



**STANDARDS COMMITTEE – WRITTEN DECISION NOTICE OF HEARING
IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT**

Case reference number:	01/222
Subject member, who the allegation has been made about:	Councillor Cheryl Little
Subject member representative:	Councillor Susan Fazackerley MBE
Investigating officer(s):	Mark Towers
Date and place of hearing:	Wednesday 25 th January, Town Hall, St Annes
Chair of the standards committee hearing:	Councillor Eleanor Gaunt
Other Standards committee members attending the hearing:	Councillors Ed Nash (Vice-Chairman), Brenda Blackshaw (substitute member), Delma Collins, Peter Collins, Will Harris, Gavin Harrison (substitute member), Elaine Silverwood (substitute member)
Independent member who was consulted regarding the referral for investigation:	Peter Clements
Monitoring Officer/ Monitoring Officer representative to the Committee:	Tracy Manning (Monitoring Officer) Ian Curtis (Council's Solicitor, and Deputy Monitoring Officer)
Clerk for the hearing:	Sharon Wadsworth
Summary of the allegation:	<ul style="list-style-type: none"> The allegation was that Councillor Little had failed to declare a personal interest at the council meeting held on March 3, 2022, in relation to a proposed catering facility within her ward. The alleged personal interest arose because Councillor Little had a close association with Mx X, who was to have been the operator of the facility. Councillor Little was alleged <i>"to have closer personal ties when they stood together in the same</i>

	<p><i>Ward</i>". Councillor Little was also alleged to have invited Mx X <i>"as her personal guest to a Mayoral event"</i>.</p> <ul style="list-style-type: none"> It was therefore alleged, a personal interest should have been declared by Councillor Little at the Budget Council meeting held on 3rd March 2022, when a discussion relating to the proposed catering facility, in which Mx X had an interest, arose.
Relevant paragraphs of the Code of conduct:	A personal interest arises where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position of a member of your family or any person with whom you have a close association.
Observations of the independent person (the same person who was consulted by the Monitoring Officer prior to the matter being referred for investigation) :	As an independent person, Mr Clements, outlined it was reasonable to assume from the perspective of the ordinary person on the street that a personal interest did arise on the part of Councillor Little. He had carefully considered the investigation report, in consultation with the Monitoring Officer, and concurred with its findings.
Summary of the evidence considered:	<p>The committee considered the report of the Investigating Officer and questioned him further, together with the Monitoring Officer, on various aspects of the report. The verbal observations of the Independent Person were also considered. The Committee also considered a submission from Councillor Fazackerley MBE on behalf of Councillor Little. The committee also put further questions to Councillor Fazackerley MBE on her submission.</p> <p>The facts as found by the Investigating officer were not contested. The issue was whether the relationship between Councillor Little and Mx X amounted to a close association. The Investigating Officer considered that the question of a close association fell to be decided in line with how the matter would be perceived by a reasonable member of the public. On that basis, he found that Councillor Little did have a close association with Mx X.</p>
Representations of the Subject member:	It was outlined that Councillor Little had a rapport, and came into contact, with a wide range of hoteliers, voluntary workers, and other prominent/visible members of the community, and particularly with her Fairhaven ward residents. Councillor Little's easy-going, friendly manner attracted people to her. Given this many people could be described as 'associates' because of the warmth of their interactions with Councillor Little. It would be wrong to draw the category of 'close associates' so widely as to include all members of the local community with whom an

	<p>active and conscientious councillor has established a rapport.</p> <p>Referring to Mx X being a personal guest at the inauguration of Councillor Little as deputy mayor in July 2021, it was outlined by Councillor Fazackerley MBE that Councillor Little had been able to invite 40 guests. This large allocation meant that as well as close friends and family, Councillor Little's guests also comprised people to whom she was not close, but who would enjoy the occasion and were invited on this basis. In terms of mayoral fund-raising events in general, one tried to sell tickets to such events to a wide audience to raise money for the charities. This was why Mx X was a paying guest at a subsequent mayoral event, not because of any particular relationship.</p> <p>In terms of political campaigning it was outlined that there are a variety of people one can expect support from including political associates which does not imply a close association.</p>
Findings of fact:	<p>The committee agreed with the investigating officer that the question of a close association fell to be decided in line with how the matter would be perceived by a reasonable member of the public. The committee accepted the findings of fact as made by the investigating officer.</p>
Findings as to whether or not the member failed to follow the Code of Conduct including the reasons for that finding:	<p>The committee reached the conclusion that there was a breach of the Code of Conduct in that Councillor Little failed to declare a personal interest at the council meeting on March 3, 2022, in relation to an item of business concerning a proposed catering facility based on the evidence considered.</p> <p>The Committee noted that Councillor Little felt that she did not have a close association with Mx X, but the Committee agreed with the investigator that the question of a close association fell to be decided in line with how the matter would be perceived by a reasonable member of the public. On that basis the Committee found that there was a close association.</p> <p>The Committee noted that Councillor Little did not intend to breach the code, and that the breach therefore was down to some measure of carelessness, rather than deliberate calculation. Against this, the committee also noted that Councillor Little was a very experienced councillor who had served in leading council positions such as chairman of the Tourism and Leisure Committee, under whose remit the proposed development fell, cabinet member and deputy mayor.</p> <p>Where there is a personal interest, there is also the possibility that a prejudicial interest could arise. The complaint that the committee considered did not allege the</p>

	<p>existence of a prejudicial interest, so the committee did not need to reach a definitive view on that possibility. Therefore the Committee confined itself to the observation that by failing to declare a personal interest, Councillor Little closed off the possibility of any consideration of whether there was also a prejudicial interest, which would have necessitated her leaving the meeting while the item was discussed.</p>
<p>Actions to be taken/ sanctions to be imposed:</p>	<p>The Committee determined it would not be appropriate to impose no sanction. In the circumstances, it was decided to recommend that Councillor Little's political group remove her as a member of the Tourism and Leisure Committee until that committee is discontinued in the new municipal year. This would emphasise that the Audit and Standards Committee takes seriously the duty of councillors to uphold the Code, while allowing Councillor Little to return to such roles as are allocated to her as a councillor within a reasonable time.</p> <p>The Committee also determined that its formal decision notice should be drawn to the attention of the council as an information item.</p>
<p>Recommendations to the authority:</p>	<p>To note the decision reached.</p>
<p>Right to appeal:</p>	<p>There is no right of appeal from this decision which is final.</p>

Signed:

Councillor Eleanor Gaunt

Dated:

Chairman of the Audit and Standards Committee
27 January 2023