

## STANDARDS REPORT

**SBE Final Report**  
**Reference 2009-10/04**  
**Reference 2009- 10/05**

### **1 Introduction**

- 1.1 This report has been commissioned by North Lincolnshire Council's (the Council) Monitoring Officer following a decision by the Council's Assessment Sub-Committee of the 25 January 2010 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 the final report and will be sent to North Lincolnshire Council's Standards Committee for consideration.
- 1.4 In preparing this report, my colleagues Mrs J Dodson and Ms D Hammond have assisted me by taking shorthand minutes of Interviews.

### **2. Nature of Complaint**

- 2.1 Mrs J Szabo has made this Complaint. It concerns the alleged conduct of Councillor G Bailey and Councillor K Bates (**Appendix 1**). Both Councillors are Members of the Saxby-all-Saints Parish Council.
- 2.2 The Complainant alleges that at Meetings of the Parish Council on 8 June, 22 June and 20 July 2009 when items regarding the N-Power Windfarm planning application and donations to Saxby Wold Against Turbine (SWAT) were discussed, both Councillors should have declared personal or personal and prejudicial interests under the Members Code of Conduct, through being members of SWAT.
- 2.3 The Assessment Sub-Committee had regard to paragraphs 8, 9, 10 and 12 of the Code of Conduct and it is these paragraphs I have considered. (**Appendix 2**)

### **3. Code of Conduct**

- 3.1 The Clerk to the Parish Council has provided me with the Minutes of the Parish Council Meeting of 4 June 2007. It is minuted that the revised model Code of Conduct was adopted at that Meeting.
- 3.2 The Assessment Sub-Committee directed that I consider whether the following paragraphs of the Code had been breached:

*8 – (1) You have a personal interest in any business of your authority where either-*

*(a) it relates to or is likely to affect-*

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;*
- (ii) any body-*
  - (aa) exercising functions of a public nature;*
  - (bb) directed to charitable purposes; or*
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)**of which you are a member or in a position of general control or management.*

*9 – (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.*

*10 – (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.*

*12 – (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority-*

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held-*
  - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;*
  - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;**unless you have obtained a dispensation from your authority's standards committee;*
- (b) you must not exercise executive functions in relation to that business; and*
- (c) you must not seek to improperly influence a decision about that business.*

#### **4. Methodology and Interviews Conducted**

- 4.1 All Interviews were conducted at Pittwood House, Scunthorpe. My colleague, Ms D Hammond, accompanied me at the Interview conducted with the Complainant. My colleague, Mrs J Dodson, accompanied me at the Interviews conducted with Councillors Bates and Bailey. 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. However, all Interviewees chose to attend unaccompanied.

- 4.2 I have interviewed Mrs Janet Szabo, Councillor Ken Bates, and Councillor Grant Bailey during the course of my Investigation.
- 4.3 The Clerk to the Parish Council has provided me with Minutes of Parish Council Meetings of 4 June 2009, 8 June 2009, 22 June 2009, and 20 July 2009 (**Appendix 3**).
- 4.4 I have referred to the Standards Board for England Guide for Members dated May 2007.

## **5. The Evidence**

### Mrs Janet Szabo - interviewed 26 April 2010

- 5.1 Mrs Szabo explained that the basis of the Complaint began with discussions held in the Village over the proposal by N-Power to site wind turbines in the Low Villages. The matter had been discussed at Parish Council Meetings and members of the public had aired their views. In addition, an ad hoc group had been established called Saxby Wold Against Turbines (SWAT), of which membership appeared to be limited to a “by invitation only” basis.
- 5.2 In essence, Mrs Szabo explained that the Complaint was not about the wind turbines, but the fact that two Parish Councillors were also members of SWAT, the two Councillors being Councillor Bates and Councillor Bailey. These two Parish Councillors had voted on two separate occasions in favour of motions that the Parish Council grant to SWAT the sum of £100 on each occasion. This was to enable leaflets, etc to be produced and distributed in those Villages protesting against the turbines. These Councillors had both been given the opportunity to declare an interest but hadn't done so.
- 5.3 Mrs Szabo told me that although she was not in favour of the wind turbines in the Villages, this was not the reason for her Complaint. The reason was that members of the Parish Council who were also members of SWAT had approved public finances but had not declared an interest at the time. Mrs Szabo felt that her concerns should have been dealt with at Parish Council Meetings, and that she felt the Chair had been undermined.
- 5.4 Mrs Szabo explained that SWAT had been set up by individuals talking together. Leaflets had been delivered to every house in the Village inviting people to a meeting in the Village Hall on 11 May 2009, which actually turned out to be a Parish Council Meeting and not just a meeting to discuss the turbines. After this, another leaflet had been distributed inviting people to a meeting of SWAT at the Village Hall on 7 June 2009. As the Bookings Clerk for the Village Hall, Mrs Szabo had received a call from Councillor Bailey asking if the Hall was free and could it be booked. Mrs Szabo told Councillor Bailey that as it was not a Parish Council Meeting, she could not attribute the fee for the meeting to the Parish Council.

- 5.5 The 7 June Meeting had gone ahead - this was a public meeting and not related to the Parish Council. Mrs Szabo explained that, as it was a public meeting for the benefit of the whole village, the Village Hall had been booked. Members of the public attended and discussion had ensued on the Wind-farm proposal. Councillor Bates and Councillor Bailey both attended that meeting.
- 5.6 At the Parish Council Meeting on 8 June 2009, the Wind-farm proposal had been discussed. It had been proposed that a sum of £100 be donated to SWAT to enable representations/leaflets to be made against the turbines. Both Councillors Bates and Bailey had attended the 8 June Meeting but neither had declared an interest in relation to their membership of SWAT. At that Meeting, Councillor Bates requested that the Minutes from the Parish Council Meeting of 4 June 2009 be amended to reflect that the £100 donated to SWAT was so that members of the public could be informed of the situation. He also suggested that a further sum of £100 be granted to other groups if requested.
- 5.7 Mrs Szabo attended the Parish Council Meeting of 22 June 2009. Mrs Szabo said she was concerned, as Councillor Bates had asked the Chairman if he was going to vote on the application for the turbines, and that he felt the Chairman should vote. At that Meeting, neither Councillor Bates nor Councillor Bailey declared an interest as active members of SWAT.
- 5.8 A SWAT meeting had been held on 28 June 2009, which both Councillors Bates and Bailey had attended. The Chairman of SWAT had been elected at that Meeting. Mrs Szabo said that, also at that Meeting, Councillor Bates had been co-opted onto SWAT. The SWAT Meeting had been reminded that if that Group accepted any money from the Parish Council, it was accountable to the public and a bank account should be set up. Mrs Szabo said that the Chairman of SWAT (Neil Cameron) had asked both her and the Chairman of the Parish Council (Ted Ashworth) to leave that SWAT Meeting. Mr Cameron had said that if they wouldn't leave, the members of SWAT would hold their meeting somewhere else.
- 5.9 At the Parish Council Meeting of 20 July 2009, reference had been made to the 28 June SWAT Meeting, which the Chairman of the Parish Council and Mrs Szabo had been asked to leave. At the 20 July Meeting, the Chairman (Ted Ashworth) had asked if there were any interests to declare - the answer had been "no". It was questioned how the answer could be "no" when both Councillors Bates and Bailey were on the SWAT Committee. Councillor Bailey had informed the 20 July Meeting that he had resigned from SWAT. However, during her Interview, Mrs Szabo stated that Cllr Bailey had been a member when the first £100 had been awarded. The Chairman had then said he thought Councillor Bates should declare an interest. Mrs Szabo said the situation at the 20 July Meeting had become difficult and although the Chairman had remained calm, she thought he had been undermined.
- 5.10 Mrs Szabo stated that at both the Parish Council Meetings when the donations had been awarded, Councillor Bates had been the Proposer and

Councillor Bailey had been the Secunder. In both cases, no declarations of interest had been made.

- 5.11 Mrs Szabo stated that she had personally seen Councillor Bates delivering leaflets through doors in Saxby-all-Saints, and that SWAT had not just been working in Saxby-all-Saints, as other Parishes had been contacted as well.
- 5.12 Mrs Szabo expressed the view that Councillors Bates and Bailey were active members of SWAT, and that Councillor Bates had had contact with other Parish Councils regarding the wind turbines, including Wootton and Thornton Curtis.
- 5.13 Mrs Szabo gave me additional documents at her interview including:
- A letter she sent to the Chairman of the Parish Council (undated)
  - Leaflets relating to SWAT
  - Various Parish Council minutes

Councillor Ken Bates - interviewed 6<sup>th</sup> January 2011

- 5.14 Councillor Bates explained the background to SWAT. He said that residents in Saxby-all-Saints had formed the Group independently from the Parish Council following the Parish Council of 11 May 2009. At that Meeting, between 30-40 residents had “invaded” the meeting and had been resolute in their opinion that it was about time the Village took action against the proposal, especially as nothing had been done since the proposal had been announced in January 2009. Councillor Bates said that, up until then, the Parish Council had argued it was unable to take any action until such time as N-Power had submitted a formal planning application.
- 5.15 Councillor Bates continued that, at the 11 May Meeting, the Parish Council had donated a sum of £100 to SWAT to help the Group facilitate its first meeting. A public meeting organised by SWAT had subsequently been held on 7 June 2009 in the Village Hall, and Neil Cameron had been elected as Chair of the SWAT Committee. Councillor Bates said he attended that public meeting but only as a member of the public. He said it was after that public meeting that many members of the public had signed up to SWAT and had begun donating money towards it.
- 5.16 Councillor Bates said that whilst SWAT mainly comprised residents of Saxby-all-Saints, residents of the surrounding Wold Villages, including Barton-Upon-Humber, were also members of that Group.
- 5.17 Councillor Bates said he was not a member of SWAT himself, and never had been even to this day. Indeed, he said he had deliberately not joined that Group, or taken any action himself against the Wind-farm proposal either as a resident of Saxby-all-Saints or as a Parish Councillor, as he knew that eventually, the Parish Council would have to consider the planning application for the proposed Wind-farm, which he as a Parish Councillor, would then have to consider and vote on. Moreover, Councillor Bates said he had only ever

attended SWAT Meetings in his capacity as the Parish Council's Representative on that Group.

- 5.18 During his Interview, Councillor Bates described the extensive, consultant led, public relations exercise that N-Power had undertaken in Saxby-all-Saints and the surrounding Wold Villages prior to submitting their planning application. Councillor Bates then said that whilst he had accepted the Company's invitation to view an existing Wind-farm in Harrogate, no formal planning application had been submitted at that stage. Councillor Bates also described the strength of public opposition against this proposal. Councillor Bates said that, in addition, N-Power had invited the Parish Council to a separate meeting, which he, and other members of the Parish Council had attended.
- 5.19 I then asked Councillor Bates to explain his involvement in each of the three Parish Council meetings referred to in the Complaint.
- 5.20 Councillor Bates said that, at the 8 June 2009 Meeting, the Parish Council had clarified the basis on which it had awarded the £100 donation to SWAT at the 11 May Meeting. Councillor Bates said he had not had any involvement with SWAT at that time and therefore had not had any interest to declare at the 8 June Meeting.
- 5.21 In quoting from the Minutes of the 22 June 2009 Meeting, Councillor Bates said it was at that Meeting that the Parish Council had considered N-Power's planning application for a Wind-farm and had unanimously resolved to oppose it. At the same time, the Parish Council had agreed its next courses of action, which, amongst other things, had been to liaise with SWAT so as to avoid duplication of effort in circulating literature to members of the public. Ultimately, the Parish Council and SWAT had decided that SWAT should take on the task of producing and distributing such literature, and that the Parish Council would write to other Parish Councils/Organisations to enlist support to oppose the planning application.
- 5.22 I asked Councillor Bates whether he had delivered any SWAT literature himself. Councillor Bates replied that he had not.
- 5.23 In referring to the Parish Council's decision to liaise closely with SWAT about publicity and letters, etc, Councillor Bates said that this was how he (and Councillors Bailey and Barton) had come to sit on SWAT as the Parish Council's Representative on that Group, to attend SWAT Meetings and to liaise between the two. Subsequently, Councillors Bates, Bailey and Barton had been co-opted on to SWAT at a meeting between the two bodies on 28 June 2009 – a meeting that Mrs Szabo had also attended. Councillor Bates said that, unfortunately, however, his role as one of the Parish Council's Representatives on SWAT was not clearly defined in the Minutes of either the 8 June or 20 July 2009 Parish Council Meetings.
- 5.24 Councillor Bates said that, up until he had voted against N-Power's planning application, he hadn't had any involvement with SWAT at all or attended any

of its meetings. However, he had been kept informed of events up to then, as he lived next door to Neil Cameron, the Chair of the SWAT Committee.

- 5.25 Councillor Bates maintained that, as he was not actually a member of SWAT itself and had had no involvement in the Group up to then, he had no interest to declare at the 22 June Meeting.
- 5.26 Councillor Bates explained that, at the 20 July 2009 Parish Council Meeting, he had presented two invoices for publicity costs that SWAT had incurred and suggested that the Parish Council make a (conditional) donation of £200 towards these costs, which sum included the £100 donation the Parish Council had already agreed at the 11 May Meeting. The Parish Council subsequently agreed to make a total donation of £200 to SWAT, subject to certain terms and conditions.
- 5.27 Councillor Bates explained that, during the discussion on whether or not to make that donation, the Chair (Ted Ashworth) had made a point of asking whether any Parish Councillor had any interest to declare. Indeed Councillor Bates said that Councillor Ashworth had specifically asked him whether he wished to declare any interest. However, Councillor Ashworth had not asked Councillors Bailey and Barton that same question. Councillor Bates believed Councillor Ashworth had singled him out because he was the one who had presented the invoices on SWAT's behalf.
- 5.28 Councillor Bates maintained that he had no interest to declare (on 20 July 2009), given that his involvement in SWAT was purely on the basis of his role as the Parish Council's Representative on that Group. Councillor Bates maintained that this was still the case.
- 5.29 After discussing specific Parish Council Minutes with Councillor Bates at his Interview, a general discussion ensued, much of which related to politics within the Village, and the various personalities of the people involved with the Parish Council. Discussion had also ensued on the SWAT Group itself. This general discussion provided me with useful background information. However, as indicated in the Interview, the village politics involved in this matter is outside the remit of this Investigation.
- 5.30 In conclusion, Councillor Bates maintained that he had no personal and/or prejudicial interest in SWAT, or that it had been necessary for him to declare such interests at any of the Parish Council's Meetings in question, as his involvement in SWAT had merely been in his role as the Parish Council's co-opted Representative on that Group. Councillor Bates drew my attention to the Minutes of the Parish Council Meeting on 14 June 2010, when the Parish Council had unanimously reiterated their wish for him (Councillor Bates) to continue to represent the Parish Council on SWAT.
- 5.31 Having regard to the Guidance issued by the Standards Board, Councillor Bates said he genuinely believed he had not acted inappropriately in this matter at all, or that he had breached the Code of Conduct.

Councillor Grant Bailey - interviewed 14<sup>th</sup> January 2011

- 5.32 As a first point, I asked Councillor Bailey whether he was a member of SWAT. Councillor Bailey replied that he was not currently a member of SWAT but had been briefly in the past – something he explained further later on in his interview – paragraphs 5.40-5.43 refer.
- 5.33 Councillor Bailey said that, as with all other residents of Saxby-all-Saints, after N-Power had announced its Wind-farm proposal in January 2009, he too had been anxious to learn as much as possible about the proposal to enable him to make an informed decision, both as a member of the Parish Council and as a resident of the Village. Consequently, he had attended what he termed “kitchen meetings” – informal residents’ meetings in someone’s house – which had been held prior to SWAT being formed officially.
- 5.34 I said that I understood that residents had formed SWAT independently following the Parish Council Meeting of 11 May 2009 when between 30-40 people had “invaded” that Meeting. Also, that at the 11 May Meeting, the Parish Council had donated a sum of £100 to SWAT. Councillor Bailey confirmed that this accorded with his own recollection of events.
- 5.35 Regarding the 11 May Meeting, Councillor Bailey said that a member of the public had, for whatever reason, displayed a notice saying that it was to be a public meeting, which explained why so many residents had attended it. Councillor Bailey expressed the view that the Parish Council had been placed in a difficult position.
- 5.36 Referring specifically to the Meetings that were the subject of the Complaint, Councillor Bailey said that at the 8 June 2009 Meeting, the Parish Council had, amongst other things, clarified the basis on which it had awarded the £100 donation to SWAT at the 11 May 2009 Meeting.
- 5.37 Councillor Bailey said that, in his view, the 7 June 2009 Public Meeting had been necessary in the interests of even-handedness, not least so members of the public could see for themselves what the full impact of the Saxby Wind-farm proposal locally would be. Up until then, the only information available had been that promoted by N-Power itself.
- 5.38 Councillor Bailey said he had not been a member of SWAT or been actively involved in it at the time (8 June 2009). Therefore Councillor Bailey maintained he had not had any interest to declare at the 8 June Meeting at all. Whilst he was aware that SWAT had been formed by then, he was not certain when the Group had been formed exactly.
- 5.39 In quoting from the Minutes of the 22 June 2009 Meeting, I said it was then that the Parish Council had considered N-Power’s planning application for a Saxby Wold Wind-farm and had unanimously resolved to oppose it. At the same time, the Parish Council had agreed its next courses of action, which, amongst other things, had been to contact SWAT so as to avoid duplication of

effort in circulating literature to members of the public. Councillor Bailey said he had not been a member of SWAT on 22 June, or had any involvement in the Group at all by then. Therefore, Councillor Bailey maintained he had had no interest to declare at the 22 June Meeting. Also, Councillor Bailey said he had not delivered any SWAT literature himself.

- 5.40 Further to the Parish Council's decision to discuss publicity with SWAT, Councillor Bailey said that he, Councillors Bates and Ashworth and Mrs Szabo had attended a Meeting of the SWAT Committee of 28 June 2009, by which time, SWAT had become a formalised Group. Councillor Bailey said it was at the 28 June Meeting that the Chair of SWAT (Neil Cameron) had asked him whether he wished to be co-opted onto SWAT. Councillor Bailey said he had accepted the invitation and that, as far as he could recall, Councillor Bates had been co-opted onto SWAT at the same time.
- 5.41 Councillor Bailey said it had not been made clear whether he and Councillor Bates had then become members of SWAT itself, or were acting as the Parish Council's Representatives on that Group. Moreover, their role as a member of the SWAT Committee had not been clearly defined either, although mention had been made of liaison between the two (SWAT and the Parish Council). Also, Councillor Bailey said he was under the impression that only those persons who were members of SWAT could attend Meetings of the SWAT Committee – something I made a point of clarifying with Councillor Bailey.
- 5.42 Councillor Bailey continued that, as Councillor Ashworth and Mrs Szabo had been members of the public as opposed to members of SWAT, Neil Cameron had asked them both to leave the 28 June Meeting. However, they had resisted, saying they were “going to stay as it (the Saxby Wind-farm proposal) was village business”. Councillor Bailey said that a heated debate had then ensued, which he believed had been unnecessary and wrong, and which had left him feeling uncomfortable and uneasy, especially the way Neil Cameron had spoken to Councillor Ashworth and Mrs Szabo, so much so that he, (Councillor Bailey) had resigned from SWAT the following day, just 24 hours after being co-opted onto the Group.
- 5.43 Councillor Bailey said that he had telephoned Neil Cameron on the evening of 29 June 2009 and explained that, in view of the “outburst” at the previous evening's SWAT Meeting, he did not wish to be a member of the Group, especially as there were enough difficulties in the community already through N-Power's planning application for the Wind-farm. Councillor Bailey said he had then rung Mrs Szabo and Councillor Ashworth that same night and explained to both of them why he had resigned from SWAT.
- 5.44 Councillor Bailey confirmed that, following his resignation from SWAT he had not had any further involvement with the Group at all. Indeed, he had not participated in any of SWAT's activities whatsoever. Nor was he aware of what the Group's current role was or whether Neil Cameron was still the Chair of it. However, he said he had probably appeared in the occasional

photograph in the Evening Telegraph, although this had merely been to “show a united front in the village” against the Saxby Wind-farm planning application.

- 5.45 Councillor Bailey contended that, so far as public perception was concerned, his appearance in the Newspaper was the only way a member of the public could have thought he was a member of SWAT as, except for the SWAT Committee Meeting on 28 June, he had not attended any of their Meetings, nor had he participated in any of the Group’s activities.
- 5.46 In quoting from the Minutes of the 20 July 2009 Parish Council Meeting, I said that Councillor Bates had presented two invoices for publicity costs that SWAT had incurred and suggested that the Parish Council make a (conditional) donation of £200 towards those costs, which sum included the £100 donation the Parish Council had already agreed at the 11 May Meeting. The Parish Council subsequently agreed to make a total donation of £200 to SWAT, subject to certain terms and conditions, not least that SWAT should be a properly constituted Group first.
- 5.47 I also said that, during the discussion on whether or not to make that donation, the Chair (Ted Ashworth) had made a point of asking whether any Parish Councillor had any interest to declare. Councillor Bailey said he had not declared an interest at the 20 July Meeting simply because he had not had any interest to declare, given that he was not a member of SWAT, having resigned from the Group on 29 June – something both Councillor Ashworth and Mrs Szabo were only too well aware of.
- 5.48 I particularly asked Councillor Bailey whether he had had any involvement in booking the Village Hall for 7 June Public Meeting. Councillor Bailey explained that, following the 11 May Parish Council Meeting, it had been suggested that he contact Councillor Ashworth about hiring the Village Hall for residents to host a public display on the Saxby Wind-farm proposal. However, Councillor Ashworth had asked him to speak to Janet Szabo (as bookings clerk for the Village Hall) instead. Councillor Bailey said that, on telephoning Mrs Szabo, she had given him the “third degree” about his role on the Parish Council and whether he was in a position to make a booking of the Village Hall, as bookings could only be taken from someone who belonged to a recognised organisation. Councillor Bailey said he had found Mrs Szabo’s reaction somewhat obstructive and surprising as Booking’s Clerk, given that this was potential income for the Village Hall. Given Mrs Szabo’s attitude, Councillor Bailey said he had then telephoned Councillor Ashworth, who had agreed to pursue the booking himself as Chair of the Parish Council. Councillor Bailey said he had since spoken to Mrs Szabo about this incident but she had never really given him a clear explanation for her behaviour that day.
- 5.49 Councillor Bailey confirmed that, when he had telephoned Mrs Szabo to make a booking of the Village Hall, he had not been acting on behalf of SWAT. Indeed, from his recollection, the Group hadn’t existed at the time he had tried to make the booking.

- 5.50 Councillor Bailey said he found it difficult to understand why Mrs Szabo had lodged this Complaint against him and Councillor Bates, not least because he (Councillor Bailey) had made her fully aware of his own circumstances relating to SWAT, and because Councillor Bates had been completely transparent in his liaison role between SWAT and the Parish Council.
- 5.51 In conclusion, Councillor Bailey maintained that he had no personal and/or prejudicial interest in SWAT, or that it had been necessary for him to declare any such interests at any of the Parish Council Meetings in question, simply because he had not been a member of SWAT at any of the material times.

**6. Conclusions in relation to the Complaint made by Mrs Szabo against Councillor Bates**

- 6.1 I have first considered whether Councillor Bates had a personal interest to declare at the Meetings that took place on 8 June, 22 June and 20 July 2009. In particular, I have considered paragraph 8 (1) (a) (i) of the Code of Conduct which provides that you have a personal interest in any business of your authority if it relates to or is likely to affect “*any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority*”.
- 6.2 Whether someone has a personal interest in any business of their authority, is set out in paragraph 8 Code of Conduct (please see above). To determine whether Councillor Bates had a personal interest, I have to consider whether he was a member of SWAT or in a position of general control or management of SWAT at the Parish Council Meetings of 8 June, 22 June and 20 July 2009.
- 6.3 I will first consider the 8 June Parish Council Meeting. I have been provided with the Minutes of that Meeting, which refer to the first donation of £100 to SWAT. Those minutes state:

*“ Councillor Ashworth stated that following the last meeting he had had many callers commenting on the fact that the Parish Council had offered £100.00 for assistance to the group against turbines and some villagers were not against turbines. He wished the parish council to be even handed and proposed that £100.00 be made available for any group that may not object to turbines, excluding land owners. The parish council had to be shown to be neutral.*

*Councillor Bates explained that the proposal for the money was to make residents aware of what is happening and educate them on all aspects of the proposal, the funding used for public meetings etc for the village.*

*Following a full discussion it was clarified and all councillors were in agreement that the money would be made available for educating the village and all residents regarding the proposals for the wind turbines whether they were for or against.”*

The Minutes indicate that the original proposal to allocate the £100 was actually first raised at the previous Meeting of the Parish Council.

- 6.4 It is not disputed by Councillor Bates that he attended the public meeting on 7 June 2009, but he is clear that he only attended that meeting as a member of the public. I have no evidence to corroborate Mrs Szabo's contention that he attended as a member of SWAT.
- 6.5 Mrs Szabo informed me that she had seen Councillor Bates delivering leaflets through doors in Saxby-all-Saints. I made a point of asking Councillor Bates whether he had delivered any literature on behalf of SWAT, to which he replied he had not. This is a situation of "one word against the other". It is for the Complainant to provide evidence to corroborate their Complaint and this has not been provided. I therefore have to adduce that no literature has been delivered by Councillor Bates.
- 6.6 I have concluded that Councillor Bates was not a member of SWAT at the 8 June 2009 Meeting and therefore he had no personal interest to declare. It follows there is no requirement to consider whether any prejudicial interest existed.
- 6.7 Neither Mrs Szabo nor Councillor Bates informed me of any Meeting of any Group having taken place between 8 June 2009 and 22 June 2009. Therefore, I have no reason to believe that the position changed during this time and conclude that Councillor Bates had no personal interest to declare at the 22 June Meeting. I am therefore not required to consider whether any prejudicial interest exists.
- 6.8 I will now consider the 20 July 2009 Meeting. However, I first need to refer to the SWAT meeting, which took place on 28 June 2009. Mrs Szabo says that at that meeting, Councillor Bates was co-opted onto SWAT. Councillor Bates' recollection accords with this as he also says he was co-opted onto SWAT at the 28 June Meeting. The issue here is that Mrs Szabo's view is that "co-opted" means Councillor Bates is a member of SWAT. However, Councillor Bates' view is that his involvement with SWAT was purely as the Parish Council's representative on that Group. I have carefully considered this point as this is relevant when deciding whether Councillor Bates should have declared a personal interest at the 20 July Parish Council Meeting.
- 6.9 I have been provided with copies of the Minutes from the 20 July Meeting which state (in relation to the Saxby Wold Windfarm application):

*"Cllr Ashworth asked if any other member had an interest to declare.*

*Cllr Bates replied that he was invited by SWAT as a parish council member and co-opted onto SWAT as a member of the village. He saw each councillor as making his own decisions. Therefore he was not declaring an interest"*

6.10 I also refer to page 21 of the Guide for Members dated May 2007 which states:

*“Your obligation to disclose a personal interest to a meeting only applies when you are aware of or ought to be aware of the existence of the personal interest.*

*Clearly, you cannot be expected to declare something of which you are unaware.”*

Councillor Bates was adamant in his Interview with me that he had been acting as the Parish Council's co-opted Representative on SWAT. Therefore, in light of the Guidance referred to above, he cannot declare he is a member of a Group if he does not himself believe that he is a member of it.

6.11 I conclude that Councillor Bates had no personal interest to declare at the 20 July 2009 Meeting.

## **7. Conclusions in relation to the Complaint made by Mrs Szabo against Councillor Bailey**

7.1 I will first consider whether Councillor Bailey had a personal interest at the Parish Council Meetings that took place on 8 June, 22 June and 20 July 2009.

7.2 Mrs Szabo informed me that Councillor Bailey attended the public meeting on 7 June 2009. Councillor Bailey does not dispute the fact that he attended that meeting. Both Mrs Szabo and Councillor Bailey are clear that this was a public meeting and was not only a meeting of SWAT.

7.3 Mrs Szabo informed me that Councillor Bailey had rung her asking if the Village Hall was available for the public meeting on 7 June 2009 and if so, could it be booked. Councillor Bailey confirmed to me that he had rung Mrs Szabo but that ultimately it had been Councillor Ashworth (Parish Council Chairman) who had made the booking of the Village Hall for the 7 June Meeting. Councillor Bailey told me he hadn't been acting on behalf of SWAT when he had made this call and, as far as he was aware, SWAT had not existed at that point. Mrs Szabo told me that the Village Hall had been booked for the 7 June Meeting, as it had been a public meeting for the benefit of the whole Village. I have concluded that the Meeting on 7 June 2009 was a public meeting and not a SWAT only meeting. This is clarified in an extract from a leaflet which was provided to me by Mrs Szabo (**Appendix 4**).

7.4 I conclude that at the 8 June Parish 2009 Council Meeting, Councillor Bailey had not been a member of SWAT and had had no interest to declare. Therefore, I am not required to consider whether any prejudicial interest existed.

7.5 Neither Mrs Szabo nor Councillor Bailey have informed me of any meeting of any group taking place between 8 June 2009 and 22 June 2009. Therefore, I

have no reason to believe the situation changed during this time and conclude that Councillor Bailey had no personal interest to declare at the 22 June 2009 Meeting.

- 7.6 Prior to considering whether Councillor Bailey had any interest to declare at the 20 July 2009 Parish Council Meeting, I first need to refer to the Meeting which took place on 28 June 2009.
- 7.7 The meeting on 28 June was a meeting of SWAT (a point which has not been disputed). Councillor Bailey told me that the Chair of SWAT had asked him whether he wished to be co-opted onto SWAT, and that he (Councillor Bailey) had accepted this invitation. Councillor Bailey said it had not been clear whether he was then acting as the Parish Council's representative on SWAT, or whether he had become a member of SWAT itself, but he was under the impression that only people who are members of SWAT can attend meetings of SWAT.
- 7.8 Following the events that took place at the meeting of 28 June 2009 (as described in paragraph 5.42), Councillor Bailey decided he did not wish to be a member of the Group, and on 29 June 2009 he telephoned Neil Cameron, Mrs Szabo, and Councillor Ashworth to explain this to them.
- 7.9 I have been provided with the Minutes of the Parish Council of 20 July 2009, and note that they state "*Councillor Bailey stated that he was not a member of SWAT*". I conclude that Councillor Bailey had not been a member of SWAT at the 20 July 2009 Meeting, and had no personal interest to declare.
- 7.10 As I have concluded that Councillor Bailey did not have a personal interest to declare at any of the three Parish Council Meetings the subject of this Complaint, I have not considered whether there was any prejudicial interest to declare.

## **8. Conclusions relevant to both Councillor Bates and Councillor Bailey**

- 8.1 I will take this opportunity to address an inconsistency that has arisen between Councillor Bailey's account of the 28 June Meeting of SWAT, and Councillor Bates' account of that Meeting. Councillor Bates' understanding is that he was co-opted onto SWAT as a representative of the Parish Council. However, Councillor Bailey is unsure whether he was co-opted onto SWAT as a representative of the Parish Council or as a member of SWAT itself.
- 8.2 I have attempted to clarify the position in relation to SWAT and its formation. Early on in my Investigation, I sought copies of Minutes of SWAT meetings. However, I have been met with resistance from the Chair of the SWAT Committee (Neil Cameron), who replied in the first instance "*I do not consider myself at liberty, at least without consulting the remainder of the SWAT committee, simply to release copies of the minutes to you*". Following Mr Cameron's reply, I contacted him again, explaining that I needed the Minutes to ascertain whether the individuals who are the subject of the Complaint were in fact members of SWAT at the time Parish Council decisions were taken.

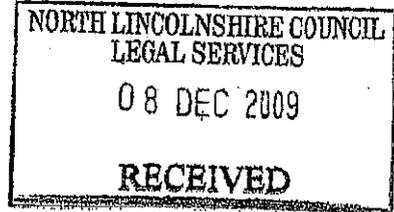
However, I did not subsequently receive any of the minutes of SWAT meetings, although Mr Cameron did inform me that none of the Parish Councillors were members of SWAT when the Parish Council had considered the Wind-farm planning application.

- 8.3 I also sought clarification from Mr Cameron (the Chair of SWAT) on who can attend SWAT meetings. I specifically asked whether a person has to be a member of SWAT to attend SWAT meetings. I was again met with resistance from Mr Cameron, whose reply was *“Your question about who can attend SWAT meetings appears to relate solely to SWAT’s internal management rather than any investigation into Parish Councillors’ standards”*.
- 8.4 The difficulty I therefore have is that the formation of SWAT is not clear. I do not know how an individual becomes a member of SWAT, who are the current members of the Group, and who have been members of it. It may be that there is no formal arrangement or constitutional type document. Indeed, I suspect this is the case, as none have been provided to me. This is not a criticism of the SWAT Group or of anyone who is involved in it. I can appreciate that the Group was set up voluntarily for the benefit of the residents who wanted to oppose the turbines. However, this informality does not assist me in my deliberations.
- 8.5 In the circumstances, I can only conclude that the inconsistency between Councillor Bates’ understanding and Councillor Bailey’s understanding is a result of the fact that the constitution of the SWAT Group is unclear. Also, I note Councillor Bailey was not sure himself whether he was a member of SWAT or the Parish Council’s co-opted representative on that Group. It would appear to me that Councillor Bailey erred on the side of caution and made it as clear as he could in his phone calls to the relevant people on 29 June 2009, that he did not wish to be involved in SWAT in any way.

## **9. Recommendation**

- 9.1 On account of the reasons stated above, I do not find that Councillor Bates breached paragraphs 8, 9,10 or 12 of the Code of Conduct.
- 9.2 On account of the reasons stated above, I do not find the Councillor Bailey breached paragraphs 8, 9,10 or 12 of the Code of Conduct.

Lisa Kershaw  
July 19 2011



Carr Farm  
5 Park Lane  
Saxby-All-Saints  
Brigg  
North Lincs  
DN20 0QA

mrsszabo@aol.com

Mr M Wood  
Monitoring Officer  
Democratic and Legal Services  
North Lincs Council  
Pittwood House  
Scunthorpe  
DN16 1AB

Dear Mr Wood,

It is only after considerable thought, and with great sadness that I am writing to express my concerns about the way in which certain matters have been dealt with by Saxby-All-Saints Parish Council over the last few months.

I am well aware that village affairs/disputes etc, which inevitably involve friends/neighbours etc are best dealt with at a local level, within the democratic process, and I have tried to resolve these issues, at the right time at Parish Council meetings but I have been effectively stonewalled.

I am outlining my concerns below, and I have limited the content to what can be substantiated by Parish Council Minutes.

You will not be surprised to learn that the catalyst for this chain of events was the Saxby Windfarm planning issue, however, it is not wind turbines which are my cause for concern, but the way in which individuals have been conducting their anti-windfarm campaign, and attempting to use the Parish Council as a vehicle to achieve their own personal objectives.

1. N-Power came to the Low Villages early in the year, with their windpower exhibition. They were very open about their intentions, explained that any queries etc would be answered and they arranged an excursion so any interested parties could visit a windfarm in North Yorkshire. Meanwhile, a group of villagers came together, styling themselves SWAT (Saxby Wold against turbines!) and held a number of invitation-only meetings in private houses. Councillor Bates was a member of this group.

2. The group produced a pamphlet which urged residents to attend the next Parish Council Meeting, the AGM held on 11 May, though many residents, as a result of the pamphlet, believed it was a meeting to discuss the planning issue only. The AGM and OGM went ahead as planned, and were followed by an informal SWAT meeting. A public meeting was organised by SWAT for Sunday 7 June, and the following officers volunteered and were appointed.

**Chairman:** Neil Cameron, Bakers Cottage, Main Street, Saxby

**Secretary:** Elaine Hughes Woodside Cottage Dannels Hill, Saxby

**Treasurer:** Dorothy Fagge, Mistle House, Saxby

**Committee Members:** Peter Blake; Lee Collins; Chris Rogers; Bryan Bailey; Norma Crabtree; John Crabtree. There were other ordinary members present, including Councillor Bates, who had been very active during the previous few weeks, not only distributing anti-windfarm leaflets, but personally promoting his anti-windfarm views.

4. On 8 June, a meeting of the Parish Council was held, and Councillor Bates proposed that a sum of £100 be donated to SWAT, and this was seconded by Councillor Bailey who was also an active member of SWAT.

Both Councillors failed to declare an interest

5. On 22 June a further Parish meeting was held to vote on the windfarm planning application

Councillor Bates and Councillor Bailey failed to declare an interest as active SWAT members.

6. On June 28 SWAT held an open meeting in the Village Hall

Councillor Bailey was already on the committee, and Councillor Bates was co-opted on to the SWAT committee.

Members of the public were then asked by the chairman to leave.

7. On 20 July, a further Parish Council meeting was held.

Councillor Bates proposed that a further £100 be allocated to SWAT and this was seconded by Councillor Bailey.

On this occasion, the chairman, Councillor Ted Ashworth, asked, as usual, if there were any interests to declare. Councillor Bailey and Councillor Bates declined to comment. The chairman then suggested that these two individuals should declare an interest, as SWAT committee members. Councillor Bates refused to comply with this request, and Councillor Bailey said he was no longer a member of SWAT.

8. At subsequent Parish Council meeting on October 5, I attended as a member of the public and I made the following points

- Councillors Bates and Bailey should have declared an interest in SWAT, particularly when money was being awarded
- The other councillors should have supported the Chairman, who was trying to enforce the Code of Conduct

Three councillors responded.

**Councillor Bates stated**

- that he had no interest to declare
- I had insulted the Parish Council
- I had gone to the meeting to cause trouble
- He was not going to discuss the subject with me

As I did not wish to delay the meeting, I stated that we must then agree to differ, and let the meeting continue

The Chairman asked for any other comments

**Councillor Bailey** stated that he thought we should draw a line under the topic and move on, and I was making things too personal

**Councillor Barton** agreed with **Councillor Bailey**

No councillor made a constructive response to my points or suggested that the Code of Conduct should be scrutinised to check the content, and I felt I was bullied by the use of emotional blackmail with suggestions that I was "stirring up trouble" in the village.

The reason I am writing to you is that I feel the Code of Conduct has been breached,

by Councillors failing to declare an interest, even when prompted by the Chairman.

I would like to stress that my concerns are about the conduct of the Parish Council, and in no way reflect my views on the plans for the windfarm (Though I personally have no wish to see turbines on Saxby Wold, and have made no secret of this.)

Yours sincerely,

Janet Szabo

**2007 No. 1159**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Authorities (Model Code of Conduct) Order 2007**

<i>Made</i> - - - -	<i>2nd April 2007</i>
<i>Laid before Parliament</i>	<i>4th April 2007</i>
<i>Coming into force</i> - -	<i>3rd May 2007</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000(a).

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act(b).

**Citation, commencement and application**

1.—(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

- (a) in relation to police authorities in England and Wales; and
- (b) in relation to the following authorities in England—
  - (i) a county council;
  - (ii) a district council;
  - (iii) a London borough council;
  - (iv) a parish council;
  - (v) the Greater London Authority;
  - (vi) the Metropolitan Police Authority;
  - (vii) the London Fire and Emergency Planning Authority;
  - (viii) the Common Council of the City of London;
  - (ix) the Council of the Isles of Scilly;
  - (x) a fire and rescue authority;
  - (xi) a joint authority;
  - (xii) the Broads Authority; and

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(a) 2000 c.22.

(b) See the Relevant Authorities (General Principles) Order 20001 (S.I. 2001/1401).

(xiii) a National Park authority,  
and in this Order references to “authority” are construed accordingly.

### **Model Code of Conduct**

2.—(1) The code set out in the Schedule to this Order (“the Code”) has effect as the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of an authority.

(2) Subject to paragraphs (3) to (6), every provision of the Code in the Schedule to this Order is mandatory for an authority.

(3) Paragraph 6(c) of the Code is not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, fire and rescue authorities and joint authorities.

(4) Paragraph 7 of the Code is not mandatory for parish councils.

(5) Subject to sub-paragraph (6)(c) and (d) below, paragraphs 10(2)(c)(i) and (ii), 11 and 12(2) of the Code are mandatory only for county councils, district councils and London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

(6) The following provisions of the Code are mandatory only for an authority which is operating executive arrangements—

- (a) in paragraph 1(4), in the definition of “meeting”—
  - (i) sub-paragraph (b);
  - (ii) in sub-paragraph (c), the words “or its executive’s” and “, or area committees”;
- (b) paragraphs 9(6), 9(7) and 12(1)(b);
- (c) in paragraph 11(a), the words “your authority’s executive or”
- (d) in paragraph 11(b), the word “executive.”; and
- (e) in paragraph 12(2), the words in brackets.

### **Disapplication of certain statutory provisions**

3. The following provisions shall not apply (where they are capable of doing so) to an authority which has adopted a code of conduct or to which such a code applies—

- (a) sections 94 to 98 and 105 to the Local Government Act 1972(a);
- (b) section 30(3A) of the Local Government Act 1974(b);
- (c) regulations made or a code issued under section 19 and 31 of the Local Government and Housing Act 1989(c);
- (d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995(d); and
- (e) any guidance issued under section 66 of the Greater London Authority Act 1999(e).

### **Revocation and savings**

4.—(1) Subject to paragraphs (2) and (3), the following orders are revoked—

- (a) the Local Authorities (Model Code of Conduct) (England) Order 2001(f);
- (b) the Parish Councils (Model Code of Conduct) Order 2001(g);

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(a) 1972 c.70.

(b) 1974 c.7. Section 30(3A) was inserted by section 32(1) of the Local Government and Housing Act 1989 (c. 42), with effect from 1st April 1990.

(c) 1989 c.42.

(d) 1995 c.25.

(e) 1999 c.29.

(f) S.I. 2001/3575.

(g) S.I. 2001/3576.

(c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(a); and

(d) the Police Authorities (Model Code of Conduct) Order 2001(b).

(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with—

(a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—

(i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this Order in place of their existing code of conduct;

(ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or

(iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;

(b) the adjudication of a matter raised in such an allegation; and

(c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.

(3) Any order made under section 83 of the Local Government Act 1972(c) shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

*Phil Woolas*  
Minister of State

2nd April 2007

Department for Communities and Local Government

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(a) S.I. 2001/3577.

(b) S.I. 2001/3578.

(c) Orders made under section 83 of the Local Government Act 1972 were disappplied, by the Orders mentioned in article 4(1)(a) and (b) of this Order, and are here being revived.

# SCHEDULE

## THE MODEL CODE OF CONDUCT

### Part 1

#### General provisions

#### **Introduction and interpretation**

- 1.—(1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State<sup>(a)</sup>.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
- “meeting” means any meeting of—
  - (a) the authority;
  - (b) the executive of the authority;
  - (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
- “member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

#### **Scope**

- 2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—

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(a) See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**General obligations**

3.—(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is—
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—

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(a) 2006 c.3.

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2

### Interests

#### Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body—
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;

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(a) 1986 c.10.

- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
  - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
  - (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

#### **Disclosure of personal interests**

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

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(a) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).

### **Prejudicial interest generally**

**10.**—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

**11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

**12.**—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
  - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
  - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations,

answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### Part 3

#### Registration of Members' Interests

##### **Registration of members' interests**

13.—(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

##### **Sensitive information**

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

**Article 1** provides that this Order applies to specified authorities in England and police authorities in England and Wales.

**Article 2** provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

**Article 3** disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

**Article 4** revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001(a);

the Parish Councils (Model Code of Conduct) Order 2001(b);

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(c);  
and

the Police Authorities (Model Code of Conduct) Order 2001(d).

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the **Schedule to the Order**—

**Paragraph 1** of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

**Paragraph 2** of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

**Paragraph 3** of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

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(a) S.I. 2001/3575.  
(b) S.I. 2001/3576.  
(c) S.I. 2001/3577.  
(d) S.I. 2001/3578.

**Paragraph 4** of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

**Paragraph 5** of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

**Paragraph 6** of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

**Paragraph 7** of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

**Paragraph 8** of the Code provides a list of matters which constitute a personal interest.

**Paragraph 9** of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

**Paragraph 10** of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

**Paragraph 11** of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

**Paragraph 12** of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

**Paragraph 13** of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

**Paragraph 14** of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

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STATUTORY INSTRUMENTS

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**2007 No. 1159**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Authorities (Model Code of Conduct) Order 2007**

£3.00

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# SAXBY ALL SAINTS PARISH COUNCIL

## Minutes of the meeting held on Monday 4<sup>th</sup> June 2007 in Saxby All Saints Village Hall

**Present** Mr T Ashworth (in the chair), Mrs C Ladlow, Mr G Sedman, Mr K Bates, Mr G Bailey and three members of the public.

**Apologies** Mr C Barton.

**Members of the Public Time** One member of the public informed the meeting that she had secured funding from B & Q to the value of £100.00 for benches, table and planter to be placed at the oap's bungalows and asked if the parish council would contribute to the cost of sand and cement for the bases. She also asked if permission would be needed, advised to contact NLC to check. After full discussion it was unanimously agreed for the parish council to pay in principal awaiting quote to be submitted.

One member of the public asked about the condition of the trees in the village and surrounding area, as it appeared that there was no management of the woodland, following discussion it was concluded that the woodlands in question were privately owned by Mr Brown. It was also discussed if there was any replanting scheme in the village for the trees lost through age and decay. Asking if it was possible to ask the council its policy under the conservation area. Clerk to write with enquiry.

Mr Grant Bailey was welcomed to the council and the declaration of acceptance of office signed.

**Declaration of Interest** None Apparent.

### **Minutes**

The minutes of the meeting held 15<sup>th</sup> May 2007 were proposed as a true record by Cllr Bates seconded by Cllr Sedman and signed.

### **Matter Arising from the Minutes**

Adoption of new code of conduct including paragraph 12(2) Revised model code of conduct circulated with minutes. Cllr Ashworth explained that if the council adopted the code including paragraph 12(2) then this gives members with a prejudicial interest the same rights as members of the public to speak at a meeting on the issue and then leave before the main discussion and vote. Following discussion unanimously agreed to include paragraph 2(2).

Declaration of Personal or Personal and Prejudicial Interests With the code now adopted new forms had to be completed, distributed to be completed for next meeting.

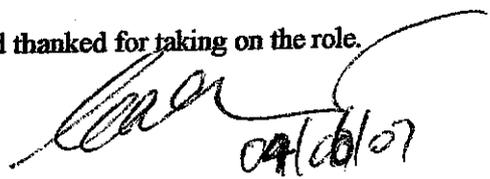
Planting at Village Entry Signs Gardening club not asking for donation. Thank you placed in village newsletter.

Older Community Involvement Confirmation from independent living and home link re attendance. Date booked for Wednesday 11<sup>th</sup> July at 2pm. Clerk to inform all organisations and prepare leaflet for each home.

Bus Shelter enhancement Clerk not yet been able to speak with Lynne Watson.

### **Neighbourhood Watch**

Denise Philby new co-ordinator welcomed to meeting and thanked for taking on the role.



Handwritten signature and date: 04/06/07

# SAXBY ALL SAINTS PARISH COUNCIL

Minutes of the meeting held on Monday 8<sup>th</sup> June 2009 in Saxby All Saints Village Hall

**Present** Mr T Ashworth (in the chair), Mr G Sedman, Mr C Barton, Mrs C Ladlow, Mr K Bates, Mr G Bailey, Cllr C Sherwood, Cllr J Berry, Cllr N Sherwood and 8 members of the public.

**Apologies** None.

**Chairmans Statement** Cllr Ashworth stated that following the last meeting he had had many callers commenting on the fact that the parish council had offered £100.00 for assistance to the group against turbines and some villagers were not against turbines. He wished the parish council to be even handed and proposed that £100.00 be made available for any group that may not object to turbines, excluding land owners. The parish council had to be shown to be neutral.

Cllr Bates explained that the proposal for the money was to make residents aware of what is happening and educate them on all aspects of the proposal, the funding used for public meetings etc for the village.

Following a full discussion it was clarified and all councillors were in agreement that the money would be made available for educating the village and all residents regarding the proposals for the wind turbines, whether they were for or against.

**Members of the Public Time** One member of the public raised the question why the pavement resurfacing had stopped at Saxby Hill and not carried further, weeds were growing through in places already. The corner of North Carr Lane was breaking up already. Clerk to raise with highways.

The question of speeding was raised. It was explained that the parish council were continually addressing this point, the road safety strategic partnership had portable flashing lights from the safer neighbourhood partnership, and would be deployed through the low villages in the future, at present they were positioned in Bonby.

**Declaration of Interest** None Apparent.

## **Minutes**

It was proposed to show in the last minutes that the paragraph appertaining to the funding is re-worded to clarify that the funds allocated are for the use of the village to raise awareness. The minutes of the meeting held 11<sup>th</sup> May 2009 were then proposed as a true record by Cllr Bates and seconded by Cllr Barton and signed.

## **Matter Arising from the Minutes**

Declaration of Personal or Personal and Prejudicial Interests No changes.

Manor Field Cllr Barton had spoken with Mr Brown who had acknowledged receipt of the letter but was not going to reply. He was aware of the situation and was looking into it. Cllr Barton willing to stay in contact. Cllr Bailey to monitor the situation with the manhole.

Mapping of Drains/Springs Cllr Barton looking into matter.

**Low Village Forum – Youth Club Proposal** Cllr Ashworth reported that at the last meeting Bonby had shown an interest in forming a youth facility and were asking if the parish council had any member willing to be a representative on the group. No member expressed an interest at this time.

  
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375  
376

**Noticeboards** Cllr Barton reported that he hadn't been finished at this present time, but would be shortly.

**Middlegate – Seat** Cllr Ashworth reported that the seat back had now been replaced.

### **Neighbourhood Watch**

Nothing to report.

### **Policing Issues**

Nothing to report.

### **Planning**

Letter received from Mr Dobbs enforcement officer regarding the window/door replacement changes North Carr Lane, stating that following a survey, in North Carr Lane it was revealed that most had upvc fitted at one time or the other. Three properties had planning permission granted, two were built with upvc and four had had work done relatively recently. Planning applications had been requested in respect of all four. The remaining properties had the work done at least four years ago and are immune from enforcement action and would therefore not be pursued.

App No 2009/0632 - 47 Main Street – Mr Barry permission to erect a conservatory. Cllr Sedman declared an interest. Following discussion it was decided to object under policy HE2 on the grounds that the style and character were not sympathetic and in keeping with the original cottage.

App No 2009/0657 – RWE NPower Renewables - permission to erect wind farm site land west of Brigg Road Horkstow. All in agreement to postpone till end of meeting.

### **Changes to use of buildings/appearance**

Cllr Ashworth reports that No 1 Main Street had not applied for planning permission for the trellis archway recently erected at the entrance gate to the property, under article 4. Mr Dobbs enforcement officer was made aware. Clerk to confirm on writing.

### **Accounts**

Following accounts presented for payment.

Assorted bedding plants purchased for fountain trough- £9.00  
Clerks salary and expenses April – June £153.36

Cheque No 000260  
Cheque No 000261

### **Correspondence**

- a 20 is Plenty letter - circulated.
- b Forward plan for council - circulated.
- c CPRE Fieldwork - circulated.

### **Any Other Business**

Cllr Ladlow re-iterated that the footpaths both ends of the village from the monument and Danns Hill out of the village were in need of repair, and the west side of Main Street.

### **Date of Next Meeting**

Monday 20<sup>th</sup> July 2009 at the village hall.



Handwritten signature and date: 20/07/09

Parish Council meeting closed, at 8.20 pm.

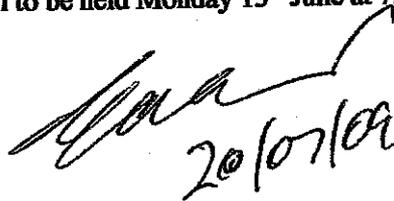
Cllr Ladlow declared an interest and left the meeting.

#### Saxby Wold Windfarm Application

Cllr Ashworth reported that he had today received papers regarding this, including the executive summary, environmental statement in three volumes, the design and access statement and transport statement. He proposed that an extension was requested from North Lincolnshire Council, and that all documentation could be made available to parish councillors and residents

Following discussion all councillors present in agreement that full planning application documentation and literature be made available for all residents in the village hall on Sunday 14<sup>th</sup> June from 10.00 – 4.00 pm. Clerk to prepare invitation to all residents and Cllr Ashworth to distribute.

A research meeting of the parish council to be held Monday 15<sup>th</sup> June at 7.00pm to further digest the planning application.

  
20/07/09

# SAXBY ALL SAINTS PARISH COUNCIL

Minutes of the meeting held on Monday 22<sup>nd</sup> June 2009 in Saxby All Saints Village Hall

Present Mr T Ashworth (in the chair), Mr G Sedman, Mr C Barton, Mr K Bates, Mr G Bailey and 12 members of the public.

Apologies Mrs C Ladlow and Wold councillors.

Declaration of Interest None Apparent.

Declaration of Personal or Personal and Prejudicial Interests No changes.

Councillor Ashworth opened the meeting by reading out a letter from a member of the public which he had received concerning the chairman's views on planning regulations and procedures. No comments were made from any councillor present.

Councillor Ashworth explained the meeting had been called to discuss and vote on the planning application WF/2009/0657 – by NPower Renewables Ltd to erect 18 wind turbines and associated infrastructure and services including three anemometry masts, site roads, crane pads, site office, grid connection building and temporary construction compound.

Cllr Bates stated that after inspecting the paperwork he thought that the parish council should object on the grounds of visual impact, the site straddling the Viking Way, noise levels, low frequency noise vibration, shadow flicker, movement of aircraft, the detrimental impact, the effect on birds and bats, the impact that building an industrial site has on any archaeological finds and felt that an archaeological survey should be carried out.

Cllr Sedman would like to object on the effect on the birds and wildlife, his concern regarding the water courses and the effect the construction could have on diverting these.

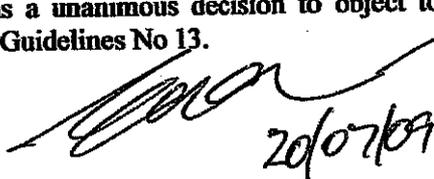
Cllr Bailey stated that he felt that the parish council had responsibility to look after not only the residents but the village as a whole, as it would be here for a long time. He felt that objections should be made in the following areas, non-technical summary from the environmental statement, the birds and its affects suggest that it has not been properly looked at, the Viking Way, noise it being difficult to accurately quantify it, air traffic safety, the cumulative impact and visual effect.

Cllr Barton was opposed to this application because of the industrialisation on what remains a unique landscape on the Wolds feeling that it would completely destroy and a blot on the landscape. The wildlife report in particular the geese had not been identified properly in reports and their habitat would be ruined on their return in September.

Cllr Ashworth summed up by saying there are common points from all councillors to object to the application but asked for confirmation that they were for or against the application.

Cllr Bates opposed  
Cllr Sedman opposed  
Cllr Bailey opposed  
Cllr Barton opposed

Cllr Ashworth confirmed that it was a unanimous decision to object to the planning proposals. With reference points from Supplementary Guidelines No 13.

  
20/07/09

### Visual (Wind 3)

#### Visual amenity/impact

Effect the use of the Viking Way i.e. hikers/walkers, possibly not using the footpath because of the proximity.

Sited on the highest part of the Lincolnshire Wolds and could be seen for miles.

Concern that it could be seen from many areas looking into a site of natural beauty.

Scenic rural part of North Lincolnshire which will become an industrial site, which is inappropriate for the local landscape and the communities in and around.

Construction would cross the Viking Way at various locations during construction.

### Cumulative impact (Wind 7)

### Noise (Wind 5)

Significant risk of noise, regulations vague and open to interpretation, possibly not know the impact till construction.

Low frequency vibration can shield the noise but can't do anything about the vibration through the ground.

### Wildlife (Wind 8)

#### Report lacking

Wildlife talked about in report but didn't appear important because species exist in other areas.

Appeared superficial and cursory look at wildlife.

The percentage of deaths for smaller birds not high but removal of hedgerows will affect larger birds, Geese Marsh Harriers for example, report not identifying species correctly.

Lot of reporting carried out from a 'desk' survey

Enhanced survey proposed.

Bats are protected species not good for them will effect their way of living.

### Water

In years to come will springs be diverted into the village, will it alter the course of them.  
Hydro geological should be carried out and is needed.

### Flicker (Wind 6)

#### Flicker effect

Not known how this will effect health of people in vicinity

Potential for road safety problems

### Industrialisation (Wind 6)

Tied in with landscape once Saxby Wold is designated as an industrial site would attract other industry. We are a rural area.

### Archaeology (Wind 8)

There are Viking, Roman and Saxon settlements not as yet excavated. The whole area had 72 items of significance found. What would be destroyed with the siting of the turbines?

Archaeological survey and investigation a necessity.

### Aircraft

Concerns by many residents about the low-flying aircraft controlled by the MOD, with the windfarm proposal falling between radar stations and also safety re Humberside Airport.

  
20/07/09

Suggestion to look for support from other parish councils in vicinity and to write letter asking for support.

Suggestion to meet with SWAT to see that nothing is duplicated and see what liaison has been carried out.

Member of Public asked if this meeting could be carried out at the village hall on Sunday 28<sup>th</sup> June, unanimously agreed.

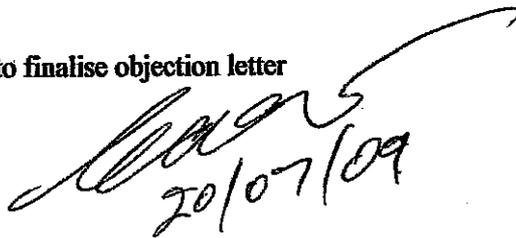
Should ask that the planning application should not be approved by delegated powers and be a full council meeting.

Parish councils objection is only one letter, hoped other individuals would also write.

Clr Bates reported that SWAT was guiding people on contents of letters.

Meeting closed at 8.20pm.

Next meeting Monday 29<sup>th</sup> June at 7pm to finalise objection letter



A handwritten signature in black ink, followed by the date 20/07/09 written below it.

# SAXBY ALL SAINTS PARISH COUNCIL

Minutes of the meeting held on Monday 20<sup>th</sup> July 2009 in Saxby All Saints Village Hall

**Present** Mr T Ashworth (in the chair), Mr G Sedman, Mrs C Ladlow, Mr K Bates, Mr G Bailey, Cllr N Sherwood and 4 members of the public.

**Apologies** Mr C Barton, Cllr C Sherwood and Cllr Berry.

**Members of the Public Time** No member of the public made any comments.

**Declaration of Interest** None Apparent.

## Minutes

The minutes of the meeting 22 June 2009 were proposed as a true record by Cllr Bailey and seconded by Cllr Sedman and signed. The minutes of the meeting 8<sup>th</sup> June 2009 were proposed as a true record by Cllr Bailey and seconded by Cllr Sedman and signed.

## Matter Arising from the Minutes

Declaration of Personal or Personal and Prejudicial Interests No changes.

Manor Field Cllr Sedman reported that work had been undertaken in the field, the hole had been filled and there were now no hazards.

Mapping of Drains/Springs No further progress made to be continued.

Noticeboards No information due to Cllr Barton being absent.

Footpaths No update clerk to contact Mr Hill.

## Neighbourhood Watch

Cllr Bates reported that there had been some crime in the low villages but nothing in Saxby. Bonby had the flashing speed sign in use. It will be available to other parish councils at a cost. There had been issues with theft of bees and hives and one owner in the village were to be made aware.

## Policing Issues

Nothing to report.

## Planning

Application No 2009/0686 North Lincolnshire Homes, 12 North Carr Lane, planning permission to retain Upvc windows and doors. Following discussion to maintain consistency, front to be timber.

## Changes to use of buildings/appearance

No further communications received from North Lincolnshire Planning on issues already raised.

  
10/08/09

## Accounts

No accounts presented for payment.

## Correspondence

- a Fockerby and Garthorpe have obtained a grant for a web site from NLC, possible idea, to be agenda item next meeting.
- b Forward plan for council - circulated.
- c NLC forthcoming meetings - circulated.
- d Umbrella - circulated.
- e Highways Maintenance scheme - resurfacing of A15 between Bonby Lodge and Barnetby interchange and A18 Barnetby top from August, to be placed in noticeboard.
- f Letter from Youth Offending Team re possible reparation schemes for young offenders. Agenda next meeting.

## Any Other Business

Cllr Bailey reported that the state of the road through Saxby village and beyond was in an appalling state throughout and wished re-surfacing. Clerk to inform Mr Hill.

Cllr Ladlow reported the drain outside Ivy House, 69 Main Street was blocked. Clerk to inform Mr Hill

## Date of Next Meeting

Monday 10<sup>th</sup> August 2009 at the village hall.

Parish Council meeting closed.

Cllr Ladlow declared an interest and left the meeting.

## Saxby Wold Windfarm Application

Cllr Ashworth reported that following the letter sent to 14 parish councils in the neighbourhood four replies had been received. These were from Barton Town Council, Winteringham, and Kirmington and Croxton who were not objecting and Wootton who had objected.

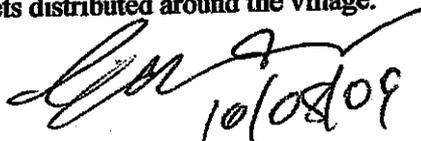
Saxby Parish Councils' letter of objection had been taken to North Lincolnshire Council planning department prior to the 3<sup>rd</sup> July deadline.

Cllr Ashworth asked if any other member had an interest to declare.

Cllr Bates replied that he was invited by SWAT as a parish council member and co-opted onto SWAT as a member of the village. He saw each councillor as making his own decisions. Therefore he was not declaring an interest.

Cllr Bailey stated that he was not a member of SWAT.

Cllr Bates stated that he would like to discuss our responsibilities as a parish council to support the residents, to protect our village. To make it transparent and accountable we can make a donation under Section 137. What he proposed we should do and clear the air, that a donation of £200.00 be made to SWAT with conditions that they have a bank account and be accountable, and with a further condition that whatever happens to the application, any monies left over are to be paid back to the parish council. Two invoices had already been received for leaflets distributed around the village.



Cllr Bailey stated that the council had previously offered a donation to SWAT for informing village residents about the Saxby windfarm. The literature was unbiased and he would second the proposal.

Cllr Ashworth asked if the request for the £200 donation was in addition to the £100 previously voted. Cllr Bates stated that the proposal was now £200 in total.

Cllr Ashworth read out two letters from village residents against allocating monies to SWAT and asking for SWAT to be more open in their affairs.

Cllr Bates stated that the letters are from a small minority in the village, 79 letters had been taken by himself and should not take credence from the letters.

Cllr Bates, Cllr Bailey and Cllr Sedman voted to support SWAT with this donation. Carried.

Cllr Ashworth stated that when the bank account was set up and mandated the cheque would be issued to the treasurer of SWAT.