



EAST HERTFORDSHIRE DISTRICT COUNCIL

COMPLAINT FORM : CODE OF CONDUCT FOR MEMBERS

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:		
First name:		
Last name:		
Address:		
Contact telephone:		
Email address:		
Signature:		
Date of complaint:	03/07/2015	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people may see this form:

- Monitoring Officer of the Council
- Standards Committee members
- Council's Independent Person(s)
- The subject member(s)
- the Parish Clerk (if applicable)

EAST HERTFORDSHIRE DISTRICT COUNCIL

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

EAST HERTFORDSHIRE DISTRICT COUNCIL

Please tell us which complainant type best describes you:

- ☐ A member of the public
- ☒ An elected or co-opted Member of the Council
- ☐ An independent member of a Standards Committee
- ☐ A Member of Parliament
- ☐ A Monitoring Officer
- ☐ Other council employee, contractor or agent of the Council
- ☐ Other ()

2. Equality Monitoring Form - please fill in the attached form.

B. Making your complaint

3. Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Mr	David	Andrews

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

EAST HERTFORDSHIRE DISTRICT COUNCIL

- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

I have now watched the webcast http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130 of the DMC meeting and we have concluded that gross-misconduct, inappropriate bias and non-declared conflict of interests were in evident and which resulted in a decision to "approve" applications 3/14/2292/FP and 3/14/2250/FP.

We cite the following in evidence.

- 1) Chauncy Head acknowledged the Chair by his first (abbreviated) name calling him "Dave" , indicating they know each other. The chair made no attempt to correct this "informality" and should have insisted on being addressed in the proper manner. However this corrective gesture was not forthcoming.
- 2) We feel strongly that the Chair should have declared what is a clear "conflict of interest" prior to the meeting and stepped down to allow the meeting to be chaired by another unbiased council member.
- 3) The agenda order was changed without prior warning such that the sports hall proposal was put first rather than the housing development. We believe that this was done deliberately to ensure that the sports hall application was approved first, otherwise a refusal to approve the housing development meant that the sports hall application would subsequently be irrelevant. We suggest that the Chair knew this and was supportive of / influential in this change for reasons that suited his desired outcome of "approval", strongly suggesting collusion.
- 4) Although the Chair claimed that the change in application order would be taken into account, and that the "objection" speaker would be "listened to sympathetically on that score", the person speaking against the development was completely "wrong-footed" by the agenda change and could not complete his full objection. To date no explanation has been given for this change in agenda and we can only draw the conclusion that this was done to favour an "approval" scenario and diminish the strength of the objection case.

EAST HERTFORDSHIRE DISTRICT COUNCIL

5) The claim that local people will benefit from a sports hall is false and unproven /quantified as evidenced by a similar model has been used without success (public uptake) at Ward Freeman school (run by the wife of the Chauncy Head). There was no quantitation of how frequently or what proportion of the public will access this sports hall which is a key part of the justification for its construction. The Chair / DMC did not seek any binding guarantees from the proposers - why was that?

6) The residents assessment of on-road parking issues, congestion and safety concerns were initially supported by Highways in regard to a new junction and extra traffic from the proposed development / sports hall. Highways unexpectedly and without explanation reversed this decision and we want to know why? Their assessment of traffic issues was in complete contrast to that of local residents and all local residents are incredulous at the pathetic efforts of Highways to justify a "status quo" scenario. Existing traffic (with cars now parking further down into park road) has just been shifted north by the opening of the new ASDA, making Park road an even more dangerous place to live. We consider the Chair to be wholly ignorant and complicit with Highways in ignoring these genuine residents claims. I did send through photographic evidence to support the congestion and traffic parking habits of vehicles parked on-street - so contradicting the assessment of Highways. Why was our evidence disregarded?

7) There was no genuine effort of the DMC Chair to address any of the issues that had been raised by concerned and affected local residents, and the discussion was clearly "led" by the chair, and disregarded comments made by councillors against the proposed development, effectively biasing the decision to approve development.

8) The sports hall application was approved (but could have been irrelevant if the original order of the housing application had been declined). Again this strongly suggests collusion and mal-practice by the DMC.

9) Custom and practice suggest that when a vote is tied that the Chair should err on the side of the objectors rather than take great delight in stating that "I thought I would have the casting vote....and I therefore approve the application". This decision was taken despite strong opposition from 1) local and affected residents 2) Sport England 3) Ware Town council 4) local councillor petition, 5) The wildlife trust and 6) documented evidence that the removal of green field space was contrary to local and national directives.

10) after the Chair cast his deciding vote in favour of the applications he forgets to turn off his microphone and comments that he "expected to have to cast the deciding vote" and mentions Dr Gary Manchee to another officer next to him saying "that's Dr Manchee over there". When asked who he was by the officer at his side, the Chair states that Dr Manchee is the "driving force behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself supports the conclusion that details of myself have been discussed and passed on to the Chair and his comments reflect a complete lack professionalism, a serious conflict of

EAST HERTFORDSHIRE DISTRICT COUNCIL

interests and a bias towards the approval of the application. I have never met or seen Mr David Andrews in my life and I was not even in attendance at the meeting, however the Chair seemed to think he had recognised me when in fact he was mistaking me for my neighbour. The information about my description could have only come from the Head of Chauncy school (who does know me), which further substantiates our claim of collusion and mal-practice

Please review specific reference to myself etc. http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130

11) One councillor is currently associated with Ward Freeman school whose head is the wife of the Head of Chauncy school.

12) The aforementioned points are in keeping with recent allegations (addressed behind closed doors) against members of the committee and it is clear to us that aspects of the DMC is not "fit for purpose" and does not offer an independent and unbiased forum for discussion or debate wrt approval decisions.

Unless we, the local residents receive satisfactory explanations to the points raised, then it remains for us to pursue all options including legal challenge.

EAST HERTFORDSHIRE DISTRICT COUNCIL

(Continue on separate sheet(s), as necessary)

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

I represent a local residents group and as such represent their collective views and not those specifically of my own.

EAST HERTFORDSHIRE DISTRICT COUNCIL

(Continue on separate sheet(s), as necessary)

D. Remedy sought

7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

To have a full, truthful, transparent and unbiased process in which all relevant information is more equally weighted by officers without bias or association

(Continue on separate sheet(s), as necessary)

E. Additional information

8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
9. In line with the requirements of the Disability Discrimination Act 1995, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

Monitoring Officer Contact details:

EAST HERTFORDSHIRE DISTRICT COUNCIL

The Monitoring Officer – Simon Drinkwater
East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

EAST HERTFORDSHIRE DISTRICT COUNCIL

Monitoring Form – Local Assessments of Complaints Standards Committee - Assessment Sub Committee

Working towards equal opportunities

East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation, family responsibilities, religion, trade union involvement or political belief or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

White

White British
White Irish
Any other White
background

☐**Mixed**

White and Black
Caribbean
White and Black
African
Any other mixed
background

☐**Asian**

Indian
Pakistani
Bangladeshi
Any other Asian
background

☐**Black**

Caribbean
African
Any other Black
background

☐**Chinese
or other
ethnic
group**

Chinese
Other

☐

*Categories used are those utilised by
the Office of Population Censuses and
Surveys

Do you have a physical or mental impairment which has a substantial and long term adverse effect on your ability that you wish to declare under the Disability Discrimination Act?

Yes

☐

No

☐

Dear Mr Hughes,

In acknowledging receipt of your letter dated 16th July 2015 I want to question the rationale for sending me an EHDC "code of conduct" document and requesting me to exemplify specifically where a breach or breaches of conduct have taken place.

I would have thought from my initial complaint letter to EHDC that it would be obvious to you where breaches had taken place and for what reasons? This further request seems to be bureaucratic in the extreme. Therefore some explanation of your request is requested.

I strongly suggest you watch the full webcast from the DMC meeting dated w/b 22nd June, which supports a conclusion of improper behaviour and gross-misconduct.

Under your EHDC headers I have stated where I believe that breaches have taken place.

Code of Conduct

Selflessness: David Andrews clearly did not act solely in terms of public interest and was demonstrably dismissive of objections from local councillors (who spoke at the meeting), local members of the public (and who spoke at the meeting), Sport England, the Wildlife trust and those councillors on the DMC who objected and who asked relevant questions regarding the proposals.

David Andrews took significant personal pleasure (as evidenced from the webex and on microphone) in casting what he claimed and expected to be the deciding vote in favour of the housing development. Clearly this was a personal issue for him and one he wanted to "push through".

Integrity: David Andrews clearly knows the Head of Chauncy school too well and the "familiarity" with which the Head of Chauncy school addressed David Andrews as "Dave" when addressing the DMC clearly showed that David Andrews's position was completely untenable in this respect.

Objectivity: Clearly the decision to approve both applications was not conducted with any objectivity since the over-whelming weight of evidence from local residents, Ware Town council, Roz Standley, Sport England, the Wildlife trust, and half of the councillors on the DMC indicated that the objection should have been upheld. David Andrews was openly dismissive of all the objections and questions raised against the development and acted (and voted twice) without any objectivity whatsoever before "pushing through" these applications. David Andrews can be seen and heard on microphone taking "satisfaction" in the outcome of the vote and in the "impact" that his casting vote had in favour of these applications.

David Andrews (on microphone) clearly "discusses me" with a council member next to him and makes reference to my potential "reaction" at the outcome of the vote and states clearly that "I would object" to the outcome. David Andrews even tries to "identify me" to one of his colleagues on the DMC at the meeting on microphone (although I was not even present). This further supports the conclusion that there could not have been any objectivity to the decision-making process because David Andrews had already decided which way he would vote, and video evidence clearly shows him discussing "his significant relief" (saying - "that was close"!) after he has cast his deciding vote. Taken together this is a completely damning reflection of his behaviour and conduct.

Openness: The agenda for the meeting was deliberately altered the day before it took place for one reason only and that was to allow a "higher probability of success" for both applications. There has been no satisfactory explanation as to why the agenda was changed at the last minute (which also completely wrong-footed the local resident speaking against the applications). Clearly, this agenda change was done deliberately to give "advantage" to the applications being approved, there can be no other reason. The agenda was known to David Andrews and supporters of the applications, and the late change in personnel of the DMC, included councillors clearly in support of these applications. One councillor, drafted in at late notice from outside the area, had previously strongly opposed development in his ward yet was very happy to support these applications. This further supports the "not in my backyard" attitude of councillors and shows a complete disregard for your requirement for "objectivity" in your guidelines?

It was obvious to all "interested parties" on the DMC that had the housing development application been heard first and refused, then there could be no sports hall, since the funding for the sports hall was solely dependent on the housing development being approved. Clearly, this was the sole reason for the switch in the "order" of the agenda and it could have only come from the DMC, which given the evidence above, indicates collusion and deception for which the Chair must be held accountable.

Repeatedly the objector speakers were told that "these applications are totally separate" by David Andrews, yet he clearly and repeatedly spoke of them as if they were one and the same which proves that he fully understood the implication of the agenda change.

Interests

2. Register of interests

While David Andrews has not "registered" any known pecuniary or vested interests (on record) in seeing the applications approved, by association and by his complicit actions at the DMC meeting, it is clear that he should have stepped aside to allow another councillor with no association with the Head of Chauncy to preside over this application hearing.

Other

My comments on David Andrews' conduct with respect to adherence to the statutory principles (as a member of EHDC) are below and follow the bullet-points in your code of conduct document (i.e. bullet point one being equivalent to point 1, bullet point two being equivalents to point 2 etc. etc.)

- 1) "championing the need of residents, the whole community and in a special way his constituents".
- 2) "dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially"

Clearly and as outlined previously he acted totally against this requirement and blatantly acted in the interests of two limited companies, namely Chauncy School (CS) and Riversmead Housing Association (RHA), disregarding the appeals and factual data presented to him by a representative of the local residents (Mr Geoff Marshall) and councillor Rosalie Standley. David Andrews went on to show impunity towards those who raised questions about or objected to specific aspects of these applications. Data, in the form of traffic "metrics" and photographic evidence was provided by local

residents yet treated with impunity again by David Andrews and who steered the discussions away from genuine concerns and important information which questioned the "validity", lack of detail and impact on infrastructure that a new housing development would have within an area where his own constituents live.

I had contacted EHDC councillors and Highways department directly on several occasions, and eventually received acknowledgement from Highways who stated that they had opposed both applications. At no time did any of the DMC seek clarification or questioned me / local residents about any aspect of what we objected too or why? One needs to ask why that was? It is interesting to note that David Andrews was in the Highways dept. previously and strangely Highways completely reversed their "objection" status to an "approval" status in the face of clear and conclusive evidence of local residents. Mark Prisk MP has challenged Highways to explain such an "about face" on this matter in an area well known to have existing traffic issues which will only be exacerbated by a new housing estate in Park Road.

3) "not allowing other pressures / 4) exercising independent judgement etc....."

It is clear that Chauncy school desperately need funds and that selling land to a housing developer is the easiest way to raise money to off-set funding / financial problems. David Andrews knew this through his association with Chauncy school PLC and therefore it is questionable whether he could act in an impartial or objective manner with respect to the application to build on Chauncy school field.

In fact his whole "demeanour" and behaviour" was noted by almost everyone present who had come to hear the debate around these applications and who were in attendance at the DMC meeting. It was clear from the beginning that David Andrews' only objective was to see that these applications were approved irrespective of the well-rounded, data-driven objections and given all the local information and infrastructure knowledge which supported a "refusal to approve" decision.

5) "listening to the interests of all parties, including relevant advice from statutory and other professional officers".....remaining objective and making decisions on merit"

David Andrews only listened to officers like Kevin Steptoe and Tim Hagyard because they had concluded (for reasons only known to themselves) that none of the actual evidence / metrics provided by local constituents was relevant (which in itself shows an unacceptable contempt for local peoples' views / data). At no time did David Andrews challenge the original decision by Highways to object to these applications because it was in keeping with his own "objective" to approve both applications.

6) - 11)

All these behaviours are essential in an officer but from what I have observed to date, David Andrews falls short of his duty as an objective, community focussed individual representing EHDC and this is the view of all who attended the meeting at which the applications were approved. I have nothing personal against this individual and we have never met.

In Summary, the decision to approve these applications (as was conducted) carried the most serious consequences for the local community and its infrastructure in terms of 1) its permanent loss of green space 2) unacceptable traffic congestion / control 3) the "removal" of local clubs by lying about the "redundancy" of the land and 4) further development along Park road (e.g. Asda, an expanding GSK). To have treated such a wide ranging set of objections (from local council, council members, national associations, key local individuals, local traffic surveys) with such open contempt, lack of objectivity and in such a dismissive manner has clearly breached the "codes of conduct" that the EHDC requires their officers to demonstrate.

David Andrews' actions and the aforementioned examples that I have highlighted above support the conclusion that this individual did not act in accordance with many of the "behaviours" as required by an officer of EHDC. Therefore I strongly suggest that the decision to approve both applications was led by a Chair who showed clear and demonstrable bias and a serious lack of objectivity overall. Given these facts, the processes leading up to and the decision to approve both applications must be considered as "unsafe" and in the interests of securing both the future credibility of EHDC (DMC) and to restore the "damaged" confidence of its constituents, these applications will require a much more democratic, fair and objective review.

I look forward to your response in due course.

Yours faithfully

