

**MELTON BOROUGH COUNCIL****MEMBER CONDUCT COMPLAINT – REFERENCE: GOV 07****VIEWS OF INDEPENDENT PERSON**

This case was referred to me by the Monitoring Officer on 3 June 2013 for an opinion on a complaint made by Mr Alan Smith about Cllr Mark Barnes' failure to declare an interest when addressing the Melton Borough Council Development Committee on 18 October 2012.

I have fully reviewed the complaint and the accompanying documentation. I have also referred to the Members' Code of Conduct and my opinions and views are shown below.

1. The facts in this case are clear. Cllr Barnes spoke in favour of planning application no. 11/00913/FUL at a meeting of Melton Borough Council Development Committee held on 18 October 2012. The application, by Mr Mark Gale, was for the erection of one wind turbine and associated control kiosk. According to the minutes of the meeting Cllr Barnes did not declare any interests when he spoke. He spoke at the meeting after standing orders were suspended and was one of a number of speakers.
2. Cllr Barnes made an application through agents on 2 October 2013 for a 'screening opinion' for a wind turbine with hub height of 55 metres on land owned by him. He then submitted, through agents, an application for planning permission for the wind turbine on 28 February 2013 (12/00108/FUL).
3. The complaint by Mr Smith was made on 2 April 2013 and centres on the fact that Cllr Barnes did not declare an interest when he spoke in favour of the application made by Mr Gale. It is the view of Mr Smith that Cllr Barnes had an interest due to the fact that he was in the process of applying for permission to erect a wind turbine on his own land. Mr Smith also states that Cllr Barnes submitted a written statement to a public meeting held in Somerby Village Hall on 12 March 2013 to consider Cllr Barnes' own application for a wind turbine in which he sets out that the reason for his application was to generate income for his farm. Mr Smith considers this as evidence that Cllr Barnes had an interest as outlined in para 9(1)(b) of the Code of Conduct.
4. I have carefully examined the complaint, the subsequent correspondence and the Code of Conduct. My opinion is that Cllr Barnes did not have a declarable interest in the planning application no. 11/00913/FUL as he clearly had no interest, pecuniary or otherwise in that specific application. From my understanding of the documentation there is a clear recognition that members of Melton Borough Council determine planning applications for wind turbines on the facts of each case and therefore Cllr Barnes could have no specific interest in the granting of Mr Gale's application. The meeting at Somerby

Parish Hall on 12 March 2013 is an entirely separate issue about another matter and is not relevant in relation to the planning application dealt with on 18 October 2012.

5. Therefore I do not consider that there is a breach of the Code of Conduct in this case by Cllr Barnes as he did not have a declarable interest in the planning application no. 11/00913/FUL.

**Gordon Grimes**

**Independent Person**

4 June 2013