

MINUTES OF THE ST NEOT PARISH COUNCIL MEETING HELD ON WEDNESDAY, 9th AUGUST 2023 AT 7:30PM IN THE COMMITTEE ROOM, ST NEOT INSTITUTE, ST NEOT

Present: Councillors H Bunt (Chair), C Smith, D Glanville, A Tamblyn, M Rowe, H Webb, N Ball, T Hooper, T Thrussell and G Rogers.

Joe Rowe and Derek Fairhall

Josie Williams

Sue Blaxley, Clerk and RFO.

The Chair opened the meeting at 7:30pm. He confirmed that no one was recording the meeting.

Public Participation

None

1. Apologies

None

2. To confirm the minutes of the meeting held on Wednesday 12th July 2023

The minutes of the meeting held on Wednesday 12th July 2023, having been previously circulated, were agreed as an accurate record subject to an addition to minute number 4, paragraph 3 stating that Derek Fairhall said that these are the proposed plans and if the parish council cannot support them, the Village Shop Steering Group may hand over responsibility of the project to the parish council. Councillor N Ball said this was tantamount to black mail. Derek Fairhall retorted saying it was cause and effect. Councillor N Ball said he withdrew the word blackmail.

3. Declaration of interest in items on the agenda

None

4. Village Shop Project

To receive and consider a report from the Steering Group in relation to the proposed planning application for an extension to the pavilion to develop an improved community facility including a permanent shop, a shared community space and a store for the scouts' movement.

It was noted that the plans had been circulated to all councillors in advance of the meeting. Derek Fairhall explained that the plans were fundamentally the same as those considered by the parish council at last month's meeting with some minor changes. He said it is now proposed to raise the floor level of the proposed

extension to the same level as the pavilion which would enable a “wrap round” ramp to be provided externally which will give full accessibility to all users. He explained that the stepped roof line has been removed. Jo Rowe said the building will be more substantial than the original proposal. It was noted that the construction will be subject to Building Regulations.

Councillor N Ball questioned whether the doors on the rear of the scout store will be too close to the electricity sub-station and suggested that Western Power be contacted regarding this matter. Derek Fairhall said the revised plans show a sliding door on the rear of the scout store. Councillor N Ball asked if the door would be wide enough for the scouts to maneuver their kit in and out. Derek Fairhall said if this was the case and it was secure, a sliding door should suffice. The Chairman said there is also a door from the Pavilion into the scout store. Derek Fairhall explained that the new tenant has requested a building of 5m internal width which the plans now show. Councillor C Smith said that the roof eaves and overall height need to be raised by 500mm to give sufficient internal height for 2.1m high shelving and refrigeration units to be placed against the walls. Derek Fairhall said this will increase the construction cost. The Chairman said that the building must be fit for purpose. Councillor T Hooper said that the strength of the roof must be able to host solar panels. Jo Rowe said that the proposed external materials will match the pavilion. Councillor G Rogers said the windows in the extension could match the pavilion but Councillor C Smith said that multi pane windows may obstruct the light. Councillor T Thrussell said the extension is stepped back along its length and suggested a more linear form may be more visually attractive. Some discussion took place regarding the procedures to be followed in the tendering process. Derek Fairhall said that contractors will be contacted and priced proposals requested in order to meet the aspirations as detailed on the plans and in detailed specification documents. It was agreed that every attempt should be made to obtain three prices and that the contractors’ submitted documents will be marked against previously agreed criteria.

It was proposed by Councillor G Rogers and seconded by Councillor A Tamblyn that the plans for an extension to the pavilion to accommodate a shop, a shop store and a kitchen be agreed subject to the roof height of the proposed extension being increased by 500mm. All Councillors voted in favour of the proposal. It was agreed that all councillors should see the planning application form and revised plans prior to submission to Cornwall Council.

The Chairman thanked Derek Fairhall and Jo Rowe for attending the meeting and he expressed thanks, on behalf of the parish council, to the Village Shop Steering Group, for their hard work.

The Chairman said that plans are well underway for the new shop to open in Cott Yard at the end of August although Nigel Lapthorne was having difficulty in having the delivery of newspapers swapped from Malcolm Woodward’s address to Cott Yard. He explained that the air conditioning unit will be fitted on Thursday 10th August 2023 and the internet connection is progressing. He said the new sign will be erected this week, shelving is being installed and interviews have taken place for the new staff. He said that four local people will be employed in the shop which will be overseen by a member of staff from the shop at Tredinnick. He said that Malcolm Woodward was being very helpful.

Joe Rowe thanked the parish council for their support with the village shop project. Joe Rowe and Derek Fairhall left the meeting.

5. To receive a report on any matters arising from the previous meeting

The Chairman said the painting of the play tower has been completed. He also said that the new lease for the temporary shop in Cott Yard has been signed. Councillor C Smith said the new signs saying "Fire Door – Keep Shut" will be ordered with other signs required for the new shop. Councillor G Rogers said that Cornwall Councillor Phil Seeva is pursuing a replacement sign for the top of Loveny Close. It was noted that there has been no response from the Case Officers regarding the parish council's concerns at their failure to consult the Planning Committee correctly in respect of planning applications at Black Tor Barn, St Neot and The Vicarage.

6. To receive the Chairman's Communications

The Chairman said that Reverend G Swinton had sent an email citing his reasons for wanting to fell the tree in the grounds of the vicarage and that the Clerk informed him that, as the necessary permission from Cornwall Council is in place, he could fell the tree. He reported that the new bench ordered by Councillor T Thrussell has been sited next to the play equipment. The Chairman said that PCSO S Edsner has circulated a monthly report which cited one commercial burglary in the parish. He said that concerns have been raised that the scouts will lose the use of the pavilion and he has put a post on Facebook countering this rumour. It was noted that works to replace the cattlegrid at Luna have not started. In addition, the Chairman said that St Neot Football Club have communicated to the parish council about a proposed football pitch and car park at the Carnglaze Caverns end of Lampen Lane. He said that notification had been sent out regarding re-surfacing works on the road between Wenmouth Cross and Bury Down and that Gary Rogers has cut the hedge and bank at the rear of the car park.

The Chairman said that, at the end of July a number of Belgian scouts turned up in the village, looking for somewhere to stay the night. He said they had walked from Tywardreath and were soaking wet. He said they did not have any tents so they slept the night in the pavilion and food was kindly provided to them by the pub. The Chairman thanked everyone, on behalf of the parish council, who assisted these scouts.

The Chairman said that the Case Officer for the planning application at Quarry Bank, Draynes (PA23/04394) had contacted the Clerk saying that he did not consider that the comments of the Planning Committee regarding the blocking up of the access to the site and a TPO being put on the sycamore trees were material. The Clerk asked the Case Officer to check the capacity and adequacy of the septic tank system on the site.

It was noted that the tidy up of Doorstep Green was cancelled on two occasions due to the weather. He said that wild camping has allegedly been taking place on Goonzion which is illegal in Cornwall. In addition, he said that a stallion has been reported on Goonzion. The Chairman said he would speak to the graziers about this

matter. He said that for £10pa, individuals can become members of Caradon Orchard Group who will give instructions on pruning, undertake training, and hire apple pressing equipment. The Chairman said that a parishioner has suggested that the hedge adjacent to the highway in front of Church View could be removed to provide additional parking. He said that part of the hedge bordering the school and a property in Loveny Road is very overgrown. He said that he would speak to Sam Bowden regarding this matter. Councillor G Rogers said the hedges belonging to the cottages adjacent to the school are overgrown and encroaching onto the pavement.

7. To answer any questions from Councillors, previously notified to the Clerk

Councillor N Ball said that a complaint had been made by Councillor T Hooper to the Monitoring Officer regarding a non-declaration of interest at the extra ordinary meeting of the parish council on 26th May 2023. He said that the Monitoring Officer has reported that this was a technical and administrative breach of the code of conduct and has recommended that Councillor N Ball undertakes some online training regarding the Code of Conduct. Councillor N Ball said that he had raised the query as to why Councillor T Hooper's interest had not been investigated and he had been informed by Simon Mansell that this was because no one had made a complaint. He said that he has now received an email from Simon Mansell saying that he could apply to the Chairman for a dispensation to speak regarding the shop project. The Clerk said she would seek clarity on this matter from Simon Mansell. Councillor N Ball asked that the details of the complaint and the Monitoring Officer's report be attached to the minutes. They are included at the end of the minutes.

8. To receive a report from the Clerk

None

9. Doorstep Green and Playing Field

To receive and consider a report on any matters arising relating to Doorstep Green and the Playing Field

It was agreed that the Doorstep Green tidy up will now take place on 23rd August 2023. Councillor C Smith said that he had undertaken some minor repairs to the play equipment and that he has some new rubbers to put in the gym equipment.

10. Pavillion

To receive and consider a report on any matters arising relating to the Pavilion

None

11. Cott Yard

To receive and consider a report on any matters arising relating to Cott Yard

It was reported that Pertemps will continue to occupy the first-floor suite indefinitely on a month-by-month basis until they find suitable, alternative premises.

12. Toilets and Car Park

To receive and consider a report on any matters arising relating to the toilets and car park

Councillor G Rogers reported that he had cut the hedge and bank to the rear of the car park. Councillor N Ball said that the pointing on the stonework where the wall and steps was repaired is not very good and asked that, when the wall is repaired, the pointing be done to a higher standard. It was noted that the public toilet had become blocked and that Julie Ball and Diana Smith had unblocked it. The Chairman thanked them, on behalf of the parish council, for undertaking this task.

13. St Neot Orchard

To receive and consider a report on any matters arising relating to St Neot Orchard

Councillor D Glanville reported that he hopes the paperwork for the transfer of the land will soon be finalised.

14. St Neot Carnival

To consider entering a float in St Neot Carnival

It was noted that the carnival will take place on Saturday 20th August 2023 commencing at 4pm. It was agreed that the parish council will enter a float in the carnival – The King and His Queens!

15. St Neot United Charities

To appoint trustees for St Neot United Charities

It was proposed by Councillor H Bunt and seconded by Councillor H Webb that the following be appointed as trustees for St Neot United Charities: Nigel Ball, Poppy Crichton, Graham Kent and Charles Masters. All councillors voted in favour of the proposal apart from Councillor T Hooper who abstained from voting.

16. Farmer's Market

To receive a report from the councillor who attended the farmer's market on 5th August 2023 and to appoint a representative to attend the farmer's market on 2nd September 2023

Councillor H Bunt and PCSO S Edsner attended the farmer's market on 5th August 2023. He said that Jenny Hart was seeking volunteers to install a handrail adjacent to the stile over the wall on the footpath between Trevina and Penkeastle and to replace a signpost on Goonzion. The Chairman said that a parishioner had reported

that silage wrap is blowing in the wind on the road between Fawton and Trevenna which frightens horses and their riders. In addition, he said that a parishioner had reported that a fence post is sticking out onto the highway at Dragon's Corner. Councillor H Webb said she would attend the farmers' market on 2nd September 2023 with a member of the Village Shop Steering Group.

17. To receive reports from -

a) Cornwall Councillor

None

b) Goonzion Commoners

Councillor M Rowe said that he had been notified of a stallion on Goonzion and that the works to install a new cattle grid at Luna have not been started. The Chairman said that the secretary of Bodmin Moor Statutory Commons Council has sent forms for completion to those with grazing rights but that the majority have not been returned. It was agreed that the parish council, as landowner of Goonzion, could put pressure on the graziers of Goonzion to complete the forms. It was agreed that the Clerk would contact Joanne Merrett (Secretary of BMSCC) and Colin Arthur and ask for a list of those with grazing rights on Goonzion to assist with this task. Councillor H Bunt said that some landscapes are being protected under FIPL and this could present an opportunity to acquire funding for landowners for schemes such as habitat restoration and the installation of water points for grazing animals.

c) Liskeard Looe Community Network Panel

Councillor T Thrussell said the new name for this group is SE Cornwall CAP. He said the new format for the group is becoming clear and the next meeting is on 5th September 2023. Councillor T Thrussell said that the Tamar Bridge Action Group are very active and that their view is that there should not be tolls on the Tamar Bridge as this is damaging the economy of SE Cornwall. It was agreed that Councillor T Thrussell would email details of the work of the Tamar Bridge Action Group to all councillors for their consideration.

18. To authorise the signing of orders for payment, including –

Cornwall Pension Fund (Pension for Clerk) - £192.27
Julie Ball (Toilet, Pavilion and Cott Yard cleaning) - £311.17
South West Water (Water for Cott Yard) - £34.05
Source for Business (Water for Toilet) - £132.65
Source for Business (Water for Pavilion) - £26.95
A J Baker (Painting Play Equipment) - £779.00
Classic Fire Ltd (Repairs to Fire Alarm in Cott Yard) - £259.82
M P Barbery (Fire Break and Fencing on Goonzion) - £360.00
Tredinnick Farms Ltd (Fence posts and Creosote for posts) - £348.00
James Hallam (Additional Insurance Premium for Cott Yard) - £233.10
Lanhydrock Gardening Services (Grass cutting x 2) - £593.40
St Neot Village Hall (Room and Hall Hire) - £140.40

Christian Smith (Core drill bit) - £34.98

Gary Rogers (PROW maintenance and hedge cutting in car park) - £990.00

A 2 Z Signs (Sign for new shop) - £240.00

It was proposed by Councillor T Thrussell and seconded by Councillor D Glanville that all the above orders be authorized for payment. All Councillors voted in favour, except for Councillors G Rogers and N Ball who abstained from voting

19. Finance Report

To receive a current financial statement of the accounts and to review income and expenditure against budget

The Clerk reported that income has been received this month as follows: Menheniot Post Office for Pavilion rental - £136.50 and that the accounts balance at £72,325.74.

20. Co-option

To receive and consider applications for co-option onto the parish council

Josie Williams introduced herself and said that she was considering applying for co-option onto the parish council. The Clerk advised her to make contact if she was interested or wanted further information.

Under The Public Bodies (Admission to Meetings) Act 1960 Sec 1 (2), members of the public will be excluded from the meeting at this point due to the sensitive financial and commercial business to be discussed.

21. Future Purchases

To consider possible future purchases for the parish council

Some discussion took place regarding possible future purchases for the parish council and it was agreed that a proposal would be put to interested parties on an informal basis at this stage.

22. Date of next meeting

To confirm the date of the next Parish Council meeting on Wednesday 13th September 2023

The next meeting of the parish council will be on Wednesday 13th September 2023 commencing at 7:30pm in St Neot Institute.

There was no further business and the meeting was closed at 10:35 pm.

CODE OF CONDUCT COMPLAINT – COUNCILLOR NIGEL BALL

From: Simon Mansell <Simon.Mansell@cornwall.gov.uk>

Date: 24 July 2023 at 10:31:19 BST

To: hoegate123@icloud.com

Subject: FW: Code of conduct form

Information Classification: CONFIDENTIAL

Dear Councillor Ball

I am writing to advise you that we have received a complaint that you may have breached the Code of Conduct and it has been decided to process the complaint.

As a result of this you have the opportunity to input to the assessment of the matter and if you would like to do so you should provide a response by no later than 7 August 2023.

The independent person appointed to this matter is Mrs Gwyneth Evans who can be contacted on 01872 273360, when making initial contact it would be appreciated if this could be done between 09.00 – 17.00, Monday to Friday. Mrs Evans is not appointed to act as an advocate but will discuss the complaint with you and give you advice on the processing of the complaint.

Regards

Simon

Title

Mrs

First name

Tracey

Last name

Hooper

Postcode

PL146QG,010003071663,The Hayloft,Lower Newton,St Neot,Liskeard,Cornwall,PL14 6QG

Daytime telephone number

07891840457

Evening telephone number

07891840457

Mobile

07891840457

Email address

traceyhooper1@me.com

Please tick the complainant type that best describes you

An elected or co-opted member

Please specify

Member's Title

Mr

Member's First name

Nigel

Member's Last name

Ball

Council or authority name

St Neot Parish Council

Is the Member listed above a

Co-opted member

Member 2 Title

Member 2 First name

Member 2 Last Name

Member 2 Council or authority name

Is the Member listed above a

Member 3 Title

Member 3 First Name

Member 3 Last name

Member 3 Council or authority name

Is the Member listed above a

Paragraph

Please select from the options below. Conduct

conducted themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct (2.5)

bringing their office or council into disrepute (2.10)

has - at a meeting or when making a decision - failed to disclose an interest even though the interest need not be registered (3.5)

has made a decision when they should not have done so because of an interest that they had at the time (3.5)

has failed to absent themselves from the room or chamber where a matter in which they have an interest in is being discussed - whether or not they have disclosed the interest (3.5)

Your complaint - having regard to the guidance notes, please provide us with the full details of your complaint.

Complaint Against Cllr Nigel Ball of St Neot Parish Council

On the 26th May 2023 St Neot Parish Council held a duly convened Extra-Ordinary Meeting to discuss an urgent item. The item was described on the agenda which was advertised in the proper way and a statement from the St Neot Shop Steering Group (not part of the Council), was distributed to all Councillors in advance of the meeting clearly setting out the reason for the item (the agenda, the statement and minutes can be sent under separate cover or found on the Council's web site).

The Chairman welcomed "members of the public to the meeting and asked if they wanted

to speak. Two of the members of the public were from the Shop Steering Group and one of them read out the statement (which had been circulated in advance). The St Neot Scout leader was also present and made a statement about the Scouts not wishing to be moved from the Pavilion which they had occupied for a long time. A few questions were asked by Councillors.

The Chairman thanked the members of the public for their comments, took apologies and moved on to Item 2 asking if any one had a Declaration of Interest. Mr Nigel Ball did not declare an interest even though his wife is a Scout leader for the St Neot Scouts and as described in the statement, the issue of the Scouts being relocated (or not) to allow for the proposed development to proceed was going to be discussed.

As Vice Chair, I was aware that the Clerk had spoken with Nigel Ball to ask him to consider his position in advance of the meeting. I recognised that Mr Ball had not taken the opportunity to declare a pecuniary interest, so I explained to the Council that whilst I was the Secretary of the Shop Steering Group I felt that I had no financial or other interest in the discussion to be had and importantly my husband was not involved in the shop project so therefore I had no pecuniary interest to disclose either.

Mr. Ball still didn't declare an interest, even though he was challenged by another member of the Council. I then asked if Mr. Balls wife was involved in the Scouts and he stated that Mrs Ball is the leader of the Beavers and this is not part of the Scouts organisation. At this point the Clerk explained to us all that it was entirely the Councillors individual choice as to whether they felt they had an interest to disclose.

The Chairman moved on to item 3 regarding the Village Shop Project. The discussion was difficult to say the least as tensions ran high. Nevertheless the debate was concluded and a motion passed.

This put the Council in a difficult position, especially as the members of the public were aware of Mrs Balls relationship with the Scouts and had expected a declaration of interest to be made.

Following this meeting, the Chairman visited Mr. Ball to ask him to reconsider his position regarding the matter of a pecuniary interest, thus giving him an opportunity to make amends but he declined stating that he stood by his decision. This would not have changed any decision made at the meeting of course, but it might have shown the members of the public that St Neot Parish Council are seeking to uphold the requirements of the Localism Act 2011.

Witness Title

Mrs

Witness First name

Sue

Witness Last name

Blaxley

Witness Address/telephone number

01579 326053

Witness 2 Title

Witness 2 First name

Witness 2 Last name

Witness 2 Address/telephone number

Witness 3 Title

Witness 3 First name

Witness 3 Last name

Witness 3 Address/telephone number

Standards for England

No

Another Council

No

Local Government Ombudsman

No

Other (please specify)

Dear sir

With regard to this accusation i find it insulting being questioned about my integrity and honesty as a councillor but not surprised

In my opinion councillor Hooper does not liked to be challenged in public as she was on this occasion

At the meeting I asked councillor Hooper if she felt she should declare an interest being a member of the steering group she replied no I was then asked by a fellow councillor if I should declare an interest I replied no At this point I thought that was the end of the matter

I was contacted by the chair to have an off the record chat about the meeting so there would be no problem with the minutes with a few minor alterations as to what I said I was happy with the minutes

At the next meeting Councillor Hooper informed the council that she had spoken to the monitoring officer regarding her position no doubt explaining that she was the vice chair and a founder member of the steering no doubt you have checked this or will check So I find that this accusation is based on a link a very tenuous one at that being that my wife although being part of the scouting organisation is a beaver leader and does not operate out of the pavilion but the chapel and yet being a founder member of the steering group is not classed as a interest

As for the challenge by the other councillor his father is also on the the steering so by the same tenuous link he should of declared an interest also

I thought that the point of meetings was to hold debate and put forward your views you will not always win the vote as I said before that is democracy

So in the future am I supposed to sit in the corner keep quiet and agree with everything councillor Hooper says

I think not

Yours
Cllr N Ball

From: Simon Mansell <Simon.Mansell@cornwall.gov.uk>
Date: 7 August 2023 at 13:36:34 BST
To: Nigel Ball <hoegate123@icloud.com>
Cc: SUE Blaxley <stneotpc@hotmail.co.uk>
Subject: Code of Conduct Complaint Decision Notice

Information Classification: CONTROLLED

Dear Councillor Ball

I am writing to advise you that the complaint against you has been assessed and the outcome is as set out in the attached notice, which should be self-explanatory.

Regards

Simon

ASSESSMENT DECISION NOTICE

A BREACH OF THE CODE HAS BEEN FOUND

ACTION REQUIRED

Reference: CCN048/23/24

Complainant:

Councillor T Hooper – St Neots Parish Council

Subject Member:

Councillor N Ball – St Neots Parish Council

Person conducting

the Assessment:

Simon Mansell, Group Manager - Assurance

Date of Assessment:

7 August 2023

Complaint

The Complainant is of the view that the Subject Member has breached the Code of Conduct by failing to declare an interest in a matter discussed at a meeting of the Parish Council held on 26 May 2023.

Decision and Action

That, for the reasons set out in this Notice, it is considered that the Subject Member has breached the Code of Conduct.

As a result of the breach, it is recommended that the Subject Member undertakes training on the Code of Conduct.

Reasons for the Decision

In undertaking this assessment I have had regards to:

- The complaint as made;
- The response from the Subject Member;
- The minutes of the meeting held on 26 May 2023; and
- The views of the Independent Person.

The Complaint

By way of a background, the Complainant has set out that, at a meeting of the Parish Council held on the 26 May 2023 to consider the Village Shop Project, there was a discussion about the location of the shop, and as part of this during public speaking the St Neots Scout Leader made a statement about not wanting to be moved from their current location.

However, when the Chairman asked for declarations of interest, the Complainant has said that the Subject Member did not declare an interest, even though his wife is a Scout Leader for St Neot Scouts, and then did not change his position when he was challenged by another member of the Council.

Following the meeting, the Chairman of the Parish Council visited the Subject Member to ask him to reconsider his position with regards to having an interest, but he declined to do so.

The Response from the Subject Member

The Subject Member has responded to the complaint by setting out that his wife is part of the Scouting organisation and is a Beaver Leader. But as the Beavers do not operate out of the Pavilion but the Chapel, he did not have an interest and, in his view, the accusation is based on a tenuous link.

Further, the Subject Member has said that he thought the point of meetings was to hold a debate and put forward views, not to sit in the corner and keep quiet.

The Minutes of the meeting dated 26 May 2023

The minutes of the meeting show that there was a representation from the Scout Leader with regards to the use of the Pavilion (where the Scouts meet) and during this the Scout Leader expressed concern about the suggestion that the Scouts could move their meetings to the Chapel Schoolroom, which is used by the Beavers, as the Beavers, Cubs and Scouts all met on the same night.

Within the minutes it also shows that the Subject Member did not declare an interest and was questioned on this. As part of this questioning, it is set out in the minutes that the Subject Member said that his wife was involved with the Beavers, and they met at the Chapel School Room and therefore was not required to declare an interest.

Application of the Code of Conduct

In considering the complaint as made I am satisfied that the Subject Member was acting in their official capacity at the time of the alleged conduct and therefore was bound by the Code of Conduct.

As with all ethical standards complaints this is assessed against the Code of Conduct adopted by the Council and the procedures for assessing complaints adopted by

Cornwall Council. The information provided is assessed on the balance of probabilities; this is, would a reasonable person objectively considering of all the facts be of the view it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

Findings of Fact

There are two occasions when an interest needs to be declared under the Code, this is when a member has a disclosable pecuniary interest and a non-registerable interest.

I am satisfied that, for the purposes of this complaint, the Subject Member does not have a disclosable pecuniary interest, but it does need to be considered if a non-registerable interest arises.

The details relating to a non-registerable interest can be found at paragraph 5B of the Code of Conduct and this sets out the following:

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

(i) might reasonably be regarded as affecting the financial position or wellbeing of you; a member of your family or any person with whom you have a close association; or anybody or group which you are a member of more than it might affect the majority of council taxpayers, rate payers or inhabitants in your electoral division or area; and

(ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest.

In reading the minutes of the meeting and the response from the Subject Member, it is clear that he considers he entered the meeting with no interest to declare as both the agenda sets out that the matter under discussion would principally be the Pavilion.

The Scouts do use this building, but not the Beavers, who use the Chapel Schoolroom and therefore, before the meeting, there was a clear distinction between the two, given the agenda item.

At the meeting however, this distinction was lost during public speaking when it was suggested by a member of the Council that the Scouts could use the Chapel Schoolroom during the time the Scout Leader was speaking. From this point an objective observer would be alert to the fact that there was a potential for the use of the Chapel Schoolroom to be affected and therefore this had the potential to affect its use by the Beavers.

With regards to the requirement to declare an interest, the Code of Conduct sets out that an interest arises if the matter 'might reasonably be regarded' as affecting the well-being of the any person with whom you have a close association and the use of the location used by the Beavers and by the Scouts is one that could reasonably be regarded as doing this.

I am of the view that the Subject Member should have been aware of this at the meeting. There was already a close connection between the Scouts and the Beavers before the meeting started which had the makings of an interest and the linking of the

two locations then tipped the balance with regards to the requirements for the interest to be declared.

The Code of Conduct at paragraph 3.5 sets out the actions a member is required to take if they have an interest in a matter under discussion and this states:

3.5 If you are present at a meeting and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:

- (i) not participate, or participate further, in any discussions of the matter at the meeting;
- (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
- (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.

Given the Subject Member, despite being challenged on the existence of an interest, did not act in accordance with paragraph 3.5, it follows that he is in breach of this part of the Code as the interest was not declared and then he did not leave the meeting when challenged.

With regards to paragraph 2.10 there is, when a breach of the Code is found, for the actions of the member concerned to have brought either their office, or their authority into disrepute.

In taking an objective view of the facts, a reasonable person would note that, whilst the Subject Member was advised that he may have an interest, I am not of the opinion that an objective view would be that the actions of the Subject Member were disreputable and therefore there is no breach of paragraph 2.10.

I do, however, consider that, by failing to act in accordance with the Code the Subject Member has failed to uphold the high standards of conduct which is a requirement of paragraph 2.5 of the Code and because of this the Subject Member has breached this part of the code.

There are no further breaches of the Code of Conduct.

Views of the Independent Person

I have been unable to find evidence that the Subject Member has brought his office into disrepute or failed to maintain high standards of conduct. I find no breaches of the Code of Conduct.

Summary and Actions

Whilst, as set out above, a breach of the Code has arisen, in this instance the interpretation of the Code as to whether an interest may or may not arise is quite nuanced.

The Subject Member should have made the link made between the two properties when this was raised during the presentation by the Scout Leader, and then when questioned by his peers, and then should have given the facts far greater consideration at the time.

The existence of an interest is something which, in hindsight, is perhaps more obvious as the time can be taken to review the facts but at the same time the Subject Member should have been open to the advice from his peers and his dogmatic view is perhaps not the best way to avoid breaching the Code.

In considering an action to remedy the breach, I do consider that the Subject Member would benefit from watching the training which is placed online and can be viewed by following the link below:

<https://www.youtube.com/watch?v=HbJm7k3KyWY>

From this, the Subject Member may be made more aware that there are times when it is appropriate not to take part in the debate.

In reading the complaint, the minutes and the responses to the complaint the Parish Council may also like to consider if it would be prudent to grant a dispensation to all those who are involved with the shop and other bodies who may be affected by this matter to assist with ensuring all can attend the debates on the matter.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and the Clerk to St Neots Parish Council and a copy placed on Cornwall Council's web site.

Right of review

At the written request of the Subject Member, the Monitoring Officer can consider a request for a review and, if the review is successful this may result in a change to the finding made in the original assessment.

The written request from the Subject Member to review this decision must be received within 14 days from the date of this Notice, explaining in detail on what grounds the decision should be reviewed.

The grounds for requesting a review must be substantive, and a re-submission of the original complaint will not be classed as substantive and neither will a request that sets out the findings are disagreed with. There must be fresh information in the request which was not considered at assessment which is such that this may result in a different outcome.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments

Dear sir

Thank you for your email yesterday although disappointed with the result I shall learn from this May I just ask 1 question How is it that the vice chair and prominent member of the shop steering group did not have to declare an interest

Cllr N Ball

On 9 Aug 2023, at 10:31, Simon Mansell <Simon.Mansell@cornwall.gov.uk> wrote:

Information Classification: CONTROLLED

Dear Councillor Ball

Thank you for your email and I apologise for the short delay in replying.

With regards to breaches by other members, assessments are only undertaken against the member who is complained about and not other members or even officers who are often named in complaints.

In considering the breach it is what we would call an administrative breach, and inadvertent breaches of the code of this nature arise with the most seasoned of members and, having read the minutes of the meeting with some interest I have further recommended granting dispensations to all who may be affected by this matter in the

hope this will be granted and it will prevent you (and others) from having to judge if you may or may not have an interest.

Regards

Simon

From: Nigel Ball <hoegate123@icloud.com>

Date: 9 August 2023 at 10:48:03 BST

To: Simon Mansell <Simon.Mansell@cornwall.gov.uk>

Subject: Re: Code of conduct

Thank you very much for your reply

N Ball

Sent from my iPhone