

Case study C

Stour District Council is facing its annual budgetary crisis. In order to address its mounting deficit it will either (i) have to close the only public swimming pool in the district or (ii) sell part of The Sward to a developer for housing development (subject to obtaining planning permission).

Councillor D is the Council Leader, Leader of the Labour Group and member for the ward within which the swimming pool is located. He is also the Cabinet Member for Leisure Services and a member of the planning committee.

The planning committee composition is seven Labour, six Coalition (Conservative/ Lib Dem/Independent) and Councillor Amy Twine. All members of the planning committee have now received training on the discharge of their functions.

At the July Cabinet Meeting, Councillor E, the Cabinet Member for Property and Regeneration, presents a report to Cabinet recommending the disposal of part of The Sward subject to first obtaining planning permission. Councillor D expresses his strong support for this proposal and votes in favour of it. The Cabinet unanimously decide in favour of the recommendation.

The Director of Property and Regeneration proceeds to make a planning application for housing on the land. The Director of Planning prepares a report to committee which recommends strongly in favour of the grant of planning permission.

Prior to the planning committee's consideration of the application at its September meeting the following occurred:

- (i) At a pre-Committee informal meeting, the Labour members of the planning committee agree to **"lend their support to the proposal"**
- (ii) Councillor D is interviewed by BBC Radio Stour Valley and states **"The closure of the swimming pool will be over my dead body"**
- (iii) Councillor Twine is interviewed by the Stour Gazette and states **"Nothing I have seen outweighs the need to retain The Sward for future generations"**

At the meeting of the planning committee

- Councillor D attends, speaks in favour of the application and votes for approval
- All the other Labour members vote in favour of the grant of planning permission
- All the Coalition members vote in favour of refusal
- Councillor Twine addresses the meeting by reference to a speaking note which outlines the pros and cons of the development but she votes for refusal

Has there been actual or apparent predetermination on the part any of the decision makers?

What if any breaches of the Council's Code, the Model Code, have there been? What are the reasons for your conclusions?