillor before the meeting to request a review of the planning application by South Cambridgeshire District Council's Planning Committee.
- Cllr Nightingale did not declare clearly his reasons for his decisions and the reasons were not otherwise apparent.
- Cllr Nightingale failed, at a meeting of the Parish Council on the 16 May 2018 to respond to questions of the complainant's husband related to his objections to the planning application or to engage with him at the meeting.

REPRESENTATIONS

The Panel heard representations from Mrs Levanti-Rowe, Parish Councillor Charlie Nightingale and the Investigator Stephen Pearson, based on the written report.

DECISION

The Panel decided that there had been **NO BREACH** of Great Shelford Parish Council's Code of Conduct.

REASONS:

Was it necessary for Parish Councillor Charlie Nightingale to make a declaration of interest?

The Panel considered that due to the longstanding association between Councillor Nightingale and Mrs Moore and the fact that she was the applicant's neighbour, it was necessary for Councillor Nightingale to declare a non-pecuniary interest. The Panel did not think it was necessary for Councillor Nightingale to publicly declare that he planned to ask the Chairman of the District Council's Planning Committee to refer the planning application to that Committee.

Did Councillor Nightingale declare his non pecuniary interest satisfactorily?

The Panel considered that Councillor Nightingale believed that he had declared his interest satisfactorily and that if the Chairman, who was also taking the minutes of this meeting, was unclear then he should have asked for clarification.


Did Councillor Nightingale vote at the meeting on 4 April?

Having looked at the evidence, the Panel noted that only Councillor Mike Nettleton believed that Councillor Nightingale had voted at the meeting. Councillor Nightingale declared that he did not vote and this was supported by the statements made by Councillor Fane and the applicant Mr Rowe. The Panel therefore concluded that Councillor Nightingale did not vote at the meeting.

Did Councillor Nightingale breach the code when he declined to answer Mr Rowe's request for an explanation to his opposition to the Rowe's planning application and his decision to refer it to the District Council's Planning Committee?

The Panel stated that it was unfortunate that Councillor Nightingale had not responded to Mr Rowe's question. However, the Panel accepted that Councillor Nightingale had explained why he had opposed the application at earlier meetings and that his decision to refer the application to the District Council's Planning Committee was taken as a District Councillor. Councillor Nightingale was no longer a District Councillor when Mr Rowe asked his question at the annual Parish meeting on 16 May. Therefore the Panel concluded that Councillor Nightingale had not breached the Code of Conduct.

Signed:


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Councillor Douglas de Lacey, Chairman of the Code of Conduct Hearing Panel

Dated: 6 November 2018

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambridge, CB23 6EA