

**DECISION NOTICE
CLLR. POLLY SMITH
BARTESTREE WITH LUGWARDINE PARISH COUNCIL**

Complaint Number: COC024B

DECISION

That Cllr. Smith **DID NOT** breach the following parts of Bartestree with Lugwardine Parish Council's Code of Conduct –

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

***7.2 I will, when using the resources of the local or authorising their use by others:
(a) act in accordance with the local authority's requirements.***

9.1 I register and disclose my interests.

1. COMPLAINTS

1.1 The Council received 19 complaints in respect of Bartestree with Lugwardine Parish Council, 1 of which related to Cllr. Smith. A summary of the complaint relating to Cllr. Smith is set out below:-

COC024B - Complaint against Cllr. Smith that she failed to declare an interest at the meeting in February 2023.

2. POTENTIAL BREACHES OF THE CODE

2.1 The Complainants consider that Cllr. Smith breached the following parts of the Councillor Code of Conduct for Bartestree with Lugwardine Parish Council in respect of her involvement with the Community Events Team :-

9.2 I register and disclose my interests.

3. PROCEDURE USED BY THE INVESTIGATING OFFICER

3.1 An Investigator was appointed by the Monitoring Officer, and a report was produced for the Monitoring Officer which encompassed all complaints at Bartestree with Lugwardine Parish Council. The following evidence was relied on in respect of these complaint:-

- a) **Complaints**
- b) **Minutes of the Meetings of January and 14 February 2023**
- c) **Statement from Cllr. Lin Hoppe**

INVESTIGATING OFFICER'S FINDINGS

4. Complaint COC024B

4.1 The Parish Council has control of two areas of land; the Playing Field which it leases to the Playing Fields Association (PFA) under a long term lease, and the Community Field which is adjacent to it, but separated by a track. The Community Field was gifted to the Parish Council as part of a S106 Agreement, and contains provisions for its future use, which are set out as:- 'use by all community sports groups and recreational uses by the general public'.

4.2 At its meeting on 10 January 2023, the Parish Council was considering whether to approve the use of the Community Field for a Fete, an event organised by the Community Events Team of which Cllr. Smith was one of the members. She declared an interest in the matter, along with two other councillors who are also on the Community Events Team.

4.3 At its meeting on 14 February 2023, the same three councillors did not declare an interest during the item on the future of the Community Field. The two Parish Councillors who were members of the Playing Fields Association did declare an interest and left the room.

4.4 Cllr. Hoppe advised me that the Community Events Group have only put on one previous event at the Community Field. They did want to hold a fete this year, and all members of the Community Events Group declared an interest and left the room when this was considered at the January meeting as finances were involved. I am unable to see any mention of finances in the minutes.

4.5 At the February meeting, the Council was more generally considering the future of the Community Field. Cllr. Hoppe has advised me that the matter under consideration was about the future of the Community Field more generally, and the Community Events Team could put events on in other locations in the village, albeit that they were not as convenient. I have accepted this evidence from Cllr. Hoppe.

4.6 The Complainants say that Councillors had already received advice from the Monitoring Officer with regard to declaring an interest in this matter and that they should have followed it. I am unable to find any such advice. However I have been provided with

a copy of advice given by Herefordshire Association of Local Councils dated 8th August 2022. This advises that 'Members of the Parish Council who also serve on a charitable organisation which has an interest in the future of the field may well need to consider declaring an interest and leaving the room during Parish Council discussions'.

4.7 I agree with the HALC advice, but I do not consider that it extends to membership of the Community Events Group. Being a member of the Playing Fields Association which is seeking to manage the land is different from being a member of the Community Events Group which is holding approximately one event per year and which has other sites it could use.

I find that Cllr. Smith DID NOT breach 9.2 of the Council's Code of Conduct – 'I register and declare my interests'

5. DECISION OF THE MONITORING OFFICER

5.1 I have considered the Report of the Investigating Officer and I agree with its findings. In accordance with S28(7) Localism Act 2011 I have sought and taken into account the views of two Independent Persons appointed by Herefordshire Council for the purposes of the Act. The Independent Persons agree that Cllr. Long has not breached paragraph 9.2 of the Bartestree with Lugwardine Parish Council Code of Conduct.

5.2 In view of the public interest in this matter, and the large number of complaints, a full copy of the Report has been provided to complainants and parish councillors.

5.3 There is no right of appeal against this decision notice.



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Monitoring Officer

Dated: 25/10/2023