

**Minutes of a Meeting of the Standards Sub  
Committee held at Conference Room,  
Camberley Theatre, Knoll Road,  
Camberley, GU15 3SY on 23 April 2019**

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+ Cllr Rodney Bates  
+ Cllr Edward Hawkins

+ Cllr Paul Ilnicki

+ Present  
- Apologies for absence presented

In Attendance: Karen Limmer, Monitoring Officer  
Richard, Lingard, Independent Investigator

**1 Appointment of Chairman**

**RESOLVED** that Councillor Bates be elected chairman of the hearing.

**COUNCILLOR BATES IN THE CHAIR**

**2 Declarations of Interest**

Councillor Bates informed the Sub Committee that he had been employed by Guildford Borough Council at the same time as the independent investigator (some 8 years ago) but had not worked with him as they were in different departments.

Councillor Hawkins informed the Sub Committee that he had chaired the meeting of the Planning Applications Committee concerned.

Councillor Ilnicki informed the Sub Committee that he had attended and participated in the meeting of the Planning Applications Committee concerned.

**3 Exclusion of Public and Press**

It was agreed that given the nature of the complaint and in the interest of transparency and accountability the public and press would not be excluded from the hearing.

**4 Investigation of a Potential Breach of the Code of Conduct**

The Sub Committee was informed that the hearing had been convened to consider the report of the Independent Investigator following the investigation of a complaint submitted to the Monitoring Officer by Mr A, on behalf of clients Mrs B and her Mother, following their dealings with Councillor Gandhum and to agree an appropriate course of action.

The Sub Committee was advised that it was the Complainants' contention that Councillor Gandhum had acted improperly as a councillor, failed to declare relevant interests at a meeting of Windlesham Parish Council and called in the Complainants' planning application in an attempt to undermine its proper determination with a view to frustrating them into selling their land to him. It was also alleged that Councillor Gandhum had sought to pressurise the Complainants into selling their property to him whilst at the same time working to undermine the chances of their planning application being approved.

As the Independent Investigator assigned to investigate the complaint, Richard Lingard had met and interviewed the complainants, the complainant's agent and Councillor Gandhum.

The Sub-Committee carefully considered all the information presented, both written and oral, from:

- the Independent Investigator;
- the Monitoring Officer
- together with reference to the Council's Constitution and Code of Conduct and Windlesham Parish Council's Code of Conduct

The Sub Committee noted that a copy of the Independent Investigator's draft report had been sent to all parties for comment. Responses from the complainant's had been incorporated into the report and Councillor Gandhum had advised the Investigator that he had no comment to make on the report. It was noted that extensive efforts had been made to ensure that Councillor Gandhum was aware of the hearing and his right to be present to present his side of the case. However, no response had been received and given the seriousness of the allegations it had been agreed that the hearing would be held in his absence.

The Sub Committee noted the concerns raised including:

- The failure to declare an interest during Windlesham Parish Council's Planning meeting.
- Councillor Gandhum's denial of any knowledge of who had called in the Complainant's' planning application when it was a matter of public record that it was he who had done so.
- The inappropriate and unprofessional manner displayed by Councillor Gandhum towards the Complainants' agent and his implication that the Complainants were only repeating what their agent had told them to say.
- The hand written note given to the Complainants by Councillor Gandhum clearly implied that he was interested in purchasing land from the complainants.

The Sub-Committee also took note of the fact that;

- In addition to the Call-In request, only one other representation had been received in relation to the Complainants' planning application.
- Although the Call-in request had not referenced a specific planning reason this had not been a requirement at the time the request had been made.
- Although Councillor Gandhum had attended the Planning Applications Committee meeting in December 2018, he had not been in attendance when the Committee considered the Complainants' planning application. The Chairman had given a clear steer to the Committee that a note on the application circulated by Councillor Gandhum did not form part of the application papers and was to be disregarded by the Committee.
- The Investigating Officer considered the Complainants to be plausible and reliable witnesses and that they were reluctant complainants. Furthermore, the Investigating Officer considered the Councillor's responses to his questions to be evasive and contradictory.

The Sub Committee considered that the concerns raised in the complaint clearly breached the Nolan Principles and the Council's Code of Conduct for Councillors and in particular:

- i. Selflessness – It was considered that the Councillor’s actions had been influenced by a potential opportunity to gain a financial or material benefit either for himself or for an associate and consequently he had not acted solely in terms of public interest in this instance.
- ii. Integrity - The initial advice given to the Complainants in respect of lifting planning restrictions on their land whilst technically incorrect was not in itself considered to be a breach of the Code of Conduct.

However, the Sub Committee considered that the Councillor’s actions had clearly indicated that he had considered the possibility of buying the land in question either for himself or an associate and this had coloured his subsequent actions. Consequently, it was considered that the Councillor had failed to act with integrity on this occasion.

- iii. Accountability – It was considered that because the Councillor did not, at the time of the meeting, have a pecuniary interest in the application under Windlesham Parish Council’s Code of Conduct he did not need to declare an interest when the application to lift the agricultural tie was discussed by the Parish Council. Notwithstanding this it was considered that elected officials should do all in their power to ensure that they were perceived to be acting with propriety at all times and consequently it was considered that a declaration ought to have been made to avoid any suggestion that the Councillor had been seeking to exert undue influence.

In relation to breaching standards of accountability it was considered that this was unproven.

- iv. Openness and Honesty- It was felt that whilst the Councillor’s reasons for calling in the planning application were weak the Council’s rules at the time did not state that full and proper planning reasons had to be provided when calling in a planning application. The rules relating to the call in of planning applications since changed however it was agreed that the Governance Working Group should be asked to look at this area.

In relation to the Councillor’s denial of any knowledge of who had called in the planning application when questioned about it by the complainant, it was felt that this was clearly dishonest and breached the Code of Conduct.

- v. Leadership – It was agreed that in his dealings with the Complainants, the Councillor had failed to promote and support the seven principles of public life and this failure of leadership clearly breached the Council’s Code of Conduct.
- vi. Treating Others with Respect – The Sub Committee considered that whilst the Councillor’s conduct towards the complainants was not overly disrespectful, the Code of Conduct placed a general obligation on councillors to ‘treat others with respect’. In view of this fact, the manner in which the Councillor had referred to the complainant’s agent was clearly disrespectful and fell short of the standards expected of councillors. Consequently, it was agreed that this aspect of the Code of Conduct had been breached.
- vii. Disrepute – It was the Sub Committee’s view that the Councillor’s handling of the situation had not met the obligation in relation promoting and maintaining high standards of conduct and as such the Code of Conduct had been breached in this instance.

- viii. Improper Use of Position – It was agreed that calling in the planning application could be interpreted as an attempt to thwart its progress. Furthermore, given the vagueness of the reasons given for calling in the decision, it was considered that the Councillor had made improper use of his position to gain an advantage for either himself or an associate and as such had breached the Code of Conduct.
- ix. Declaration of Interests – It was stressed that the Nolan principles applied to all public appointments including parish councillors. It was felt that in this particular case, the handwritten note given by the Councillor to the Complainants showed a clear intention to buy the land in question and as such, his participation in the Parish Council meeting and the calling in of the application demonstrated that the Councillor had failed to avoid action which might reasonably lead others to conclude that he was not acting selflessly and with integrity and his actions had breached the Code of Conduct.

The decision making process was a matter of judgement by the Sub Committee and having weighed all the evidence provided by the Independent Investigator it was considered that in his handling of the matter the Councillor had failed to adhere to the Nolan principles and his actions had clearly breached the Members' Code of Conduct on several fronts.

The Sub Committee noted that the Councillor would not be seeking re-election in the upcoming elections and accepted that the proximity of the elections meant that their options were limited. Notwithstanding this, the Sub Committee agreed that the severity of the breach was such that it warranted being brought to the attention of a wider audience and that the Councillor should be publically censured for his actions. It was also agreed that the Councillor should be asked to formally apologise to the Complainants.

**RESOLVED** that:

- i. The Sub Committee censure Councillor Gandhum for his actions.
- ii. Councillor Gandhum to be asked to apologise formally to the Complainants by letter.
- iii. The Member's Group Leader would be advised formally of the complaint and the outcome of the subsequent investigation and Sub Committee hearing.
- iv. The full report of the Independent Investigating Officer to be taken to the next meeting of the Audit and Standards Committee.

**Chairman**