

Final Report

PRIVATE AND CONFIDENTIAL

Case Reference: SRBC3 Councillor Yates

Report of an investigation under Section 59 of the Local Government Act 2000 by John Stone appointed by monitoring officer for South Ribble Borough Council into an allegation concerning Councillor Yates.

DATE: 19 October 2009

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1 Executive summary

- 1.1 The complaint alleges that at a meeting of the Eastern Area committee on the 20th January 2009 Cllr Yates did not declare an interest, when in fact he had a prejudicial interest, in an item relating to Gregson Lane cricket club and their request for financial assistance for an event to be held on the 4th May 2009.
- 1.2 It further states that Cllr Yates solicited a donation to the Mayor's charity fund from the cricket club.

The allegations are made by Cllr Sharratt in a letter to the Monitoring Officer dated 28 May 2009.

- 1.3 I have considered the following provisions of the Code of Conduct: -
- i) Para 6(a) you 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.
 - ii) Para 9 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.
 - iii) Para 12(i) where you have a prejudicial interest in any business of your authority you must withdraw from the room or chamber where a meeting considering the business is being held.

- 1.4 I conclude that there have been breaches of the Code

2 Cllr Yates's official details

- 2.1 Cllr Yates has been a councillor for more than 20 years.
- 2.2 Cllr Yates currently serves on the following committees:

- 2.2.1 Chair Eastern Area;
- 2.2.2 Vice Chair Planning
- 2.2.3 Standards

- 2.3 Cllr Yates gave a written undertaking to observe the Code of Conduct in May 2007.
- 2.4 Cllr Yates has received training on the Code of Conduct on 25 September 2007:

3 The relevant legislation and protocols

3.1 The council has adopted a Code of Conduct in which the following paragraphs are included:

- Para 6(a) you 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.
- Para 9 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.
- Para 12(i) where you have a prejudicial interest in any business of your authority you must withdraw from the room or chamber where a meeting considering the business is being held.

4 The evidence gathered

4.1 I have taken account of oral evidence from:

- i. Cllr Tom Sharratt
- ii. Andy Houlker
- iii. Lynda Mears
- iv. Cllr Barrie Yates

4.2 I have also taken account of the following documentary evidence:

- i. Minutes of working party 13 January 2009
- ii. Application for grant dated 16 January 2009
- iii. Minutes of Eastern Area committee 20th January 2009
- iv. Letter from Cllr Sharratt dated 28 May 2009

Cllr Sharratt is the councillor who has complained on the basis of conversations with Les Simpson and Paul Abbott, members of the cricket club.

Andy Houlker is the Senior Democratic Services manager who took the Minutes of the Eastern area committee on the 20th January 2009.

Lynda Mears was secretary to the Mayor's charity fund.

Cllr Yates is the subject of this investigation. He is Chair of Eastern Area committee, which made a grant to the cricket club. He was Mayor at the relevant time.

I have not spoken to Cllr Marsh as he is currently the subject of a complaint regarding his involvement in this matter.

I have had numerous, lengthy conversations with Les Simpson during which he has on occasions expressed a willingness to be interviewed only to retract later. He expressed the wish that those conversations be off the record.

I have been unable to speak to Paul Abbott and Greg Gorrell, the other members of the working party due to their reluctance to be involved.

I have not interviewed other members of Eastern Area committee, as there is no substantial dispute on what occurred in the meeting.

- 4.3 Gregson Lane cricket club decided to hold a charity cricket match in May 2009. An informal conversation took place between Cllrs Marsh and Yates and two members of the cricket club. A working party (Les Simpson, Paul Abbott, Greg Gorrell and Cllr Marsh) was formed.
- 4.4 The beneficiaries of the cricket match were to be Derian House and local scouts and guides. One of the beneficiaries of the Mayor's Charity Fund was local scouting and a donation from the Mayor's fund was also made to local guides.
- 4.5 The first meeting of the working party took place in the Olde Oak on 13 January 2009. Cllr Yates also attended the meeting. I have been sent a document by Les Simpson which appear to be minutes of that meeting. The document suggests that there was also an agenda for the meeting. Each item shows the initials of one of the attendees against it, presumably to indicate who was responsible for taking action on that point. BY appears against items 13 and 14 suggesting Cllr Yates was present until the end of the meeting. It also shows a continuing level of involvement with the event on 4 May 2009 on his part. Cllr Yates denied attending this meeting, but the documentary evidence suggests otherwise.
- 4.6 Whether this was a formal meeting – and the document suggests it was – is not necessarily crucial. A meeting took place that put Cllr Yates in a position where he should have declared an interest.
- 4.7 It was decided at this meeting that Paul Abbott would write a letter to the Eastern Area committee asking for funding for the event. As Chair of that committee it is not unreasonable to assume Cllr Yates had some comments on this application. This is substantiated by the conversations between Cllr Sharratt, Les Simpson and Paul Abbott.
- 4.8 Paul Abbott wrote a letter requesting assistance to Cllr Yates dated 16 January 2009.
- 4.9 In his capacity as Chair, Cllr Yates gave permission for that application to be treated as emergency business. It was then included on the agenda by Andy Houliker and members were informed.
- 4.10 On 20th January 2009 Cllrs Yates, Marsh and Sharratt attended an Eastern Area committee meeting, together with other members.

- 4.11 The application by Gregson Lane cricket club for financial assistance towards funding of a charity event was on the agenda. The club were asking for £400 towards the event, which was to be held on 4th May 2009 at Hoghton cricket club.
- 4.12 When the matter was first raised Cllr Sharratt immediately declared a prejudicial interest, stating that he was in possession of confidential information. He immediately left the room and took no part in the debate.
- 4.13 Cllr Marsh declared a personal but not prejudicial interest. He stated that he had been asked to umpire the said cricket match. He did not declare his involvement in the 13 January meeting. He remained in the meeting but took no part in it.
- 4.14 Cllr Yates did not declare a personal or prejudicial interest. He did not declare his attendance at the organising committee meeting the previous week.
- 4.15 He remained in the meeting and took an active, possibly crucial part in it. He defended the decision to treat the item as urgent business when that was challenged. He also addressed concerns that only people in the know applied for these grants. This was of course true of this application to an extent that the committee were unaware.
- 4.16 The committee decided by 6 votes to 5 to award £200 to the cricket club, with Cllr Yates voting in favour.
- 4.17 On 27 May 2009 Cllr Sharratt states that Paul Abbott informed him that Cllr Yates had attended the first meeting of the working party. Cllr Yates advised them how much assistance to request from the Council, saying, “ If you ask for £400 you’ll get £200” or words similar to that. This does appear to be consistent with the approach Cllr Yates said he adopts with applications for assistance with charity events.
- 4.18 Cllr Sharratt also says he was told Cllr Yates asked the working party in return for a donation of £25 to the Mayor’s charity fund. They agreed to give this.
- 4.19 Cllr Sharratt states that Les Simpson confirmed this the following day. He then made a formal complaint on 28 May.
- 4.20 I have spent considerable time on the telephone trying to persuade Les Simpson to be formally interviewed and make a statement. He is the spokesperson for the working group. He is annoyed that a charity match is, as he sees it, being used for political ends and has finally declined to get involved. Both Cllr Sharratt and I have asked Paul Abbott to speak to me about the matter but he has not responded.
- 4.21 Les Simpson did agree to send me the minutes of the 13 January meeting to prove Cllr Yates’s attendance at that meeting. He also told me that the accounts for the event have not yet been completed and no charitable payments

have been made. The fact that no payment is recorded to the Mayor's fund is not therefore conclusive.

- 4.22 I found Cllr Sharratt to be open and honest in interview and therefore can only conclude the conversations he recalls with Messrs Simpson and Abbott took place. Of course, the fact they took place does not necessarily mean what was said to Cllr Sharratt was correct.
- 4.23 In interview Cllr Yates denied any involvement in the application. He recalled an informal conversation when he had been in the Olde Oak with Cllr Marsh with 2 people he believes to be Les Simpson and Paul Abbott. He had advised them in general terms of the availability of financial assistance and how to apply. He had never attended a meeting of the working party.
- 4.24 He denied that he had advised them to apply for £400 so they would get £200. He denied soliciting a donation to the Mayor's charity fund in return for his help.
- 4.25 In the light of the minutes of the meeting of 13 January, it is hard to conclude other than Cllr Yates is wrong in respect of his attendance at the meeting.
- 4.26 On balance I find that Cllr Yates was involved in the application to some degree, albeit the application itself is just a one-page letter. The minutes clearly show he was at and participated in the first working party meeting. They further show a continuing involvement in the event. One of the charities he was supporting in his mayoral year benefited from the event.
- 4.27 Cllr Yates complained at the start of the interview that following my interview with Cllr Sharratt he had written letters to Messrs Simpson and Abbott giving details of the interview. I have seen copies of those letters and in fact they are no more than requests for the witnesses to contact myself. There is nothing improper in what Cllr Sharratt did.

5 Summary of the material facts

- 5.1 On 13 January 2009 a meeting of the cricket club working party took place. Cllr Yates attended and took part in that meeting.
- 5.2 As a result of that meeting an application was made to Cllr Yates for financial assistance from the Eastern Area committee. Cllr Yates used his position as Chair to have that application added to the agenda as urgent business.
- 5.3 On 20th January 2009 Cllrs Yates, Marsh and Sharratt attended an Eastern Area committee meeting together with other members.
- 5.4 The application by Gregson Lane cricket club for financial assistance towards funding of a charity event was on the agenda. The club were asking for £400 towards the event, which was to be held on 4th May 2009 at Hoghton cricket club.

- 5.5 Cllr Yates made no declaration of any interest despite his attendance at the working party meeting.
- 5.6 The application was granted with payment limited to £200.
- 5.7 Conversations took place between Cllr Sharratt and members of the cricket club working party on 27 & 28th May, which led to him making a complaint.

6 Additional submissions on the draft report

- 6.1 Cllr Yates has submitted a statement in response to my draft report, which is attached to this report.
- 6.2 This has not caused me to alter my findings as it merely restates his position as set out in interview.
- 6.3 The fact that it is countersigned by Cllr Marsh, a friend and himself awaiting a hearing in relation to this matter, is similarly unpersuasive.
- 6.4 In addition to countersigning Cllr Yates's statement, Les Simpson has commented on aspects of my report.
- 6.5 I have considered Mr Simpson's endorsement, but it has not changed my conclusions, as he will not be formally questioned about it.
- 6.6 I again contacted Mr Simpson to inform him that I would only consider his version of events if I interviewed him and was able to properly question what he avers. He refused in no uncertain terms to be interviewed. I leave the committee members to draw their own conclusions as to why that should be.
- 6.7 I consider it inappropriate to consider his comments on my report, as he should not have been provided with a copy by Cllr Yates. Only the complainant and subject member should see the report.

7 Reasoning as to whether there have been failures to comply with the Code of Conduct

- 7.1 Using position improperly to secure an advantage for another:
 - 7.1.1 A tribunal has decided that the chair of a band had a personal and prejudicial interest at a council meeting where a grant application for the band was considered. He acted improperly by remaining in the meeting.
 - 7.1.2 Presence at a meeting can constitute an attempt to influence the meeting.
 - 7.1.3 Cllr Yates participated in the first working party meeting and he was aware that the Area committee were actually conferring a benefit on the cricket club.
 - 7.1.4 Whilst Cllr Yates's involvement with the cricket club was not as strong as being chair (as in the case at 7.1.1), as a participant at the organising committee meeting where the

application was formulated, he had a sufficiently close connection.

- 7.1.5 There is a further suggestion that Cllr Yates used his position to solicit a donation to the Mayor's Charity Fund.
- 7.1.6 This is based on what members of the working party have told Cllr Sharratt. Whilst I have concluded, after interviewing Cllr Sharratt, that he has accurately repeated those conversations, I have not been able to interview the makers of the remarks to ascertain their veracity. I bear in mind the danger of relying on untested hearsay evidence.
- 7.1.7 However it appears two people told Cllr Sharratt the same thing independently. I also bear in mind that I have found, on a balance of probabilities, that Cllr Yates is wrong about his attendance at the meeting on 13 January, which undermines his credibility generally.
- 7.1.8 Whilst it would be open to the Standards Committee to find on the available evidence that Cllr Yates did solicit a donation to the Mayor's Charity Fund, I believe it would be dangerous to do so reliant on a brief hearsay conversation. This is a serious allegation to be based purely on that, as the documentary evidence does not assist here.
- 7.1.9 I therefore conclude that Cllr Yates did use his position as a member improperly to secure an advantage for the cricket club and indirectly the local scouts. However I do not find that he solicited a donation to his Charity Fund.

7.2 Personal interest:

- 7.2.1 Cllr Yates chaired a committee meeting without declaring any knowledge of, or interest in, the application for financial assistance. He had been present at a meeting when that application was discussed.
- 7.2.2 The test is objective, not what Cllr Yates thought. However he does concede in interview that if a councillor attended a working party meeting it would give him a declarable interest.
- 7.2.3 I conclude that a member of the public would consider he had a personal interest in the event
- 7.2.4 Cllr Yates therefore had a personal interest, which he should have declared.

7.3 Prejudicial interest

- 7.3.1 Cllr Yates accepts that he would have had a personal and prejudicial interest in the application if the facts were as Cllr Sharratt was told.
- 7.3.2 I find that he failed to declare his involvement and interest in the application, in that he was at the organising committee meeting the previous week.

- 7.3.3 I find that a member of the public knowing that he was present at that working party meeting, where the application was discussed, would consider that so significant that it was likely to prejudice his judgement.
- 7.3.4 He took an active part in the debate despite there being an absolute requirement to withdraw from the meeting.
- 7.3.5 I also rely on the Tribunal decision referred to in 7.1.1.
- 7.3.6 I therefore find Cllr Yates to be in breach of Para 12(i)

7.4 In respect of each alleged breach, I have used the balance of probabilities test, ie is it more likely than not that a breach occurred.

8 Finding

8.1 Using position improperly to secure an advantage for another:

- 8.1.1 I find that by failing to make a declaration of any interest, failing to declare a prejudicial interest and failing to leave the room Cllr Yates did use his position improperly to secure an advantage for another.
- 8.1.2 I do not think Cllr Yates had any real intention to wrongly obtain money. I think he was blinded by the charitable aspect of the application and failed to examine his conduct closely enough. I think his wrongdoing is better reflected by paragraph 12(i).

8.2 Personal interest:

- 8.2.1 I find that Cllr Yates did fail to declare the full extent of his knowledge of the application. He effectively misled the Area committee by remaining silent on that point.
- 8.2.2 Cllr Yates had a personal interest, which he should have declared.

8.3 Prejudicial interest

- 8.3.1 Clearly Cllr Yates had a personal interest in the application. If he were not interested in the event he would not have attended the working party meeting nor agreed to carry out work for the event.
- 8.3.2 I find that he also had a prejudicial interest and was obliged to leave the meeting as Cllr Sharratt had done (albeit for a wholly different reason).

- 8.3.3 Case law makes it clear that taking no active part in the meeting, even withdrawing to the public gallery, is not sufficient. Mere presence may influence the meeting.
- 8.3.4 However Cllr Yates went far beyond that; having allowed the item to be treated as urgent he defended that decision perhaps avoiding the matter being deferred; his was ultimately a crucial vote as the motion was carried by one vote.
- 8.3.5 He misled the committee into believing he was impartial and disinterested in the application.
- 8.3.6 In his own mind he may have thought this was a charity event and there was no personal benefit to him. However it should have been obvious that he should not remain in the room when an application he was party to was being considered.
- 8.3.7 I find that he did have a prejudicial interest and failed to declare it.

8.4 General

- 8.4.1 It is a general principle of criminal law that one should not be convicted of several offences for one single act.
- 8.4.2 In essence Cllr Yates did one thing wrong – failed to make mention of his interest in the application - and should not in fairness be found to be in breach of three sections of the code for one act. In my view if Cllr Yates accepted he had breached Para 12(i) that would be sufficient and meet the merits of the case.
- 8.4.3 I prefer not to recommend penalties at this stage, as it appears to me presumptuous before the Standards Committee has found a breach or breaches.

Appendix A

Schedule of evidence taken into account

Case No: SRBC/1

Core documents

Doc No	Description	Pages
1	Cllr Tom Sharratt	
2	Andy Houlker	
3	Lynda Mears	
4	Cllr Barrie Yates	

Documentary evidence

Doc No	Description	Pages
1	Minutes of Working party 13 January 2009	
2	Application for grant 16 January 2009	
3	Minutes of Eastern Area committee 20 th January 2009	
4	Letter from Cllr Sharratt 28 May 2009	

List of unused materials

Investigator's notes of interviews and telephone calls
Correspondence

Chronology

13 Jan 2009	Meeting of cricket club working party
20 Jan 2009	Eastern Area Committee meeting
27 May 2009	Conversation Cllr Sharratt/ Paul Abbott
28 May 2009	Conversation Cllr Sharratt/ Les Simpson
28 May 2009	Formal complaint

Tom Sharratt

I am a South Ribble B.C. Councillor and have been for over twenty years. I have been on the Eastern Area committee since its creation several years ago.

On the 20th January 2009 I attended an Eastern Area committee meeting. Both Cllrs Yates and Marsh were also present at that meeting.

When we reached the item minuted at 48, a request for financial assistance by Gregson Lane Cricket club, I immediately declared a prejudicial interest as I was in receipt of confidential information. I left the room and took no part in the debate on that item. The secretary of the cricket club had given me confidential information in January 2007. This related to financial and developmental plans for the club. In my view it clearly gave rise to a prejudicial interest in the item under debate.

I have previously made a complaint against Cllr Marsh for not declaring a similar prejudicial interest.

On 27 May 2009 I spoke to a member of the working party, Paul Abbott. He informed me that Cllr Yates had also attended the first meeting of the working party, which took place in Autumn 2008. Cllr Yates advised them how much assistance to request from the Council, saying, “ If you ask for £400 you’ll get £200” or words similar to that.

Cllr Yates asked the working party in return for a donation of £25 to the Mayor’s charity fund. He was Mayor from May 2008 for 12 months. They agreed to give this.

This was the only meeting of the working party Cllr Yates attended.

The following morning I spoke to a second member of the working party, Les Simpson. He confirmed the information I had been given the previous night. I do not know the other member of the working party.

On 28 May I wrote to the Chief Executive making a complaint against Cllr Yates.

Cllr Yates is the Chair of the committee. The minutes do not show that he declared any interest or that he stood down as Chair. As I had left I cannot say what part he took in the meeting, but the outcome was the one he had indicated to the working party. They were awarded a grant of £200 having applied for £400. I am not aware whether the working party or cricket club paid the £25 they had agreed to pay to the Mayor's charity fund.

Signed as a correct record.....

Dated.....

ANDY HOULKER

I am Senior Democratic Services officer and in that role was present at the meeting of the Eastern Area committee held on the 20th January 2009.

Also present at that meeting were Cllrs Sharratt, Marsh and Yates. Cllr Yates is chairman of the committee.

Minute No. 47 indicates that an urgent item of business relating to Gregson Lane cricket club's application for financial assistance had been accepted by the Chairman after the papers had been sent out. Members of the committee would have been made aware that the Chairman had authorised the consideration of that item of business prior to the meeting.

Cllr Yates had indicated he wanted this item on the agenda before I received the paperwork. Paul Abbott sent the original application to Cllr Yates.

When item 48, the request for financial assistance, was mentioned Cllr Sharratt immediately declared a prejudicial interest, saying he was in receipt of confidential information. He thereupon left the room whilst the item was being discussed. Cllr Marsh declared a non-prejudicial interest saying that he had been asked to umpire a cricket match as part of the event under discussion. He remained in the meeting throughout the discussion on this topic, but both from memory and from my notes I can say that he took no part in the debate itself.

Cllr Yates did not declare any interest. He defended the decision to treat the item as urgent business when that was challenged. A motion to defer the application was lost. He also replied to Cllr O'Hare who was concerned that only people in the know applied for these grants and that they were effectively first come first served, as there was a limited amount of money available.

Cllr Mullineaux proposed they should award £200 of the £400 requested. The committee decided by 6 votes to 5 to award £200 to the cricket club. I am aware that it was paid as I processed the payment order when the application was resubmitted on headed paper.

Signed as a correct record.....

Dated.....

LYNDA MEARS

I am employed by South Ribble Borough Council and as Mayor' Secretary administer the Mayor's Charity Fund as part of my duties.

Cllr Barrie Yates was the Mayor from May 2008 for 12 months.

I have been asked to check whether a donation of £25 was received from the Gregson Lane cricket club, Les Simpson, Paul Abbott or Greg Gorrell. No such donation was made.

St Catherine's Hospice, Lancashire Air Ambulance and the local scouting movement benefited from the fund. A donation to local guides was also made in recognition of their support during the year.

Signed.....

Dated.....

INTERVIEW WITH BARRIE YATES

Standards Board preamble read out. Cllr Yates stresses these are only allegations.

JS Have you any questions generally about what I have said?

Y Yes. I understand that you say that you haven't to disclose any documentation or say anything to the witnesses or get in touch with anyone like, but I would just like to know why I have been informed this morning that Cllr Sharratt has put letters through the two witnesses that are supposed to be speaking on his behalf, or on my behalf, I don't know just yet, as I haven't met them – explaining everything what has gone on with your interview yesterday I believe

JS Right

Y Now I find that to be contrary to what we are doing.

JS Right can we just pause there.

[Just to clarify some refreshments were brought in and I am now resuming the interview.]

Sorry, you were interrupted you were saying that Cllr Sharratt had delivered, or given details of my interview with him yesterday to the two people who potentially are witnesses in this case.

Y yes I was a bit alarmed by that. I have been told I don't contact anybody and yet there is obviously been information being passed

JS can I just say that I, I think there may have been some misunderstanding because I haven't got the contact details of one of those people and it may be that Cllr Sharratt, as I had originally asked him, because he hadn't given me the name of the two

witnesses I had asked him to pass my card to them, or contact them and ask them to give me a ring. He wasn't willing to give me the names and contact details until he had cleared with them that they were happy to speak to me. So it may be that some confusion has come in: until I see what was in the letter I can't comment on that. If he has merely passed on my contact details I don't think its anything serious

Y its not contact details he's passed on; its information

JS right

Y I don't want to go too far with that but I think he should be investigated because it is a criminal offence if he has done that

JS I spoke to one of those witnesses yesterday to fix up an interview next week and the indication he gave me when he read out the letter was that it was only my contact details, but obviously they will have those letters, there is no real point in us speculating – I assure you I will ask to see those letters and take into account what it said in those.

Y No

JS lets move on. The case revolves around the meeting on the 20th January. It was an Eastern area committee meeting that you chaired I believe.

Y yes I am Chairman of the area committee

JS was that in your capacity as Mayor or was it ...

Y no I have been area committee chairman for the last nine years

JS ok and also present at that meeting were Cllrs Marsh and Sharratt, amongst others

Y Cllr Marsh, Sharratt and yes other members of the committee – if you want their names I can give them you

JS I have got the Minutes of that meeting so I have got details of them. Item No.48 on the Minutes that I have refers to a request for financial assistance from Gregson Lane Cricket Club and I think at that point Cllr Sharratt declared a prejudicial interest and left the meeting. Cllr Marsh declared a personal, but non-prejudicial interest – remained but took no part in the meeting. Is that accurate?

Y its near enough accurate. Cllr Sharratt declared an interest, that was all he didn't declare anything he just said 'I've got an interest in it'. I asked him what that interest was for the record, so he could put it down and he just said I heard, I overheard information in the bar and I don't think I should be at, taking part in this meeting. That should have been wrote down in the minutes, if it hasn't then its unfortunate. Cllr Marsh asked, or said that he had an interest because he was the umpire for the Charity event and I said to him, you don't need to leave the meeting but declare an interest but I would advise you not to vote on the issue. Is that near enough what you have got.

JS the record states that Cllr Sharratt declared an interest (prejudicial) as he was in receipt of confidential information; so it doesn't perhaps give the details that you just did, but it then records he left the meeting and that Cllr Marsh declared an interest, non prejudicial, as you say because he had been asked to umpire a cricket match, so he remained in the meeting.

What was your knowledge of this cricket match prior to the matter coming up in the meeting?

Y No knowledge of. I had knowledge that the application was coming forward, naturally because the application was on the agenda and I deal with the agenda for the area committee, that is about it, that is the only knowledge I have of it coming forward. I accepted it onto the area committee agenda for a discussion

JS yeah but the reference before that at 47 says urgent item of business – the chairman has authorised the consideration of the following item of business as one of urgency in order to make a decision on the request by Gregson Lane Cricket Club

before the next meeting. So this was something that had come in a bit late was it for the

Y yes the reason for that was because it came in late. It was a charity event, they had put in the letter, which we should have on record, or we should have on record somewhere, that it stated that the charity was Dorian House there was a number of footballers, cricketers, coming down to attend it and it was the event was shortcoming. We would have had to wait til seven weeks after; it could have been after the event, which would have been a non-starter, no need to have it on the agenda. So I accepted it onto the agenda as an urgent matter, which I would have done with any other item that came up in such a way

JS that needed to be dealt with ...

Y that needed immediate action

JS and when the application was, well obviously, I presume to make the decision it could be urgent, you had actually seen the application at that stage – so was that a few days before the meeting

Y yes, we get our agendas at least five days before, working days, before the meeting. Then at the meeting we discuss, each item is took on its own merit, naturally a charity, because we have a small amount of money, not a lot of money, a very small amount of money, so each charge was took on its own merit and we would like to offer the applicants. Why they need it, what they want it for etc. etc. so the committee can make a decision whether we accept the application or reject it

JS OK. Do you recollect what part you played in the discussion on the item?

Y No. On the discussion on the night? Oh right on the discussion on the night naturally I chaired the meeting so I listened to what other people had to say first and then if I have any comments I put them in. I do know that I did vote in favour of the application, because I thought it was a good thing because it was fetching two communities together because it was fetching South Ribble and Chorley Borough

Council, well Chorley Borough residents together for a charitable event which involves Hoghton and giving permission for the cricket fields and indeed the hut I believe for the event as well. So I thought it was going to be a good event, not just for the charity but for local people as well.

JS can you remember apart from voting in favour whether you actually spoke in favour at the meeting

LONG PAUSE

Y I am not, well, if I voted I must have said, I mean, I mean I am in agreeance with it

JS yes, I didn't know whether

Y No I don't think, I don't know whether I went deep into it. No.

JS and obviously you are a member of a political party was it something you discussed with your party beforehand and said. You know, I think this is a good thing/bad thing

Y No.

JS You hadn't discussed this

Y No on charity things like that you don't have briefings, its discussion for the night

JS It's not a party political thing

Y No and I don't take area committees as a party political hearing. I like to try and keep them as local as possible, keep politics out of it, in fact I stress near enough well I say every meeting that I don't want it turning into a political meeting it's for the community not the party. So I think if you check back on my records you will see I do that on regular occasion

JS So the outcome was that although the cricket club had asked for £400 the committee granted them £200

Y I thought that was reasonable. If you start giving, I will give you the reason for that. Although I don't need to I will give you the reason, well the reason by my thinking is that if you go around giving people exactly what they want, then it makes it too easy for them. If anybody is doing anything for charity whatsoever, or any organisation they should do a little bit of work themselves. So give them the full amount to me would never be right. They should be, if you are going to do something you should be prepared to work for it, not expect handouts

JS ok. So you were entirely happy that you had no interest that precluded you from either remaining in that meeting or voting on it

Y 100% happy. I had never attended any of their meetings beforehand which is alleged, alleged I have to say, that I did. But I didn't attend any of their committee meetings, I was asked and that was, I don't know when, it was a long time ago, I went into the Olde Oak public house, popped in to have a drink with my friend Jim Marsh, I was asked by two people, I think it was, if I could help them as a Councillor, they asked me a couple of questions, 'How do we go about creating a charity event', I asked them where the charity was going to be held, they said it was going to be held in Hoghton Village Hall, and I said well – I explained to them that that was in Chorley, it is not in South Ribble – so really you are asking the wrong man because if you want any money from South Ribble you are actually in Chorley and I told them that the Mayor – the mayor who to get hold of so he could help them along I didn't know any officers in Chorley and I explained to them that if they was going to ask South Ribble that they would have to ring South Ribble council up and ask the question there. So I explained to them there was different pots that they could go in which was sports, sports charity pots all over the place and different places where you can get money from and they would be able to help where you went for an application if you were needing cash. I also told them about public liability that with having a lot of people on that field they would have to take public liability out, and that was about it. When I was leaving they asked me 'Did I know anybody that could do barbeques and sell tickets?' I explained to them that Chorley which is Hoghton have a large

band of girl guides and if they contacted them and I gave them the name of a lady, they could contact him and I was sure she would be willing to help. They explained to me then that they was going to form a committee to look into putting this charity event on – cricket event and thank you very much for the information. I gave them that as a Councillor, with no hidden agendas whatsoever and I take offence at Cllr Sharratt saying, giving allegations out that I asked for money. There was no way whatsoever, but that would come out at a different case after this one.

JS well let me just clarify a few things. Have you any idea when this conversation took place.

Y I couldn't tell you, it was one night. I go into the Olde Oak very rarely, I go in on Saturday afternoons, maybe once or twice a month with my wife for a meal; I don't attend the pub regularly because I live in Higher Walton which is like – I think 2 and a half miles away – so naturally if I am going for a drink I will go somewhere with the lads I know around there; I think, but I am not 100% sure I think I was coming back from a meeting from council and decided to pop in and have a drink with Cllr Marsh because I know he always goes in at the same time every night, so I knew he would be there and I would just have a drink with Jim and then go home. That's about it really and I cant understand, I can understand why there are allegations because I think they are pipe dreams, I think somebody is trying to put something into words here that never ever happened and it could be very costly to them

JS yes. Let me just finish off what I am trying to clarify on that last bit. The two people that you spoke to – do you know who they are

Y There was a bloke called Les, now the other bloke they referred to him as Abbo – now I have learnt later on that his name is Paul; now I do know the people if I see them, like I have seen you now, maybe in another couple of weeks I could bump into you and I would say 'Hello mate' but that is the kind of acquaintance you know. Passing acquaintances. I do not go out for drinks with them, I am not associated with them in any way and I was asked a pair of questions that I have got here and I gave me answers

JS are you aware that a working party was formed by the Cricket club to put on the charity event

Y much later on, much later on as I was asked if I wanted to go you know by Jim if I would like to go on this working party and I said no I have too much to do. It's not in my ward anyway and it is being held in Chorley

JS so you know he was on the working party

Y well he told me that he was going to be the umpire, not that he was a committee member – that he was going to be an umpire at the event. Which I thought was very good

JS so how come he was asking you to go on the working party

Y I think it was because of my knowledge maybe, but it wasn't appropriate but that was much much later, in fact I don't think it is worth mentioning

JS so you weren't aware that he was on the working party

Y I was aware that he was going to be the umpire, he told me that but that was like four weeks later

JS so when I tell you today that he was on the working party has that taken you by surprise, you have never been aware that he was on the working party

Y it wouldn't take me by surprise knowing Jim because I know that is the type of bloke he is, but yes I wouldn't have thought he was in the working party, probably he could have been later on but when I met him and talked to them people there was no working party nor committee whatsoever

JS no because at that stage they it seems from what they were asking you it was very early stage

Y it was suggestions which way to go forward. Which I think anybody would answer, no if you can – if you are accused of anything for that then we shouldn't be councillors. You know what I am saying there because you have got to give information to the public whatever they ask for, and you have got to give it honestly

JS yes I don't think there is any suggestion that giving information is wrong. Well let's get down to the specifics. What the complaint really comes down to is the suggestion that you attended the first meeting of the working party

Y no that is completely wrong. I have never attended a meeting of the working party. That's as true as I am sat here

JS and it is further suggested you said "if you ask for £400 you will get £200" when you were asked how much they should ask for by way of a grant

Y I think I have answered that with the way I answered as a chairman. I always suggest to people that if they are looking for grants, and it is a big grant, which that one wasn't, well it didn't come out as a big grant when they put the letter in. I don't know how much they asked for off Chorley and I don't know if they went to any of the other pots, the charity pots, and how much they asked from that. I always said it is advisable because of the rising costs to work your margin out – you know what you want to the topside and always ask for the topside, because I think that is common sense. You know here we are today, you can go for a loaf of bread tomorrow and it can be a £1 and the day after it can be £1.20 that kind of thing you know.

JS Earlier in the interview when we were discussing the committee meeting you said that when it is a charity event you don't like giving them exactly what they want it makes it too easy and they ought to do some work to get it

Y yes they should do some fundraising themselves

JS yes but that seems to tie in with suggesting that they should ask for a higher sum as it is the general practice of the committee to knock it down – so if you want £200 ask for £400

Y I understand where you are coming from there but I never mentioned any figures I only mentioned that it being £400, £500, £600 or whatever I didn't even know how much the event would cost – it was only, they were only asking me for advice. Now when they sit down I should imagine, if they were any type of committee when they sat down afterwards then they would do the costing and the funding of how much it would cost for the hall, for the field etc etc, the food, the barbeques and this that and the other and that would be completely up to them. As I heard after it was Hoghton sponsored them by giving them the field and by the cabinet, but I will leave that it might not be true – but I believe that was so

JS have you ever asked for a donation from either of the two people that you spoke to that night

Y that is a definite no. I really begrudge being asked that question because it is not a nice question

JS well I hope you appreciate that if someone is making an allegation ...

Y you have to ask it, yes I know it's your job

JS if that is what you have done

Y an allegation

JS I have to ask that question

Y I do understand that John I do understand that but it

JS well it gives you the opportunity to have your say

Y yes, but it hurts that someone would say that , you know

JS obviously that is either personally from them or from the Cricket club, Gregson Lane

Y erm

JS sorry go on with an answer

Y well if that is proven, well it cant be proven because I didn't say it, but I would like to know who has said it, and I am sure it will come out in your statements after to me. If Cllr Sharratt has said it like it states here then I am surprised at him being a councillor because he has not followed any quote there, and he is telling untruths; which will have to be looked at later on

JS yes. I know you have answered the question from one side, you have stated clearly that you didn't ask for a donation from either Abbo or Les, or the Cricket club but are you aware whether a donation was given by any of those people.

Y No donation was given to any of my charities, you can check with Lynda Mears which was my secretary at that time, there is no donations whatsoever that have been received from any of the cricket clubs whatsoever. I believe there are two cricket clubs involved one was Gregson Lane which is in South Ribble and the other one is Houghton which is in Chorley: now the Mayor of Chorley may have got a donation – I don't know about that either

JS I don't think we would hold you responsible for that

Y No. No of that I do not know. Maybe they got it mixed up and they did give a donation to charity but they certainly did not give one to me, not to my charities anyway, my charities by the way – was Air Ambulance, St Catherine's Hospice and Scouting in South Ribble

JS Yes. Just to clarify I know it is always difficult speculating when you adamantly want to deny something, but obviously would you accept that if the allegations were

correct, that you had been involved in advising them on the application , that you should have declared an interest

Y No I was not.

JS No I said if you had - if these allegations were true would you accept ..., lets look at it from a hypothetical Councillor, rather than you. Would you accept that if a councillor had been involved in the Gregson Lane cricket club application they should declare an interest at the meeting that was deciding on that application.

Y if a specific councillor had sat down for a meeting with the cricket club and explained things on that level then yes, he is in breach of his, he is in breach of code of conduct

JS right, so that is so that we don't have an argument on that.

Now you say that you don't go in the Oak on a regular basis. Since you were informed by the monitoring officer of this, of these allegations, have you seen either of the two people who you spoke to about the cricket match

Y No. I have been in the Olde Oak once, and the only person I saw in there was Cllr Sharratt – that was anything to do with this case

JS and have you had any other contact with him by phone, letter

Y I have had contact but only to let him know that a letter was sent through, and that was about this letter today – but no contact. Any time anybody rings me up I don't want to speak about this, this is nothing to do with anybody only me, you and my solicitor

JS so how did the phone call. Well first of all who did the phone call come from telling you about the letters from Cllr Sharratt

Y It came from a friend. I wouldn't like to say who the friend was , but he was a councillor and he had been informed. So I would like to keep his confidentiality there. You know he asked me not to declare ...

JS You have not had direct contact with the people who got the letters from Cllr Sharratt, it has come via another Councillor

Y another councillor's resident

JS so they have told him, and he has told you

Y yes he has told me about it

JS I can make an educated guess as to who the councillor might be, albeit I understand your position

Y I believe that Les is really mad, hopping mad. What is Les' second name is it?

JS Simpson

Y Simpson

JS Yes it is Les Simpson and Paul Abbott I think are the two people we have been referring to.

There is nothing else I want to ask you Cllr Yates but what I would like to do is give you the opportunity if you don't feel my questions have given you the opportunity to say anything you wanted to say about these allegations, now is your chance.

Y Now is my chance

JS I am not inviting a political speech at this point I hasten to add

Y I have not much to say really to tell you the truth John it is something that has upset me that it has come through like this, I am astounded that anybody can just make a

remark and put somebody like myself, or any other councillor, into this situation and without any proof whatsoever – it is an allegation, if it was justified then I would sit here with pleasure and be happy to sit here, I have not come to this meeting happy because I think they are allegations, and anybody can put allegations out, without proof – I think it is wrong, its not justice – it has to be proven before you go to court; you cant go to court on allegations and it shouldn't be able to come to this difficulty that I am in now because of an allegation. I think if – well I wont say if: when the case is dismissed I think we should look again at the constitution and say that if anybody fetches false allegations and wastes tax payers money, and your time, the officers time and councils time then they should be accountable for that afterwards by the council and action should be taken against them. Because as it is at the moment that doesn't exist; anybody can say anything about anybody and then walk free at the end of it: but this one has gone to slander so it wont be that case, it will be going on somewhere else. But I think if your recommendations to the board, whichever way you decide to plump with what the outcome is, I think you should be putting in a recommendation to them so it stops this kind of allegation going on, and I believe Cllr Sharratt has put numerous complaints about other people and nothing has been founded on it, so it needs to be stopped because it is wasting a lot of money. I think that is all I have to say, I think it is an injustice to hard working councillors that we get dragged in and that are it, but I will thank you for your interview.

JS Ok thanks for that Cllr Yates, lets just formally end the interview it is now 3.35pm – the interview has taken 40minutes including the unscheduled refreshment break.

Signed as a correct record

Dated