

STANDARDS COMMITTEE – 24TH SEPTEMBER 2007

**INVESTIGATION UNDER SECTION 66 OF THE LOCAL GOVERNMENT
ACT 2000 – COUNCILLOR R NIXON**

SBE reference number:	16100.06
Date of Investigator's report	19 th March 2007
Date report was received	21 st March 2007
Name of Member:	Councillor Richard Nixon
Name of Member's representative:	N/A
Name of ethical standards officer (ESO):	Jennifer Rogers
Name of Investigator:	Kris Malde – LGA in Practice Investigations

On 4th October 2006 the ESO referred an allegation about Councillor Richard Nixon to the Monitoring Officer for investigation. The allegation was investigated by Kris Malde, Chief Investigator at LGA in Practice Investigations who prepared a report of his findings (attached).

The Investigator's report concerns a possible breach of the Code of Conduct and under paragraph 5(7)(d) of the Regulations, The Investigator referred his report to the Standards Committee for a hearing in accordance with the Regulations.

The allegations were that Councillor Nixon failed to comply with the Council's Code of Conduct in that:

Allegation 1

He Lobbied Members of the Council's Planning Committee, and also Council officers, regarding a planning application relating to Elbourne House, a development containing his residence, and by doing so, has used his position as a Member to improperly secure for himself and other people, an advantage.

Allegation 2

By behaving in the manner outlined in allegation 1, Councillor Nixon has brought his office and the Authority into disrepute.

Disagreements over findings of fact

Councillor Nixon requested that the following should be included in the Investigators report at para 3.2

‘ When purchasing the flat from the Housing Association, Guinness Trust in July 2004 they were given written confirmation in December 2004 about their use of car parking space at weekends and evening. However, freehold owners, Gladedale Homes Ltd did not pass on a piece of material evidence (car park map dated Nov 2004) that showed Gladedale intention to remove car park spaces used by affordable housing on 3rd floor and given to open market housing on the 1st floor. When the revised planning permission was given in Jan 2007 for affordable housing on 1st floor the parking space will be given to them. Raven Housing Trust are purchasing the affordable homes on the 1st floor.’

Investigators response:

None.

Evidence

Councillor Nixon has indicated (letter dated 11th May 2007) that he may wish to call witnesses, but in completing Form D he has not provided any details. Form E has also not been completed.

On Form B Councillor Nixon indicated that he was pursuing Freedom of Information requests with the Guinness Trust and Horley Town Council but did not subsequently provide any additional evidence to support his case.

Councillor Nixon has also lodged complaints with the Guinness Trust, the Borough Council and the Local Government Ombudsman that relate to the planning process and not the Member Code per se. The Council has provided a full response under its own complaints procedure and a copy is attached.

Witnesses for the Investigator

None.

Other Representations

Councillor Nixon did not complete Form C but in his letter dated 11th May 2007 has indicated that should the allegations be upheld he would like to make representations to the Hearing. No details have been provided.

Conduct of the Hearing

Councillor Nixon has indicated that he does not want any part of the Hearing to be held in private or any part of the relevant documents be withheld from public inspection

Outstanding Issues from the pre hearing process

None.