

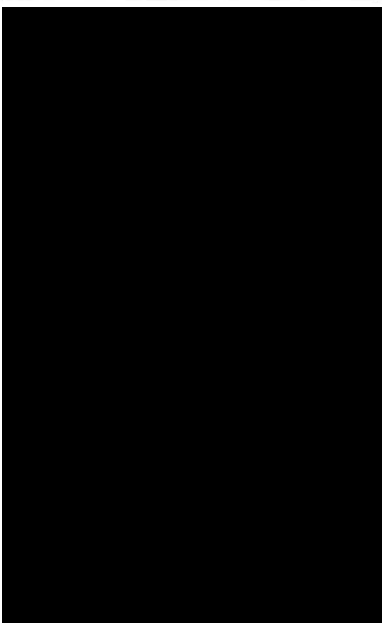


EAST HERTFORDSHIRE DISTRICT COUNCIL

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:	5/7/2015

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)

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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.

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Please tell us which complainant type best describes you:

☐ A member of the public

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.
- 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).

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

I attended the DMC meeting on 24 June as spokesman for the objectors to planning applications 3/14/2292/FP and 3/14/2250FP and have subsequently watched the webcast http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130 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" these applications

We cite the following in evidence.

1) Chauncy Head acknowledged the Chairman by his first (abbreviated) name calling him "Dave" , indicating they know each other. The chairman 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 Chairman should have declared what is a clear "conflict of interest" prior to the meeting and stepped down from the meeting to allow it to be chaired by another council member.

3) The agenda order was changed without prior warning. Although the change was made on the afternoon of the previous day I was not told about it until I arrived for the meeting. Consequently I was completely wrong footed as my speech against the sports hall and classrooms followed naturally from the one against the housing. I protested to the Chairman both before the meeting started, and in my speech about the sports hall. Whilst the Chairman said I would be treated sympathetically on that account I was not allowed any leeway to finish what I had to say about the sports hall and classrooms. In so far as any explanation was given for the change it was only after Councillor Standley and I had spoken; not only that, it did not hold water. The Chairman surely must have known about the change on the Tuesday and should have ensured that I was made aware and so could amend what I was going to say to fit the three minute limit.

4) The reason given for the change (so far as there was one at all) was that if the sports hall and classroom application failed, the housing application would not be required because it related to the source of funds for the sports hall.

The reason given does not stand up to scrutiny. If the housing application had been taken first (as set out in the original agenda) and passed and the sports hall and classroom application refused the school could simply be sitting on a £2m pile of cash. It would then have been a matter for the school/Riversmead as to whether to go ahead. Taking the sports hall first put pressure on the committee to pass the

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housing application to allow the funding. Left in the original agenda order this pressure would not have been evident

Both when I made my original request to speak, and during the meeting we were told that the two applications had to be considered completely independently. That being so, the change in running order was totally inappropriate. Despite this ruling reference was made on a number of occasions to the application which was not under consideration at that time. The Chairman allowed this to happen without disallowing the comment.

5) The claim that local people will benefit from a sports hall is unproven /unquantified. There was no estimate/survey 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 Chairman/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 vehicles 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. Dr. Manchee sent through photographic evidence to support the congestion and traffic parking habits of vehicles parked on-street - so contradicting the assessment of Highways. Why was any comment on these already existing problems ignored and our evidence disregarded?

7) There was no genuine effort of the DMC Chairman to address any of the issues that had been raised by concerned and affected local residents, and the discussion was clearly "led" by the him, and disregarded comments made by councillors against the proposed development, effectively biasing the decision to approve development. There was no effective summing up by the Chairman of all the pros and cons before a vote was taken.

8) Custom and practice suggest that when a vote is tied that the Chairman should err on the side of the status quo (i.e. in this case to refuse the application) rather than stating that "I thought I would have the casting vote....and I therefore approve the application". His decision was taken despite strong opposition from 1) local and affected residents 2) Sport England 3) Ware Town Council 4) local councillor

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petition, 5) The wildlife trust and 6) documented evidence that the removal of green field space was contrary to local and national directives.

9) After the Chairman cast his deciding vote in favour of the applications he forgot to turn off his microphone and commented 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 Chairman 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 Dr. Manchee have been discussed and passed on to the Chairman and his comments reflect a complete lack professionalism, a serious conflict of interest and a bias towards the approval of the application. Dr. Manchee has never met or seen Mr David Andrews in his life and was not even in attendance at the meeting. However the Chair seemed to think he had recognised Dr. Manchee when in fact he was mistaking him for a neighbour. The information about his description could have only come from the Head of Chauncy school (who does know him), which further substantiates our claim of collusion and mal-practice

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

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

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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.

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(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

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

Working towards equal opportunities

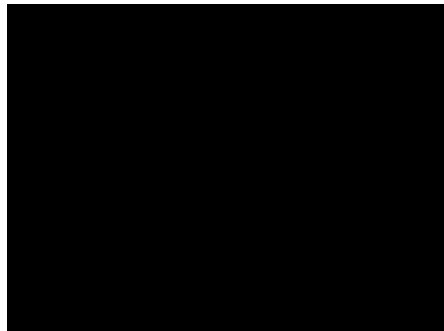
East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation,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

White	Mixed	Asian	Black	Chinese or other ethnic group
White British	White and Black	Indian	Caribbean	
White Irish	Caribbean	Pakistani	African	
Any other White	White and Black	Bangladeshi	Any other Black	
background	African	Any other Asian	background	Chinese
<input type="checkbox"/>	Any other mixed	background	<input type="checkbox"/>	Other <input type="checkbox"/>
	background	<input type="checkbox"/>		

*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 ☐



24 July 2015

Mr. J. Hughes,
Head of Democratic and Legal Support Services,
East Herts Council,
Wallfields,
Pegs Lane, Hertford,
SG13 8EQ.

Dear Mr. Hughes,

Code of Conduct Complaint

Thank you for your letter dated 16 July regarding my complaint against Councillor David Andrews and his handling of the DMC meeting on 24 June so far as it related to planning applications 3/14/2292/FP and 3/14/2250/FP. I note that you have passed issues falling outside the Code of Conduct to the Head of Development Management and Building Control for consideration.

In regard to the Code of Conduct I comment as follows:

Selflessness

Councillor Andrews did not act solely in terms of public interest; rather he seemed to have made up his mind before the discussion commenced and led it towards the conclusion he favoured.

Integrity

The Head of Chauncy School addressed Mr. Andrews as 'Dave' which clearly shows friendship beyond mere acquaintance. Mr. Andrews is also connected with another school. In these circumstances, by any normal interpretation of 'Integrity', he has a conflict of interest and should have disqualified himself from chairing the meeting and arguably not taken part or voted.

Objectivity/Openness

Both before and during the meeting we were told that the two planning applications under discussion must be regarded as entirely separate. Given that ruling, there was no valid reason for changing the running order of the agenda the day before the meeting so that the Sports Hall/Classrooms application was taken first and the Housing application second.

The reason given, so far as one was given at all, (and even then only after Councillor Standley and I had spoken in opposition to the applications) was that if the Sports Hall/Classrooms

application failed then the Housing application would not be required because it provided the source of funds to pay for the Sports Hall/Classrooms. This does not stand up to scrutiny. If the Housing application had been taken first (as set out in the original agenda) and passed and the Sports Hall/Classrooms application taken second and refused the school could simply be sitting on a £2m pile of cash. It would then been a matter for the school/Riversmead as to whether to go ahead.

Despite the ruling, Mr. Andrews allowed frequent cross referencing between the applications by both those councillors in favour and the planning professionals (i.e. Messrs Steptoe and Hagyard).

Taking the less contentious Sports Hall/Classroom application first, and passing it, put pressure on the committee to pass the Housing application to allow the funding. Left in the original order this pressure would have not been evident.

Councillor Andrews must have known of, and approved, the agenda change which was made on the Tuesday before the meeting. For the reasons given above he should not have allowed the change. However, given that he did allow it, he should have ensured that I, as member of the public speaker for those opposing the applications, and Councillor Standley as Ware Town Councillor speaker, were made aware so that we could prepare appropriately. He did not.

Although he said sympathetic consideration would be given to us because of the change this was not in evidence. Indeed Mr. Andrews made no attempt to have the committee discuss the major issues raised by Councillor Standley and I - namely the existing traffic chaos in Park Road. The abrupt volte face by the Highways Department on this point was not discussed by the committee and no valid reason given. Mark Prisk MP has now sought an explanation from Highways whereas Mr. Andrews, for his part, did not even try to get to the bottom of this issue which is crucial to both applications.

These two applications are extremely contentious because of the weight of local opinion against them. Any half decent chairman would have impartially summed up the pros and cons at the end of each discussion setting out clearly all the relevant matters for consideration before inviting the committee to come to a decision.. Mr. Andrews did not.

Other

Championing the needs of residents

Dealing with representations from residents.....fairly appropriately and impartially

Not allowing other pressures.....

Local residents are overwhelmingly against these developments with hardly any in favour. Many of those supporting the applications on the EHDC website were from Stevenage, Enfield, Cheshunt, Broxbourne, Hoddesdon, Bishop's Stortford and even Harlow in Essex and London SW17. Mr. Andrews seemed more interested in their views rather than championing the views of local residents living on Park Road, Wengeo Lane and its offshoots and the Trapstiles/Brickfields estate.

In the use of a casting vote convention and practice in British politics is that the status quo should be preserved. In other words Mr. Andrews should have used his casting vote to refuse the Housing application. On the contrary he took great pleasure in voting against the views of local residents, Sport England, The Wildlife Trust and Ware Town Council and in favour of the Housing application.

In short Mr. Andrews conduct of the meeting went, in my view, beyond incompetence to bias and as such the decisions arrived at should be reconsidered at a later date..

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.