

## **STANDARDS REPORT**

### **Reference 2011-12/13(i)**

#### **1. INTRODUCTION**

- 1.1 This report has been commissioned by North Lincolnshire Council's Monitoring Officer following a decision of North Lincolnshire Council's Assessment Sub Committee of 22 March 2012 that the Complaint be investigated pursuant to section 57A(2) of The Local Government Act 2000 (as amended).
- 1.2 The Investigation was conducted pursuant to the above Act and Regulations issued thereunder.
- 1.3 This is a final report and will be sent to North Lincolnshire Council's Standards Committee for consideration.
- 1.4 In preparing my report, my colleague Mrs Julie Dodson has assisted me by taking shorthand minutes of some of the interviews.
- 1.5 I would like to apologise in the event that anyone connected with this investigation believes that there has been an unreasonable delay in bringing the same to a conclusion. I have endeavoured to carry out the investigation as speedily as possible given my other work commitments and the availability of people who I have interviewed as part of this investigation.

#### **2. NATURE OF THE COMPLAINT**

- 2.1 Mr Collin Parker has made this complaint. It concerns the alleged conduct of Councillor Mrs Lindley. Councillor Mrs Lindley is and was at all material times a Member of Epworth Town Council.
- 2.2 The Complainant alleges that Epworth Town Council was aware of the link and connection between the proposal to include Station Road, Epworth within the Local Development Framework as an area to be developed for residential housing and the offer by the owners of the land to be so developed to inject £6 million into local projects in Epworth including but not limited to a new health centre, a small supermarket with trolley shopping and a substantial public car park prior to 2009. Councillor Mrs Lindley claimed in a letter addressed to Mr Parker dated 1 December 2011 that Epworth Town Council became aware of the link between the two schemes in 2009. Mr Parker in his letter dated 8 February 2012 addressed to Mr William Bell claims that in her letter dated 1 December 2011 Councillor Lindley "lied about what the council (Epworth Town Council) knew at the time." In the circumstances, Mr Parker claims that Councillor Lindley has brought Epworth Town Council into disrepute.
- 2.3 The Assessment Sub Committee had regards to paragraph 5 of The Code of Conduct which provides that:

“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”

and it is this paragraph I have considered.

### **3. CODE OF CONDUCT**

3.1 The Assessment Sub-Committee directed that I consider whether paragraph 5 of the Code, namely that whether Councillor Mrs Lindley has conducted herself in a manner which could be reasonably regarded as bringing her office or Epworth Town Council into disrepute.

3.2 I have considered The Guide for Members 2007 concerning this issue and note that the guidance concerning paragraph 5 of the Code states that:

“As a member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority. Dishonest and deceitful behaviour in your role as a member may bring your authority into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.”

### **4. METHODOLOGY AND INTERVIEWS CONDUCTED**

I have interviewed Mr Colin Parker, Mrs Caroline Maguire, Councillor David Robinson, Councillor Mrs Elizabeth Redfern, Mr Barry Briggs and Councillor Mrs Lindley during the course of my investigation. All interviews save for the interview with Mr B Briggs were conducted at The Civic Centre Ashby Road Scunthorpe. My colleague Mrs J Dodson accompanied me at the interview with the complainant, Mr C Parker and Councillor Mrs Lindley. I conducted the interviews of Councillor Mrs E Redfern, Councillor D Robinson, Mrs Caroline Maguire and Mr B Briggs alone as I carried out the interview of Mr Briggs at his home, the interviews with Councillors Redfern and Robinson were short and Mrs Dodson was not available to attend the interview of Mrs Caroline Maguire. Minutes were taken at each interview and such minutes were subsequently sent to each interviewee to check and sign as a true and accurate record of their interview with me. Each interviewee was afforded the opportunity to be accompanied at their interview although each interviewee apart from the complainant and Councillor Mrs Lindley chose to attend unaccompanied.

### **5. THE EVIDENCE**

#### **Mr Colin Parker     Interviewed on 30 May 2012**

5.1 Mr Parker attended the interview with his friend Mr Ransford. Mr Ransford was not a material witness to Mr Parker’s complaint.

5.2 Mr Parker is not and was not at any material time a Member of Epworth Town Council.

5.3 Mr Parker claimed, in his letter dated 8 February 2012 addressed to Mr William Bell Monitoring Officer of North Lincolnshire Council that Councillor Lindley “lied about what the council knew at the time” concerning the link between the inclusion

of land at Station Road Epworth within the Local Development Framework for residential development and the offer of substantial and significant funding by the owners of that land to be used for community projects such as a new health centre for Epworth Town Centre.

- 5.4 Mr Parker claims that he and five other landowners had put forward a proposal to North Lincolnshire Council (hereinafter referred to as "NLC") in December 2006 to be included within the Local Development Framework (hereinafter referred to as "the LDF") concerning 20 acres of land adjacent to Station Road, Epworth for residential development and that as part of such a development the six landowners would donate to the local community the sum of £6 million being 30% of the net proceeds of sale of the land to be used for community projects such as a new health centre and car parking.
- 5.5 It was accepted by Mr Parker that no formal planning application has at any time been submitted for the development of land adjacent to Station Road, Epworth.
- 5.6 Mr Parker claimed that the issue was considered by Epworth Town Council at its meeting on 6 November 2007 and was also considered at an "open meeting" of Epworth Town Council which took place on 8 November 2007. The issue was also considered at a further meeting of Epworth Town Council which took place on 12 November 2007 to enable Epworth Town Council to determine its response to NLC as part of the consultation exercise being carried out in respect of this issue.
- 5.7 Epworth Town Council's response to NLC was that it would not be appropriate for the land adjacent to Station Road, Epworth to be the subject of residential development and indeed was "the worst place of development".
- 5.8 Mr Parker pointed out that there were no minutes available in respect of either the "Open Meeting" which took place on 8 November 2007 or the Council Meeting which took place on 12 November 2007.
- 5.9 Mr Parker stated that when he attended a meeting on 24 August 2011 which was also attended by Councillor Redfern and Councillor Robinson, Councillor Mrs Lindley did not contribute to that meeting although the Clerk to Epworth Town Council, Mrs Caroline Maguire indicated that it was not until sometime in 2009 that Epworth Town Council was aware of the link between the inclusion of land adjacent to Station Road, Epworth for residential development and the offer to donate 30% of the net sale proceeds of the land to Epworth for projects such as a new health centre.
- 5.10 Mr Parker referred to the front page of The Epworth Bells newspaper dated 15 November 2007 which clearly sets out the link between the inclusion of land adjacent to Station Road Epworth for residential development and the offer to fund projects such as the new Health Centre and that that article clearly confirmed that the link between both matters was raised as an issue at the public meeting of Epworth Town Council which took place on 8 November 2007.
- 5.11 In the circumstances Mr Parker believes that Councillor Lindley lied when she stated that Epworth Town Council was not aware of the link between the two issues until much later than 2006.

- 5.12 Mr Parker claimed that the link between the two issues would have been clear from the NLC website in which the details were recorded.
- 5.13 Mr Parker referred to a letter from the Clerk to Epworth Town Council to him dated 13 September 2011 which confirmed that not all Members of Epworth Town Council had access to the internet.

**Councillor David Robinson      Interviewed on 8 August 2012**

- 5.14 Councillor Robinson confirmed that he had been asked to attend a meeting by Colin Parker on 24 August 2011. The meeting was to take place with Councillor Redfern, Councillor Lindley and the Clerk to Epworth Town Council.
- 5.15 Councillor Robinson is not a Member of Epworth Town Council.
- 5.16 Councillor Robinson confirmed that in addition to the individuals named above, Mr Parker's associate Mr Ransford also attended the meeting which took place at Cemetery Lodge, Burnham Road, Epworth on 24 August 2011.
- 5.17 Councillor Robinson confirmed that Colin Parker presented him with a copy of a letter from Dr Gallagher which related to the building of a new surgery in Epworth.
- 5.18 Councillor Robinson confirmed that no minutes were prepared in respect of the meeting which took place on 24 August 2011 although Councillor Robinson recalled the Clerk to Epworth Town Council sitting in a seat by the window making some handwritten notes.
- 5.19 Councillor Robinson recalled that the Clerk to Epworth Town Council spoke more than Councillor Lindley who said very little during the meeting.
- 5.20 Councillor Robinson believed that Councillor Lindley did not have any papers with her at the meeting which took place on 24 August 2011.
- 5.21 Councillor Robinson has confirmed that he cannot remember Councillor Lindley confirming at the meeting which took place on 24 August 2011 the date when she first became aware of the link between the inclusion of the land adjacent to Station Road Epworth for residential development and the offer of a gift from the landowner to fund community projects in Epworth. Furthermore, Councillor Robinson confirmed that he recalls that this issue was raised by the Clerk to Epworth Town Council but was unable to remember what was said. He was unable to remember whether Councillor Lindley reacted to the comment from the Clerk in any way.

**Mr Barry Briggs                      Interviewed on 2 October 2011**

- 5.22 Mr Briggs confirmed that at the material time he was a Member of Epworth Town Council as well as a Member of NLC for Axholme Central.
- 5.23 He was asked by Colin Parker to attend a meeting some time after 2006. This meeting related to Colin Parker's proposal for the development of land which had been rejected. Dr Gallagher was also present at the meeting together with Mr Clark who owns the land where it was proposed that a new Medical Centre could be built.

- 5.24 Mr Briggs considered a letter from The South Axholme Practice dated 15 March 2006 addressed to Epworth Town Council and confirmed that it was usual practice at that time for copies of all correspondence addressed to the Town Council to be provided to each Member. This would have included, at all material times, Councillor Mrs Lindley. Mr Briggs accepted that the letter from The South Axholme Practice dated 15 March 2006 did not expressly link the development of land adjacent to Station Road Epworth for residential purposes and the gift of around 30% from the net proceeds of sale of that land by the owners of the land.
- 5.25 Mr Briggs was unable to confirm what was discussed at the Epworth Town Council meeting of 6 November 2007 and specifically whether any specific link was made between the two issues.
- 5.26 Mr Briggs confirmed that he was not aware of any minutes of the "Open Meeting" of Epworth Town Council which took place on 8 November 2007 but did remember that a lot of people attended that meeting. Mr Briggs did remember that during the "Open Meeting" which took place on 8 November 2007 Councillor Catherall produced a letter addressed to North Lincolnshire Council from Mr Colin Parker offering to "put £6 million pounds into the community if his scheme on Station Road materialised" and also remembered that this was discussed "at length" at the "Open Meeting" on 8 November 2007.
- 5.27 The Minutes of Epworth Town Council of 4 December 2007 confirmed that Councillor Lindley was present on that occasion and that meeting referred to Epworth Town Council's response to North Lincolnshire Council's consultation concerning the inclusion of the proposed development of land adjacent to Station Road into the Local Development Framework. He accepted that the Minutes of the Meeting 4 December 2007 of Epworth Town Council made no express link between the two schemes.
- 5.28 Mr Briggs noted that Councillor Lindley was present at the meeting of Epworth Town Council which took place on 6 November 2007 and that it was resolved at that meeting for an "Open Meeting" to be held. Mr Briggs accepted that the document entitled "Local Development Inset 56 Sandtoft and Inset 18 Epworth" does not expressly link the two schemes,

**Councillor E Redfern**

**Interviewed on 2 October 2012**

- 5.29 Councillor Mrs E Redfern confirmed that she attended the meeting on 24 August 2011 and that Councillor Robinson also attended that meeting.
- 5.30 Councillor Mrs Redfern is currently a member of Epworth Town Council.
- 5.31 Councillor Mrs Redfern confirmed that Councillor Mrs Lindley did not speak much during the meeting on 24 August 2011.
- 5.32 Councillor Mrs Redfern recalled that the Clerk to Epworth Town Council was sat in a window seat taking notes during the meeting.
- 5.33 Councillor Mrs Redfern was unable to recall anything further concerning what took place and was discussed at that meeting.

- 5.34 Councillor Mrs Lindley attended a meeting with me on 14 December 2012 and was accompanied by her daughter Jane Lindley.
- 5.35 Councillor Mrs Lindley is currently a Member of Epworth Town Council and was at all material times a Member of Epworth Town Council.
- 5.36 Councillor Mrs Lindley confirmed that she had seen the letter from The South Axholme Practice to Epworth Town Council dated 15 March 2006 before but that it did not refer expressly to a link between the development of the land adjacent to Station Road, Epworth and the funding by Mr Parker and others of community projects in Epworth such as a new Medical Centre.
- 5.37 Councillor Mrs Lindley confirmed that she did not have access to the internet and that she received "hard copies" of her Town Council papers in the usual way.
- 5.38 Councillor Mrs Lindley stated that she did not recall receiving any document as a Member of Epworth Town Council which linked the two schemes.
- 5.39 Councillor Mrs Lindley confirmed that the document entitled "Local Development Inset 56 Sandtoft and Inset 18 Epworth" did not expressly link the two schemes. She confirmed that she had seen this document before and that it had been circulated prior to the meeting which took place 6 November 2007.
- 5.40 Councillor Mrs Lindley confirmed that she attended both the "Open Meeting" which took place on 8 November 2007 and the Meeting of Epworth Town Council which took place on 12 November 2007. She stated that she did not have any recollection what was discussed at either of those meetings and did not recall whether any link between the two sites was raised at either or both of those meetings.
- 5.41 Councillor Mrs Lindley stated that whilst Epworth Town Council recognised the need for housing she remembered that a member of the public at the "Open Meeting" had referred to the proposal to develop land adjacent to Station Road, Epworth for residential purposes as "the worst place for development" and that Epworth Town Council had subsequently adopted this when it responded to NLC in the course of the consultation exercise.
- 5.42 Councillor Mrs Lindley confirmed that she had always taken The Epworth Bells and that she would have purchased a copy on 15 November 2007. However, whilst she may have read the article relating to these issues she may not have understood it as she was grieving the death of her husband which had taken place shortly prior to that date. She stated that it was for this reason that she may not have properly understood all that was considered and discussed at the meeting of Epworth Town Council on 4 December 2007.
- 5.43 Councillor Mrs Lindley confirmed that she had seen the letter from The South Axholme Practice dated 28 October 2009 which clarified the position of the Practice in response to a public questionnaire which was carried out at that time. She accepted that the letter from The South Axholme Practice confirmed that there was a link between the two issues, namely the residential development of land adjacent to Station Road, Epworth and the donation from the landowners to

fund community projects in Epworth. She stated that it was around this time that she was first aware of a link between the two issues.

- 5.44 Councillor Mrs Lindley confirmed that she attended a meeting on 24 August 2011 and that the Town Clerk had advised her prior to the meeting not to speak during the meeting.

**Mrs Caroline Maguire**

**Interviewed on 31 January 2013**

- 5.45 Mrs Maguire confirmed that prior to taking up the position of Clerk to Epworth Town Council she did not know Councillor Lindley.
- 5.46 Mrs Maguire confirmed that she attended the meetings in November 2007 as Clerk to Epworth Town Council.
- 5.47 Mrs Maguire confirmed that she prepared the Minutes of the meeting of Epworth Town Council which took place on 6 November 2007. This was the usual monthly meeting of Epworth Town Council She confirmed that, having examined those minutes and from her recollection of that meeting there was no mention at that meeting of the link between the allocation of the land adjacent to Station Road, Epworth for residential development and the gift for community developments. Mrs Maguire pointed out that in 2007 she recorded the minutes of meetings in greater detail than at the present time.
- 5.48 Mrs Maguire confirmed that she prepared the document entitled "Local Development Framework Inset 56 Sandtoft and Inset 18 Epworth.
- 5.49 Mrs Maguire did attend the "Open Meeting" on 8 November 2007 of Epworth Town Council but was unable to confirm whether or not this was attended by Councillor Lindley. She also was unable to confirm whether that meeting was attended by Mr Colin Parker. She was unable to confirm whether the link between the two issues was raised in the course of that meeting. Mrs Maguire was unable to confirm whether Mr Tony Catherall was present at that meeting.
- 5.50 Mrs Maguire did not take The Epworth Bells at the time of the meetings in November 2007.
- 5.51 Mrs Maguire believed that she sat on the "top table" of the meeting which took place on 12 November 2007 and that it was poorly attended.
- 5.52 Mrs Maguire did not take minutes of the meetings which took place on 8 November 2007 and 12 November 2007 as she was told not to by the Chair of those meetings.
- 5.53 Mrs Maguire first became aware of the link between the two issues at the meeting of Epworth Town Council on 6 October 2009 as she had been instructed to write to The South Axholme Medical Practice concerning the questionnaire which had been distributed. Councillor Lindley was present at that meeting She received a response from The South Axholme Medical Practice which highlighted the link between the two issues.
- 5.55 Mrs Maguire was present at the meeting which took place on 24 August 2011 which was attended by Councillor Lindley, Mr Colin Parker and Councillors

Redfern and Robinson as well as Mr Randsford. She confirmed that the meeting took place in her office and she sat at her desk near to the window. She confirmed that Mr Parker had asked that the meeting take place. Mrs Macguire confirmed that Councillor Lindley did not speak during the meeting. Mrs Maguire stated that Councillor Lindley did not indicate during the meeting when she first became aware of the link between the two issues. Mrs Maguire confirmed that she did not take notes during the meeting although she intended to do so. The meeting lasted between 30 and 40 minutes.

## **6 CONCLUSIONS IN RELATING TO THE COMPLAINT BY MR COLIN PARKER**

- 6.1 I have considered whether Councillor Mrs Lindley lied to Mr Colin Parker concerning when Epworth Town Council became aware of the link between the residential development of land adjacent to Station Road Epworth and the funding by the land owners of that land of a number of community projects in Epworth including the development of a new medical centre.. Specifically I have focused on whether she knew about the link between the two issues in 2007 and whether she lied when she stated that Epworth Town Council did not become aware of any link between the issues until much later. It must be the case that for a finding to be made that Councillor Mrs Lindley has brought Epworth Town Council into disrepute it must be evaluated whether she had lied about the date she maintained that Epworth Town Council knew about any link between the two schemes.
- 6.2 It is important to note that there is no evidence concerning what Councillor Lindley said at the meeting which took place on 24 August 2011 relating to the link between the inclusion of the land adjacent to Station Road Epworth into The Local Development Framework for residential purposes and the offer of funding from the owners of the land for community projects in Epworth. Indeed Colin Parker confirmed in the course of his interview with me that Councillor Lindley had not spoken during the meeting which took place on 24 August 2011. On that basis, it is simply not possible to conclude that Councillor Lindley lied during that meeting as it appears that at no time did she personally assert when Epworth Town Council were aware of the link between the two issues.
- 6.3 The letter from Mr Parker to the Clerk to Epworth Town Council dated 4 October 2011 refers to the issue of the link between the two issues but simply states that she, the Clerk stated at the meeting which took place on 24 August 2011 that “the council were not aware in 2007 that the Station Road and town centre development sites were linked and that the former would finance the latter.” There is no mention of Councillor Lindley in that letter and certainly no suggestion that Councillor Lindley had represented during the meeting which took place on 24 August 2011 as to when Epworth Town Council became aware of the link between the two issues.
- 6.4 Mr Parker’s letter dated 8 February 2012 relating to this complaint states that:
- “At the meeting in August 2011, the clerk maintained that the council was not aware of any link between the Station Road and town centre proposals until 2009, when we issued a questionnaire to gauge public opinion for the scheme. I have queried this with ETC and Margaret Lindley, the Chairman, recently told me “no cross reference was noted until much later”” and “...the general awareness of the

link between the two sites was not openly discussed in Council until after your questionnaire....”

The quotation referred to within Mr Parker’s letter to Mr Bell dated 8 February 2012 is taken from a letter from Councillor Lindley in her letter to Mr Parker dated 1 December 2011. This is an accurate quotation. Taken on face value, it appears from the letter from Councillor Lindley dated 1 December 2011 to Mr Parker that she maintains that the issue of the link was not discussed at Epworth Town Council until 2009. This cannot be factually accurate as the issue was raised at the Open Meeting of Epworth Town Council which took place 8 November 2007 which is confirmed by the Report in The Epworth Bells dated 15 November 2007 and the evidence of Mr Briggs.

- 6.5 Mr Parker confirmed in the course of his interview with me that he and the other owners of the land adjacent to Station Road Epworth had in 2009 circulated a questionnaire to “gauge public opinion for the scheme” i.e. the funding of community projects in Epworth and the development of land to the north of Station Road Epworth. The letter from The South Axholme Medical Practice to Epworth Town Council dated 28 October 2009 expressly refers to the link between the two issues and It is therefore reasonable to conclude, in the light of the above that in 2009 that link would have brought to the attention of the members of Epworth Town Council, including Councillor Mrs Lindley. Of course, it may very well be the case that Councillors of Epworth Town Council other than Councillor Mrs Lindley became aware of the link between the two issues prior to this but there is no evidence available to me in the course of this investigation that Councillor Mrs Lindley knew and had registered the link in her mind prior to 2009.
- 6.6 It is probable from my interview with Councillor Mrs Lindley that she read the article in the Epworth Bells dated 15 November 2007 and therefore she would have been aware from the front page of that newspaper of the link between the two issues. However I note that shortly before the date of that newspaper, Councillor Mrs Lindley’s husband had died and therefore she maintains that although she may have read it, the subject matter of the article did not properly register in her mind.
- 6.7 Further, I note from my discussion with Councillor Mrs Lindley that she attended the “Open Meeting” on 8 November 2007 when this issue was considered and the subsequent meeting on 12 November 2007. Unfortunately there are no minutes of either meeting. The only information I have in respect of what was considered at the “Open Meeting” other than the evidence of Mr Barry Briggs who states that the link between the two issues was clearly raised in discussions, is set out within the contents of the newspaper article in the Epworth Bells dated 15 November 2007. That newspaper article confirmed that “A revelation was made by the chairman of the Epworth Civic Society, Tony Catherall, at a packed open meeting of the Town Council called to give residents an opportunity to have a say on possible developments under North Lincolnshire Council’s (NLC) Local Development Framework. The article continues “Mr Catherall said the letter pertained to one of the five sites in the town put forward for possible development and referred to an area of agricultural land of historic and special interest to the north of Epworth’s Station Road. The letter to NLC from Colin Parker of Station Road states “All of the landowners involved have similarly agreed to a scheme to donate a significant proportion of the sale proceeds to local community projects. We envisage that this site would be developed to provide, among other things, a new health centre, a

small supermarket with trolley shopping and a substantial car park, all of which the town badly needs.” The newspaper article in The Epworth Bells is contemporaneous and I have not been presented with any evidence which suggests that it is not an accurate record of what took place at the “Open Meeting” on 8 November 2007.

6.8 I conclude that the link between the two issues was raised in the course of the “Open Meeting” on 8 November 2007. I have to consider whether Councillor Mrs Lindley in her state of mind at that time fully registered the importance of the issue.

6.9 I have considered the definition within the Oxford English Dictionary of “lie” which is defined as follows:

“an intentional false”

There is also reference to a lie requiring deception.

It is clear therefore that for me to conclude that Councillor Mrs Lindley had lied, she must have some element of dishonesty and I am unable to determine from my investigation any evidence of this. This is also supported by the extract from The Guide for Members 2007 referred to above at paragraph 3.2. It appears to me that Councillor Lindley was simply mistaken when she stated in 2011 that Epworth Town Council did not know about the link between the two issues until 2009.

6.11 Consequently, I believe that Councillor Mrs Lindley and Epworth Town Council knew about the link between the two issues in or around November 2007. However, I do not believe that Councillor Lindley lied about this issue when she stated that Epworth Town Council was not aware of the link between the two issues until 2009.

6.12 Consequently, I do not believe that Councillor Mrs Lindley has breached the Code of Conduct as claimed by Mr Colin Parker.

## **7. RECOMMENDATIONS**

Given that I have concluded that I do not consider that Councillor Mrs Lindley has breached the Code of Conduct, I make no recommendation concerning this matter.

Simon JL Batt  
26 February 2013