



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:	

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.

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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.

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- 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.

We attended 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.

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

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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 resident's 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 Gary Manchee have been discussed and passed on to the Chair and his comments reflect a complete lack professionalism, a serious conflict of interests and a bias towards the approval of the application. Gary Manchee has never met or seen Mr David Andrews and was not even in attendance at the meeting, however the Chair seemed to think he had recognised him when in fact he

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was mistaking Gary for a neighbour. The information about his description could have only come from the Head of Chauncy School (who knows him) This further substantiates our claim of collusion and mal-practice

Please review specific reference to Gary Manchee 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.

(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

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,

As requested I have outlined the breaches by David Andrews under your Codes of Conduct.

Code of Conduct

Selflessness: David Andrews clearly did not act in the public interest and seemed to ignore objections from local councillors, members of the public at the meeting, Sport England and even the councillors on the DMC who were also objecting and asking specific questions about the proposals.

Integrity: It was obvious that there was a familiarity between David Andrews and the Head of Chauncy School, when the Head addressed David Andrews as "Dave" Surely he should not have been permitted a vote in such circumstances?

Objectivity: The decision to approve both applications was not conducted with fairness as he dismissed objections 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.

Openness: Changes to the order of the meeting agenda were altered at short notice with no explanation, to increase the probability of approval success for both applications. This agenda change clearly provided an "advantage" to the applications being approved. The agenda was known to David Andrews and supporters of the applications, and the late change in personnel of the DMC, included councillors clearly supporting the applications. One councillor was a replacement from outside the area and although he had previously strongly opposed development in his area he was totally in support of these applications. This shows a complete disregard for "objectivity" as in your guidelines? It was obvious to all 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. This was the reason for the agenda switch. We were told by David Andrews that "the applications are totally separate", yet he continually spoke of them as if they were one and the same.... He knew exactly what the effects of the Agenda switch would be.

Interests

2. Register of interests

David Andrews should have stepped aside to allow another councillor with no association with the Head of Chauncy to preside over this application hearing.

Other

- Championing the needs of residents
- Dealing with representations from residents
- Not allowing other pressures

There are incredibly strong views held by the local residents in requesting that the housing application is not approved. The support for the application came from outside the area as documented on the EHDC website. David Andrews showed bias and was more interested in their views rather than those of the local residents who will bear the consequences of a bad decision. The applications meeting was not run and the decisions made, in the fair and just manor that you would expect from the DMC.

Yours faithfully

