

## Investigations – work through

### Case study three

The complainant, a Nimbyton parish councillor, alleges that parish Councillors Smith, Williams and Harper have personal and prejudicial interests in the proposed site of a wind farm in the parish and have failed to disclose these interests and to withdraw from meetings.

These interests allegedly arise from their active support for, or membership of, a lobby group that opposes the wind farm site.

The complainant says that the local community closely associates these councillors with their opposition of the wind farm site; they were elected on this issue when they replaced three councillors who had been identified, by anti-wind farm campaigners, as supporting it. She says that the three councillors have become a “caucus” in opposition to the wind farm, and are not able to approach the planning issue on its merits when participating in the statutory consultation process as parish councillors.

The complainant considers that the lobby group has in effect “entered” the council, and any attempts made by the councillors to distance themselves from the lobby group since election should not be allowed to frustrate the requirements of the Code of Conduct. She says that “they are using their positions to advance those views that they have already publicly espoused”.

### The matters under consideration

1. The complainant says that these councillors have voted on the wind farm issue at two meetings. The first was when the parish council considered the planning application as statutory consultee. The second was when one of the councillors proposed that the parish council pay for an expert to prepare a submission for the parish council, opposing the wind farm planning application.

The complainant says that the name of the expert suggested was that of a person who was, at that time, working for the lobby group. The parish council did not agree to hire the expert.

2. Councillor Smith is a member of the lobby group and his membership is included on his register of interests.

3. Councillor Williams has attended lobby group meetings but says that he is not a member of the group. The complainant alleges that Councillor Williams’ name is on the register signed by members attending the lobby group meetings.

Councillor Williams says that this was an attendance register only, and that the meetings in question took place before he became a councillor. He has attended public meetings organised by the lobby group since he became a councillor. Before he became a councillor he did contribute to the content of one lobby group leaflet. He had provided technical information with regard to wind speed and noise.

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4. Councillor Harper was a member of the lobby group before he became a councillor, but has not attended any meetings or assisted with any leafleting since becoming a councillor. He has made it clear to the members of the lobby group that he is no longer a member.
5. Councillor Smith lives in a house at some distance from the site of the proposed wind turbines. It is in a dip and faces away from the site.
6. Councillor Williams and his wife own a small company employing staff in offices close to the proposed site.
7. Councillor Harper lives in a house closer to the proposed site than most other houses in the village.

## Questions

- 3.1 What might be indicative of membership of a lobby group? What might be determinative?**
- 3.2 Do these councillors have personal interests at either of the two meetings? If so, what is the nature of each councillor's interest?**
- 3.3 If any councillor has a personal interest, is it also a prejudicial one, and why?**
- 3.4 What specialist advice might you need when considering if a personal interest existed?**
- 3.5 Is the complainant's argument that the lobby group has in effect "entered" the council of any relevance to the argument about interests?**
- 3.6 Would you take a different view of the facts if these were district councillors who might be on the planning committee?**
- 3.7 Would you consider any other area of the Code of Conduct with reference to participation in planning decisions?**