



Northern Ireland

# Local Government Commissioner for Standards

**8 November 2017**

**Local Government Act (Northern Ireland) 2014**

**Councillor Andrew Girvin (Lisburn and Castlereagh City Council)**

**Determination of the Northern Ireland Local Government Commissioner for Standards (following agreement by the parties)**

Following a complaint against Councillor Girvin, the matter was investigated by Mr Paul McFadden, the Deputy Commissioner for Local Government Standards, who then submitted his investigation report to the Commissioner for adjudication.

A pre-adjudication hearing review was held on the 8 November 2017 to determine procedural matters. During this hearing the parties requested time to explore an alternative resolution of the complaint. The outcome was that Councillor Girvin accepted the conclusions of the investigation report in the following terms:

- a. In response to a request to attend a meeting with a representative of a potential planning applicant, Councillor Girvin ought to have referred the representative's request to the appropriate planning officer in accordance with paragraphs 7.4 and 9.7 of the Northern Ireland Code of Conduct for Councillors ("the Code");
- b. He proceeded to attend the requested meeting with the representative alone, contrary to the former Department of the Environment (DOE) Guidance ("the Departmental Guidance) and he made no record of the meeting; and
- c. Having met with the representative he failed to report the meeting and the representations made to him to the appropriate planning officer.

It is accepted that Councillor Girvin's failure to comply with paragraphs 7.4 and 9.7 of the Code (as informed by the Commissioner's Guidance as well as the Departmental Guidance) was by reason of a reasonable misinterpretation of the Code and a failure to understand the specific requirements of the Code.

It is agreed that Councillor Girvin was unable to attend Planning Guidance Training which was arranged by the Council in July 2015. This training covered the following aspects: to gain a thorough awareness of the statutory obligations and requirements of Part 9 of the Code of conduct in relation to planning matters taking into account in particular the Departmental Guidance regarding interpretation of Part 9 together with relevant examples and previous cases from other jurisdictions.

The parties acknowledge that it is a matter for the Commissioner to determine whether 'Alternative Action' is appropriate and if so, the nature of any further training which the Councillor may require having regard to the circumstances of the case and the training previously received.

Councillor Girvin agrees to attend any training which in the determination of the Commissioner may be required, and he commits to comply with the Code and associated guidance in his future conduct.

*Marie Anderson*

**Mrs Marie Anderson**  
**Northern Ireland Local Government Commissioner for Standards**