



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:	8 July 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)

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 was present at the DMC meeting on 24 June 2015 when applications 3/14/2292/FP and 3/14/2250FP were discussed and have also watched the webcast of that meeting. My complaint is as follows:-

1. There was a level of familiarity between the Chairman, David Andrews and the Head of Chauncy School and this should have resulted in the Chairman declaring an interest in the application. The Head greeted the Chairman by his first name. In fact when the question was asked about anyone on the panel having an interest in the applications there was silence.
2. The Agenda order was changed with no prior warning given until minutes before the meeting. It changed the complexion of the meeting completely. The order was very important – highly unprofessional.
3. There was a substitution of councillors on the night and no explanation was given.
4. Many questions posed by councillors went unanswered – supposedly answered but in fact responses were given to previous questions – so still unanswered because they were side tracked .
5. So much detail was missing on both these applications – often said that they would be discussed later when they needed to have been discussed then.
6. Mr. David Andrews overstepped the mark when advising councillors how to vote. He should have summed up both sides.
7. Several policies deemed to have no weight yet other policies repeated as needing to be upheld.

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 am a local resident who will be severely affected by these proposals and the long term consequences of congestion and with no infrastructure in place.

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.

For these applications to be reconsidered with equality, impartiality, truth, with all relevant details and for consideration of the real impact on the local community and the local infrastructure which was absent on the night.

(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

☒

29th July 2015

Mr. J Hughes

Head of Democratic and Legal Support Services

East Herts District Council

Wallfields

Pegs Lane

Hertford SG13 8EQ

Dear Mr Hughes

Code of Conduct

I received your letter dated 16 July in response to my complaint regarding the way Councillor David Andrews handled the Planning Meeting on the 24 June with reference to planning applications 3/14/2292/FP and 3/14/2250/FP and my response is as follows.

Selflessness

Councillor David Andrews did not act solely in terms of the public interest and was not impartial. He had his own agenda on these matters and clearly led his committee to his way of thinking and opinion. He disregarded advice from Ware Town Council, Sport England, Wildlife Trust and half the members of the Development Management Committee, not forgetting objections from local residents.

Integrity

It is very clear that David Andrews knows the Head of Chauncy School very well as he was addressed as 'Dave' by him. It appears to show friendship and as such compromised Mr Andrews' position in the decision making. He should have shown integrity and should not have chaired the meeting as he knew he would have the casting vote in the event of a split decision.

Objectivity

(objectivity means the state or quality of being true even outside of a subject's individual biases, interpretations, feelings, and imaginings.) This is the definition of objectivity and as such it's clear that Mr. Andrews was not objective because he led his committee to his way of thinking and was biased. He frequently steered the discussion away from the main objections which is the traffic because it was beneficial to his cause. Several policies regarding density etc. were considered to be upheld as they favoured approval whilst other policies about school fields being sold off, Highways' initial recommendation for refusal before they had a volte face, etc. were deemed as of no

consequence when they would have favoured refusal and as such weren't even considered. This is not objectivity.

Openness

The reasons put forward for the running order of the Agenda being changed was weak and made no sense because left in the original order the same arguments would apply. In other words if the housing development was refused and the sports hall and classrooms approved then the school would have to find some other way of funding the project and not have to sell off the playing field. I would have liked the Chairman to have been open and given an explanation as to why substitute councillors were drafted in at the last minute, particularly as one was clearly very much in favour of the housing development going forward and his reasons were ridiculous if you listen to the webcast.

In summary Mr Andrews throughout the discussions concentrated on the less relevant issues and ignored the major issue of traffic, the objections by Sport England and the recommendation by the Ware Town Council for refusal. It seemed that he had his own agenda and we believe that there was serious conflict of interest and that he steered the final decision towards approval and should have been impartial and didn't give a balanced summary. Status quo should have been maintained in the circumstances of a split vote and that would have been a refusal. The remedy as far as I am concerned is for these applications to be reconsidered with equality, impartiality, truth and without bias with all relevant details and for consideration of the very real impact on the local community and the local infrastructure.

Yours sincerely

