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Jeff Hughes

*Head of Democratic and Legal
Support Services*

MEETING : STANDARDS SUB-COMMITTEE
VENUE : ROOM 28, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 26 JUNE 2013
TIME : 3.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB-COMMITTEE

Councillors M Carver, K Crofton and M Wood

CONTACT OFFICER: JEFF HUGHES

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Appointment of Chairman

To appoint a Chairman for this meeting.

2. Apologies

To receive any apologies for absence.

3. Chairman's Announcements

To receive any Chairman's announcements.

4. Declarations of Interest

5. Minutes (Pages 5 - 14)

To approve the Minutes of the meeting held on 23 January 2013.

6. Complaint in respect of District Councillor M Newman (Pages 15 - 76)

7. Complaint in respect of District Councillor B Wrangles (Pages 77 - 94)

8. Complaint in respect of Hunsdon Parish Councillor D Gibbs (Pages 95 - 118)

9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 23
JANUARY 2013, AT 2.30 PM

PRESENT: Councillor M Wood (Chairman)
Councillors M Carver and M Newman.

ALSO PRESENT:

Councillor M Tindale

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services

ALSO IN ATTENDANCE:

Philip Copland	- Independent Person
Maria Memoli	- Investigating Officer

6 APPOINTMENT OF CHAIRMAN

RESOLVED – that Councillor M Wood be appointed
Chairman for this meeting of the Standards Sub-
Committee.

7 CHAIRMAN'S ANNOUNCEMENTS

Councillor M Wood welcomed all present to the meeting,
particularly the Independent Person, Mr P Copland.

At the conclusion of the meeting, Councillor Wood expressed

the Sub-Committee's great concern over the length of time taken for the complaints detailed in the following Minutes to come before it for determination.

He also emphasised the Sub-Committee's request that officers report on proposals to regularise the protocols (Planning Code of Good Practice and the Code of Conduct) with regards to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered.

8 MINUTES

RESOLVED – that the Minutes of the Standards Sub-Committee meeting held on 18 December 2012 be confirmed as a correct record and signed by the Chairman.

9 COMPLAINT IN RESPECT OF A COUNCILLOR, REFERENCE EHDC/07/2011

The Monitoring Officer submitted a report on a complaint by Mr M Hurford alleging that Councillor M Tindale's actions at a meeting of the Authority's Development Control Committee had breached the Councillors Code of Conduct.

The complaint was the subject of an investigation by an independent Investigating Officer appointed by the Monitoring Officer.

The Sub-Committee considered the report of the Investigating Officer's findings on the complaint in accordance with its approved procedure.

Insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision.

Insofar as the allegation related to a breach of paragraph 5 of

the Code – bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale had failed to comply with this provision. The Sub Committee considered that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations. As such, there had been a technical breach of this provision of the Code of Conduct.

The Sub-Committee considered, in consultation with the Independent Person, what action, if any, should be taken consequent upon its finding that Councillor Tindale had breached the Authority's Code of Conduct on the basis now detailed.

It agreed to recommend that:

- (1) its decisions on this allegation be published on the Council's website as per normal procedure;
- (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and
- (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

RESOLVED – that (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - Councillor Tindale was not in breach of this provision;

(B) insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - Councillor Tindale had failed to comply with this provision as that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations – as such, there had been a technical breach of this provision of the Code of Conduct, and

(C) Council be recommended to:

- (1) publish the decisions on this allegation on its web site as per normal procedure,
- (2) request officers to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets are to be considered, and
- (3) send a letter to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

10 COMPLAINT IN RESPECT OF A COUNCILLOR,
REFERENCE EHDC/08/2011

The Monitoring Officer submitted a report on a complaint by Mr P Elliot alleging that Councillor M Tindale's actions at a meeting of the Authority's Development Control Committee had breached the Councillors Code of Conduct.

The complaint was the subject of an investigation by an independent Investigating Officer appointed by the Monitoring Officer.

The Sub-Committee considered the report of the Investigating Officer's findings on the complaint in accordance with its approved procedure.

Insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision.

Insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale had failed to comply with this provision. The Sub Committee considered that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations. As such, there had been a technical breach of this provision of the Code of Conduct.

The Sub-Committee considered, in consultation with the Independent Person, what action, if any, should be taken consequent upon its finding that Councillor Tindale had breached the Authority's Code of Conduct on the basis now detailed.

It agreed to recommend that:

- (1) its decisions on this allegation be published on the Council's website as per normal procedure;
- (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the

Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and

- (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

RESOLVED – that (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - Councillor Tindale was not in breach of this provision;

(B) insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - Councillor Tindale had failed to comply with this provision as it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations – as such, there had been a technical breach of this provision of the Code of Conduct, and

(C) Council be recommended to:

- (1) publish the decisions on this allegation on its web site as per normal procedure,
- (2) request officers to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning

Council assets are to be considered, and

- (3) send a letter to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

11 COMPLAINT IN RESPECT OF A COUNCILLOR,
REFERENCE EHDC/10/2011

The Monitoring Officer submitted a report on a complaint by Ms U Harrington alleging that Councillor M Tindale's actions at a meeting of the Authority's Development Control Committee had breached the Councillors Code of Conduct.

The complaint was the subject of an investigation by an independent Investigating Officer appointed by the Monitoring Officer.

The Sub-Committee considered the report of the Investigating Officer's findings on the complaint in accordance with its approved procedure.

Insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision.

Insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale had failed to comply with this provision. The Sub Committee considered that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations. As such, there had been a technical breach of this provision of the Code of Conduct.

The Sub-Committee considered, in consultation with the Independent Person, what action, if any, should be taken consequent upon its finding that Councillor Tindale had breached the Authority's Code of Conduct on the basis now detailed.

It agreed to recommend that:

- (1) its decisions on this allegation be published on the Council's website as per normal procedure;
- (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and
- (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

RESOLVED – that (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - Councillor Tindale was not in breach of this provision;

(B) insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - Councillor Tindale had failed to comply with this provision as that it was inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution was not a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations – as such, there had been a technical breach of this provision of the Code of Conduct, and

- (C) Council be recommended to:
- (1) publish the decisions on this allegation on its web site as per normal procedure,
 - (2) request officers to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets are to be considered, and
 - (3) send a letter to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

The meeting closed at 4.55 pm

Chairman

Date

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EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 26 JUNE 2013

REPORT BY THE DEPUTY MONITORING OFFICER

COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR M NEWMAN

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider a complaint in respect of Councillor M Newman, a Member of East Herts Council.

1.0 Background

- 1.1 Council has received a complaint alleging that a District Councillor has breached the Authority's Code of Conduct.

2.0 The Report

- 2.1 The Council has agreed a procedure for considering complaints.
- 2.2 The Sub-Committee will consider the report and decide what action to take.

3.0 The Complaint

- 3.1 A Complaint was made that Councillor Newman breached the Council's Code of Conduct.
- 3.2 Details of the complaint are set out in the Investigating Officer's report.

4.0 The Investigating Officer's Report

- 4.1 An investigating officer was appointed to carry out an investigation. Following the investigation, the Investigating Officer concluded that, in all the circumstances of this case, there is no evidence of a failure to comply with the Members' Code of Conduct. A copy of the Investigating Officer's report is attached **at Essential Reference Paper B.**

5.0 Procedure

5.1 A copy of the Council's complaints procedure is contained in **Essential Reference Paper C**.

6.0 Implications/Consultations

6.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon Drinkwater- Director of Neighbourhood Services - 01992 531405
simon.drinkwater@eastherts.gov.uk

Report Author: Jeff Hughes – Deputy Monitoring Officer – ext. 2170.

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	None
Legal:	The procedures are in accordance with the regulations.
Financial:	None
Human Resource:	None
Risk Management:	The case should be determined in accordance with the regulations having regard to the relevant guidance.

**REPORT OF AN INVESTIGATION INTO ALLEGATIONS CONCERNING COUNCILLOR
MICHAEL NEWMAN A COUNCILLOR OF EAST HERTS DISTRICT COUNCIL**

CONTENTS

- 1. Executive Summary**
- 2. Councillor Newman's official details**
- 3. Summary of allegations and conclusion on whether there have been failures to comply with the code**
- 3. The Code of Conduct**
- 4. Investigating Officer's summary of facts**
- 5. Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 6. Finding**
- 7. Final Consideration**

Appendix A Schedule of evidence taken into account

1.0 Executive Summary

'CMN' means Councillor Michael Newman

'the application' means planning application 3/12/1440/FP in relation to Hunsdon Parish Church approved by Development Control Committee on 7th November 2012

'DCC' means Development Control Committee

'EHDC' means East Herts District Council

'HPC' means Hunsdon Parish Council

'PCC' means Hunsdon Parochial Church Council

'the code' means EHDC's revised Code of Conduct for Councillors following the Localism Act 2011 – see document A

'the meeting' means the meeting of DCC on 7th November 2012 dealing with the application – see document C for minutes

'The Act' means the Localism Act 2011

1.1 Allegation

The complaint (document B) by a member of the public, is regarding Councillor Michael Newman's representation and actions concerning the application. It is alleged that he has breached the Council's Code of Conduct for Councillors.

1.2 Finding

My finding is that there is insufficient evidence that CMN failed to comply with this Code.

2.0 Councillor Michael Newman's official details

2.1 CMN was first elected to EHDC on 11th November 2010 at the Hunsdon Bi Election. He was re-elected at the District wide elections on 5th May 2011 for four years to 2015. His first recorded attendance at DCC was on 25th May 2011 and he was elected Vice Chairman of this Committee at the 23rd May 2012 meeting for the civic year 2012/13.

2.2 Amongst numerous other courses, CMN attended a training course entitled 'New Code of Conduct' on 24th October 2012. There is no record of him having registered a pecuniary interest in respect of the application or Hunsdon Parish Church.

3.0 Summary of allegations and conclusions on whether there have been failures to comply with the Code of Conduct

3.1 The complaint seems to contain four elements relating to CMNs conduct at the meeting.

- 3.1.1 he did not echo HPC's objections to this application when he spoke at the meeting
- 3.1.2 he questioned the planning officer's recommendation to refuse the application
- 3.1.3 he voted in favour of granting the application
- 3.1.4 he did not declare an interest and remove himself from consideration of the application
- 3.2 All of these are claimed to be against the interests of Hunsdon residents.
- 3.3 This report investigates whether by his conduct CMN has breached the Code and considers whether he failed to comply with the relevant paragraphs thereof.
- 3.4 I have also considered whether CMN should have declared an interest in the application at the meeting.
- 3.4 My finding is that the Code has not been breached.

4.0 The Code of Conduct

- 4.1 A pecuniary interest is that interest which a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. These are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Since EHDC revised its code on 4th July 2012 this is the only interest which needs to be registered or declared.
- 4.3 The former personal and prejudicial interest system has gone. Disclosable Pecuniary Interests are much narrower due in part to the fact that they need to be clearly defined with the potential of prosecution for not declaring. However predetermination and bias still remain and cannot be addressed by the former prejudicial interest declaration which enabled Members to declare their interest, speak on the subject and then withdraw.
- 4.4 The rule against bias/pre-determination is strictly applied to the determination of planning applications but is quite separate from the rules on interests under Members Code of Practice. However the law recognises that Councillors are elected and operate in a political environment and it would be nonsense if Councillors were barred from participating in the very policy decisions which they have been elected to take. A Councillor is quite entitled to express a degree of general support for, or in opposition to, a particular outcome provided they make it clear they do not have a closed mind. Simply because a member of the public thinks there is a situation of bias does not prevent Members taking part in the decision.
- 4.5 A copy of the code is attached as document A

5.0 Investigating Officer's summary of findings of fact

- 5.1 I have found the following facts agreed:-
 - Councillor Michael Newman is an elected member of EHDC and is therefore subject to its Code of Practice

- His wife is an active member of the Church and PCC which is a voluntary position
- CMN attended the meeting of DCC on 7th November 2012 and spoke on the item concerning the planning application in relation to Hunsdon Parish Church in his role as Ward Councillor
- CMN has not registered an interest in this matter
- HPC passed a 'vote of no confidence' in CMN at their meeting on 19th November 2012 (document F)

5.2 I have also found the following to be fact

- under the Code only a disclosable pecuniary interest has to be registered and disclosed
- CMN did not have a disclosable pecuniary interest in the application
- There was no interest for him to declare at the meeting or before hand and therefore no reason for him to leave for consideration of this application
- CMN was not invited to speak against the application, as was Councillor Roger Beeching and David Kitching although it seems that some were expecting him to do so
- CMN took Legal advice prior to the meeting and was advised that his situation did not disqualify him from participation at the meeting
- The Director of Neighbourhood Services in attendance at the meeting considers CMNs comments to have been fair and reasonable and were within the remit of the advice he was given.
- The Vice Chairman of HPC spoke in person at the meeting to expound HPC's concerns.
- Members of the DCC should consider all applications on their own merits and vote accordingly.
- CMN was asked by the Hunsdon Parish Clerk to present HPCs objections to the DCC as Ward Councillor. CMN responded that he understood David Kitching would be at the meeting and would presumably put these points. He himself would probably speak as Ward Councillor and would probably do so but what he said would depend on everything he personally had read and heard prior to and at the meeting. I can find no evidence of him agreeing to present the HPCs views. Indeed in an email dated 15th October 2012 he states that he may comment at the DCC as a member of that Committee rather than on behalf of the community and with reference to the whole body of material available. I find that this is what he did, set out the background to the application and identify some issue. He did not describe the advantages that the community might gain or the penalties it might suffer from building the new chapel or invite members to vote one way or another.
- Roger Beeching did not attend the meeting after discussion with the Chair of the DCC not CMN.
- The residents of Hunsdon were not united in the view of this application

5.0 **Reasoning**

- 5.1 I must now consider whether the conduct of Councillor Newman constitutes a breach of the Code of Conduct.
- 5.2 Paragraph 1 of the Code states that, as a Councillor, he has a responsibility to represent the community and work constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all. When acting in his capacity as a member of EHDC he must be committed to behaving in a manner that is

consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

- 5.3 I have carefully read the minutes of the meeting and watched the web cam recording several times, and do not find that CMN spoke either for or against the application, but brought several issues to the attention of the Committee. For instance he stated that the existing chapel had served as a valuable community facility for 50 years but its safe use was now beyond question. He referred to the conflict posed by this application in that some residents felt the site should be retained for the amenity of the village whilst others wanted the site for the amenity of churchgoers.
- 5.4 Furthermore CMN neither proposed nor seconded the proposal to grant the application, although he did exercise his right to vote on the matter.
- 5.5 Despite the concerns outlined in the complaint, I cannot see that CMN had any duty to speak or vote against the application, and had not made any promises to do so.
- 5.6 I have found no financial gain or other material benefit that could be gained from this application for CMN or a related person per se.
- 5.7 As CMN did not have a pecuniary interest to disclose, there was no requirement for him to stand down from the meeting.
- 5.8 It is my finding that Councillor Newman has acted fairly and reasonable throughout this meeting and is not in breach of the revised Code of Conduct for Councillors.

5.9 **SELFLESSNESS**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves their family or their friends.

- 5.9.1 I have found no evidence of any financial or other material benefit to be gained from this permission by CMN or his family or friends other than a general benefit to the community.

5.10 **INTEGRITY**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation that might seek to influence them in the performance of their official duties

- 5.10.1 I have found no evidence of any financial or other obligation to his wife or the Church that might seek to influence CMN. His wife's views were not made known to the meeting, although CMN did declare that she was a member of the Church which is not a fiduciary position

5.11 **OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit

- 5.11.1 I have found no evidence that CMN did anything but make his decision on the application on its merits. There is no requirement on him to address every issue in the application or report.

5.12 **ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny as appropriate to their office

5.12.1 see above

5.13 OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

5.13.1 see above

5.14 HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts in a way that protects the public interest

5.14.1 see above

5.15 LEADERSHIP

Holders of public office should promote and support these principles by leadership and example

5.15.1 I have not found any of the principles of the code breached

5.16 CHAMPIONING THE NEEDS OF RESIDENTS

the whole community and in a special way the constituents, including those who did not vote for me, and putting their interests first

5.16.1 I have not seen any evidence that the majority of CMN's constituents were against this application only that the HPC was. In any case the application had to be considered on its own merits.

5.17 EXERCISING INDEPENDENT JUDGEMENT

And not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this authority

5.17.1 I have not seen any evidence that CMN has allowed himself to be unduly influenced by anyone let alone the views of his wife

5.18 Including relevant advice from statutory and other professional officers, taking all relevant information into consideration remaining objective and making decisions on merit

5.18.1 see above

5.19 PROVIDING LEADERSHIP

Through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority

5.19.1 see above

DISCLOSABLE PECUNIARY INTEREST

I could find no financial benefit to CMN or his wife as a result of this application being granted. His wife although a related person was not paid for her role with the Church which was voluntary.

6 Finding

My finding on all the circumstances of this case is that there is no evidence of a failure to comply with the code.

7. Final Consideration

7.1 The complainant does not agree with my conclusions.

7.2 He states that he understands the point I make that MN does not have to represent the views of Hunsdon residents in considering the application. However he says that MN has a duty not to misrepresent matters and there are two points on which he did this at the meeting as evidenced by the webcam. MN stated that the Chapel development was consistent with the Village Plan whereas the plan allows for refurbishment/renewal of the current Chapel and does not allow for a larger building in the proposed position.

7.3 Overall there is clearly an issue of morality here that is not covered by the code.

7.4 Having reviewed my report in the context of this further comment, I see no reason to change my finding in this matter. If the issue of morality is not covered by the code, I do not see how this can affect my decision as to whether Councillor Newman has breached the Council's Code of Conduct for Councillors.

APPENDIX A

Schedule of evidence taken into account

<u>Document Letter</u>	<u>Description</u>
A	Code of Conduct for EHDC
B	Complaint
C	Minutes of DCC 7 th November 2012
D	Web cam recording of this meeting (no document available)
E	Minutes of Hunsdon Parish Council 17 th September 2012
F	Minutes of Hunsdon Parish Council 19 th November 2012
G	Numerous emails with various people (not available)
H	Notes of Interview with Councillor M Newman and subsequent emails (not available)
I	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
J	Disclosable Pecuniary Interests document



ESSENTIAL REFERENCE PAPER 'C'

Code of Conduct

As a member or co-opted member of East Hertfordshire District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in East Hertfordshire District Council this will be done as follows:

INTERESTS

1 General

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- (a) must not participate in any discussion of the matter at the meeting;
- (b) must not participate in any vote taken on the matter at the meeting;
- (c) must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- (d) if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- (e) must leave the room while any discussion or voting takes place.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the

interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

OTHER

As a Member of East Hertfordshire District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

B

**COMPLAINT AGAINST COUNCILLOR MICHAEL NEWMAN
IN RELATION TO HIS REPRESENTATION AND ACTIONS CONCERNING THE
Chapel - Glebe Land, Acorn St. Hunsdon Planning Ref : 3/12/1440/FP which
was approved at the Planning Control Committee on Wednesday 7th November
(reference 5d)**

INTRODUCTION

I wish to register a complaint against Mike Newman Councillor regarding his conduct in public office in connection with the above planning application approved at Planning Control Committee on 7th November as evidenced by the video recording of the proceedings. I objected the proposals and I am of the view that Councillor Newman did not fairly represent both sides in this matter.

Councillor Newman gave a biased and partisan view of the application in favour of the application from the start of his presentation. He did not appear to reflect the views of the residents of Hunsdon in a balanced manner and did not acknowledge the strength of feeling against the proposal. He did not weigh up the pros and cons. He appeared not to have read the many submissions he received about the planning application and did not refer to them.

Councillor Newman declared at the planning meeting that his wife was a member of the church, whereas he was not. Councillor Newman failed to disclose that his wife is in fact an officer of the church, being a church warden and member of the PCC, which made the application and therefore his wife was in fact an applicant in this matter and had stated publically on a number of occasions her strong support for the proposal.

Councillor Newman had been asked to stand aside in view of an apparent conflict of interest, but declined to do so on the basis that a conflict of interest only related to financial matters. He had stated in public at a previous meeting that he would take a balanced view of the matter and would not be influenced by his wife's views and position in the church. This appears to lack veracity given his performance at the committee meeting of the 7th November.

Councillor Newman misrepresented the concerns in Hunsdon regarding the building of the proposed chapel. He drew attention to a public meeting in Hunsdon regarding the previous application for a Chapel where there was a 50/50, he briefly referred to the recent Parish meeting where the view was 90/10 against but failed to refer to the fact that the number of written submissions to the planning officer was in the ratio of 70/40 against.

In view of Councillor Newman's biased representation of support for the proposal and lack of proper consideration of all the issues he has been seen to act inappropriately and unfairly in public office.

Mr Newman misrepresented the support for a chapel replacement in the parish plan as a final document whereas it is work in progress. The document he referred to supports a replacement for the existing chapel and not a development of a faith facility with a large community facility on that specific site.

Although he addressed one aspect of the conclusion of the officers report relating to the compensatory amenity land he did not address the other and main issue of the scale, design

and appropriateness of the building or make reference to what the exceptional reasons were for the building on agricultural land or the need for a building of this size and place in replacing a much smaller building and having additional facilities as outlined by the planning officer.

Councillor Newman did not raise the concerns expressed about the lack of safety for children in respect of the compensatory amenity land.

The further concern is that Councillor Newman's views will have influenced his fellow Councillors in his role as a local Councillor for the area presenting them with a biased and inaccurate view in advising them about the application, leading them to making their decision.

Mr Newman should have registered a general interest in this matter and stood aside.

It is my contention that Mr Newman has broken the Councillors code of conduct and should stand aside as a Councillor and should have nothing further to do with the setting of any conditions in respect of this development.

It is of relevance that Hunsdon Parish Council passed a "vote of no confidence" in Councillor Newman at their meeting on the 19th November 2012.

EHDC STANDARDS FOR COUNCILLORS

Councillor Newman appears to have breached the East Herts Councillors Code of conduct (East Herts District Council (Code of Conduct Essential paper b) in the following areas:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

In demonstrating such a partisan attitude Councillor Newman appears not to have acted in the public interest with the suspicion that his aim was to achieve material benefit for his wife in the form of provision of a new chapel for which she was in effect an applicant.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Councillor Newman has not been seen to be acting fairly and has brought the officer of Councillor into disrepute by appearing to favour his wife's views and position in the church above those of Hunsdon residents.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Councillor Newman did not present an objective view critical of the officers report and did not address all the relevant issues in the conclusion to the officers report.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Councillor Newman has not been accountable because he has not made his views on the application clear to his constituents or acknowledging that he had a conflict of interest which might affect his judgement as demonstrated at the Parish Council meeting ofDid not make views known prior to the meeting. Not seen to be fair and balanced. Had been asked to stand aside on this issue in view of interest but did not.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

See above

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Mr Newman did not fully declare the interest that his wife had in the application in that she is an official of Hunsdon PCC who made the application. Mr Newman stated purely that she was a parishioner whereas as an official and member of PCC she was in effect an applicant.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

By his actions Mr Newman has failed to support the principles in the code of conduct

Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

Mr Newman has not demonstrated that he has put the interests of the majority of his constituents first in this matter.

Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

Councillor Newman appears to have allowed himself to be unduly influenced by the views of his wife as an applicant in this matter which is demonstrated by is perceived lack of fairness and balance to his presentation and comments.

Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.


Councillor Newman appears not to have made his decision on merit does not appear to have balanced up the pros and cons.

Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Councillor Newman has therefore failed to provide leadership and has not championed the interests of the majority of the community

CONCLUSIONS:

Councillor Newman has failed his constituents in this matter and I have no confidence in him
Councillor Newman should have no further involvement regarding the Chapel particularly in relation to any conditions made pending an investigation of his conduct.





MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 7 NOVEMBER 2012, AT 7.00
PM

PRESENT: Councillor S Rutland-Barsby (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, A Burlton,
Mrs R Cheswright, G Jones, G Lawrence,
P Moore, M Newman and T Page.

ALSO PRESENT:

Councillors W Ashley, P Ballam,
E Buckmaster, M Carver, L Haysey,
J Ranger, P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Control Team Leader
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

388 CHAIRMAN'S ANNOUNCEMENTS

The Chairman urged Members to attend an important

District Plan training session on 8 November 2012, as well as the District Plan Executive Panel meeting on 28 November 2012.

389 DECLARATIONS OF INTEREST

Councillors M Alexander and P Moore declared disclosable pecuniary interests in application 3/12/1150/FP, in that they were Board Members for Riversmead Housing Association. They left the room whilst this matter was considered.

390 MINUTES – 10 OCTOBER 2012

RESOLVED – that the Minutes of the meeting held on 10 October 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 352 – 3/12/0424/FP – Closure of Railway Foot Crossing and Construction of a New Footbridge with Ramped Access at Johnsons Railway Crossing, Bishop's Stortford for Network Rail:

Insert as 18th paragraph – Councillor T Page confirmed that he would be happy to liaise with the Landscape Officer on behalf of the Committee.

391 3/12/1150/FP – DEMOLITION OF GARAGES AND CLEARANCE OF ASSOCIATED LAND, CONSTRUCTION OF AFFORDABLE HOUSING, 1X4 BED DETACHED HOUSE, 4 X3 BED SEMI-DETACHED HOUSES AND 3 X 2 BED BUNGALOWS ON GARAGE SITE TO THE REAR OF 17-28 GRASS WARREN, TEWIN, HERTS, AL6 0JJ FOR RIVERSMEAD HOUSING ASSOCIATION

Keith St Pier, Stuart Kirkham and Dean Goodman addressed the Committee against the application. Simon Camp spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1150/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor L Haysey, as the local ward Member, stated that she had found that striking the right balance had been difficult in respect of this application. She commented that there were a number of defects in the application that were relatively easy to address. She referred in particular to the quality of design and the impact on the quality of life for the residents of Tewin.

Councillor L Haysey referred to Officer's concerns in respect of the protection of the openness of an English Design Site. She stated however that the building height was low and although this area was not part of the application site, a solution to improve the scheme's design should be explored between the applicant and Officers.

The Director referred Members to the comments detailed in the additional representations schedule, as Officers had suggested an additional condition for Members to consider.

In response to a query from Councillor A Burlton in respect of the access and the land at Grass Warren, which was outside of the application site, the Director confirmed that Members should consider the application as submitted.

Councillor T Page stated that this application was for a small but high density scheme which would harm the character and appearance of the surrounding area. He commented that the application was contrary to the National Planning Policy Framework (NPPF) requirements in respect of good design and sustainable development.

Councillor Mrs R Cheswright invited Officers to respond to

the comments of Hertfordshire Fire and Rescue in respect of access to this site for 18 tonne fire hydrants. She also commented on whether this issue, as well as those raised by Councillor L Haysey, were sufficient to merit a deferral of this application so that Officers could liaise with the applicant to address all of the outstanding concerns.

Councillor M Newman referred to access for cars and emergency vehicles as being the principal issue in respect of this application. He stated that although the proposed access just about met the minimum highways standards in the eyes of Hertfordshire Highways and Hertfordshire Fire and Rescue, the proposed arrangements did not represent a practical access.

The Director advised that condition 7 was designed to ensure that the surfacing of the access road within the application site was capable of catering for all the vehicles that would need to access the application site.

Officers could include the remainder of the access road within this condition as Riversmead Housing Association owned the land referred to by Councillor L Haysey. The result would be a Grampian style condition meaning that no development could take place until the access details were finalised.

The Director stated that the negotiations with Hertfordshire Fire and Rescue had resulted in amendments to the scheme so that fire service vehicles and other service vehicles would be able to leave the site in forward gear. Officers had recommended approval as the application met the minimum standards in terms of design and access.

The Director stressed that seeking to improve the access would inevitably alter the impact of the proposed development in terms of the loss of green space.

Members were reminded that a revised access and the loss of green space would mean that residents would

need to be re-consulted. Some residents who had previously been content with the scheme might now feel compelled to object to the application. A deferral would therefore be necessary if Members wished the matter of access to be considered further.

Councillor Mrs R Cheswright proposed and Councillor D Andrews seconded, a motion that application 3/12/1150/FP be deferred to enable Officers to investigate the possibility of alternative means of access with the applicant.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1150/FP, planning permission be deferred to enable Officers to investigate the possibility of alternative means of access with the applicant.

- 392 (A) 3/12/1075/FP – RENOVATION/EXTENSION OF 4 EXISTING DWELLINGS, ERECTION OF 4 NEW DWELLINGS, CHANGE OF USE, ALTERATIONS/EXTENSIONS TO EXISTING AGRICULTURAL BUILDINGS TO PROVIDE 7 DWELLINGS, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS, ASSOCIATED PARKING, LANDSCAPING/ACCESSIBLE PARKLAND WITH NATURE AREA; AND (B) 3/12/1076/LB- CHANGE OF USE, RENOVATION, EXTENSION OF EXISTING LISTED/CURTILAGE LISTED BUILDING AND DEMOLITION OF EXISTING LISTED/CURTILAGE LISTED BUILDINGS AT HOME FARM, MOOR PLACE, MUCH HADHAM
-

Kevin Gregory addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1075/FP, planning

permission be refused for the reasons detailed in the report now submitted. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/1076/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that he hoped that Members had visited this hugely important site to gain an understanding of the complexity of this application. He commented that Home Farm was a grade 1 listed Manor House close to a number of other listed buildings and features set in historic parkland and gardens.

Councillor M Carver emphasised that this was a total composite scheme that protected and enhanced the listed buildings at Home Farm, as well as the parkland within which this development would be located. The viability of the application was based on all of the elements of the scheme, namely the refurbishment and renovation with extension of Home Farm as well as the four new builds.

Councillor M Carver stressed that the refurbishment and sale of Moor Place was dependent on the development of Home Farm. He referred to the volume of work that had been undertaken by Officers and stakeholders in respect of this application. He further commented that all of the issues raised by this application had been satisfactorily addressed.

Councillor M Carver stated that the Parish Council was supportive and the public exhibition had indicated that the wider public was also largely supportive despite the housing element being contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007.

Councillor M Carver urged Members to approve the full planning permission and listed building consent to protect and enhance the grade 1 listed Manor House, the other listed buildings and features as well as the historic parkland and gardens.

Councillor T Page stated that he had had the privilege of visiting Moor Place to observe some fantastic buildings, some of which had fallen into disrepair. He commented that some of the 20th century farm buildings were completely out of place and were constructed of materials that would not be used today.

Councillor T Page stressed that the old listed buildings should be offered to the current generation to enjoy, as well as adding to the vitality of the local community by opening up farm land that was no longer required. He concluded that the application complied with policies BH11, BH12 and BH17 and was a sympathetic scheme that brought back into use some very fine old buildings for the enjoyment of the local community of Much Hadham.

In response to comments from Councillors M Newman and A Burlton, the Director confirmed that Officers' main concerns had centred on the new build elements of this application, which Officers had felt could not be justified. Members were advised that Officers were supportive of work being done to the listed buildings to avoid further degradation of these buildings.

The applicant had stated however, that such works were not viable without the approval of application 3/12/1075/FP for the new build properties and Members must come to a view as to whether this application was acceptable in policy terms. The Director concluded by advising Members that policies BH11 and BH12 were not saved policies so should not be taken into account when determining these applications.

Councillor M Newman proposed and Councillor A Burlton seconded, a motion that application 3/12/1075/FP be granted subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and subject to appropriate conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED. In respect of application 3/12/1075/FP, the Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

After being put to the meeting and a vote taken, in respect of application 3/12/1076/LB, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/1075/FP, planning permission be granted subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and subject to appropriate conditions;

(B) in respect of application 3/12/1075/FP, authority be delegated to the Director of Neighbourhood Services to formulate the Section 106 agreement and conditions in consultation with the local ward Member and the Chairman of the Development Control Committee; and

(C) in respect of application 3/12/1076/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

- 393 A) 3/12/1409/FP AND B) 3/12/1410/LB – CHANGE OF USE OF 2 NO. CLASS B1 OFFICE BUILDINGS TO CREATE 12 NO. 1 AND 2 BED RESIDENTIAL DWELLINGS AT 6 AND 7 BLUECOATS AVENUE, HERTFORD FOR BLUECOATS JOINT VENTURE
-

The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/1409/FP, planning permission be granted subject to the conditions now detailed. The Director of

Neighbourhood Services also recommended that, in respect of application 3/12/1410/LB, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman sought and was given clarification as to what was being proposed by this application. The Director confirmed that a condition had been included to ensure that this permission would only be implemented in place of, and not in addition to, the previous proposal approved under reference 3/11/0824/FP.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/1409/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) in respect of application 3/12/1410/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

394 3/12/1440/FP – NEW CHAPEL/COMMUNITY FACILITY INCLUDING PARKING AND CHANGE OF USE OF LAND FROM AGRICULTURE TO RECREATION LAND AT GLEBE LAND, ACORN STREET, HUNSDON, SG12 8PA FOR HUNSDON PAROCHIAL CHURCH COUNCIL

David Kitching addressed the Committee against the application. Mark Dunstan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1440/FP, planning permission be refused for the reasons now detailed.

Councillor M Newman, as the local ward Member, stated

that the existing chapel had served as a valuable community facility for 50 years, particularly for elderly residents. He stated however, that the lack of foundations meant that this unusual shaped building's safe use was now beyond question. He commented that there was no way to rebuild this structure which was in need of demolition due to the cracks in the walls.

Councillor M Newman referred to the Glebe Land site as the only viable location for the relocation of the Chapel in Hunsdon, as Officers had pointed out to the applicant that rebuilding the Chapel on the existing site was not a viable proposition.

Councillor M Newman stated that the site was owned by the diocese of St Albans but was leased to Hunsdon Parish Council. He referred to the conflict posed by this application in that some residents felt the site should be retained for the amenity of the village whilst others wanted the site for the amenity of churchgoers.

Councillor M Newman stressed that both views should be respected if the community of Hunsdon was to be truly inclusive. He emphasised that at recent public meetings, there had been opposition to the application. He stated that such public meetings tended to attract those in objection to planning applications.

Councillor M Newman referred to the conflict between the Officer's recommendation and the Council's planning policies in that this application offered compensatory land and a previous application had been withdrawn as Officers had raised concerns about the lack of compensatory land.

Councillor M Newman concluded that there was no mention of the National Planning Policy Framework (NPPF), which was explicit in encouraging community facilities such as places of worship. He also pointed out that a key issue was the balance between the loss of amenity in terms of a new building where there was

currently no form of development versus the loss of any facility for communal worship in Hunsdon.

Councillor P Moore stated that the existing chapel was in no way serviceable as a church. She stressed that churches offered much more than a place of Sunday worship in that they provided many community activities as well as offering emotional and spiritual guidance to residents.

Councillor M Alexander stated that the proposed development offered a church and community function that would have good access in the centre of Hunsdon and there was a bus stop directly opposite the site. He referred to the ageing population with 25% of people being over the age of 60.

Councillor M Alexander commented that recreation came in many forms and the dictionary definition was inclusive of many of the things that could be undertaken should this application be approved.

In response to comments from Councillors A Burlton and T Page, Councillor M Newman commented at some length about the historic use of various plots of land in Hunsdon. The Director advised that Members had identified the key points to consider, namely the community need versus the visual appearance and impact of the application.

The Director also referred to the balance Members should consider in respect of the impact of the application on the value of the space that was available for community usage in Hunsdon.

Members were advised that the Officer's recommendation was based on the quality of the alternative provision of open amenity land and that the scale of the proposed development was excessive in this location.

Councillor P Moore proposed and Councillor M Alexander

seconded, a motion that application 3/12/1440/FP be granted subject to appropriate conditions and authority be delegated to the Director of Neighbourhood Services to formulate the conditions in consultation with the local ward Member and Chairman of the Development Control Committee.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/1440/FP, planning permission be granted subject to appropriate conditions; and

(B) in respect of application 3/12/1440/FP, authority be delegated to the Director of Neighbourhood Services to formulate the conditions in consultation with the local ward Member and Chairman of the Development Control Committee.

- 395 A) 3/12/1325/FP – ERECTION OF 5NO. DWELLING HOUSES, GARAGES AND CHANGE OF USE AND ALTERATION OF WORKSHOP TO FORM A SINGLE DWELLING AND DEMOLITION OF A SMALL STORE BUILDING, DEMOLITION OF AGRICULTURAL BARN AND ALTERATIONS TO ACCESS AND LANDSCAPING WORKS AND B) 3/12/1324/LB - CHANGE OF USE AND ALTERATION OF BARN TO FORM A SINGLE RESIDENTIAL DWELLING HOUSE AND DEMOLITION OF SMALL STORE AND AGRICULTURAL BARN AT PRIORY FARM, HUNSDON ROAD, WIDFORD, SG12 8RA FOR MRS SJ RICHARDSON AND MR SC FINDLAY
-

Frances Luck addressed the Committee against the application. Patrick Downes spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1325/FP and

HUNSDON PARISH COUNCIL

Minutes of Parish Council Meeting held at 8.00pm on Monday 17th September 2012 in the Village Hall, Hunsdon

Present: - Cllr D Gibbs (Chairman), Cllrs D Kitching, S Oliver, H Brown, N Clark.
In attendance: - J Robinette (Clerk), D Clark (PP), J Ashley (PPP), R Beeching (Cty Cllr), Dist. Cllr M Newman, 9 members of the public

1. Apologies for absence.

Cllr B Toll.

2. Approval of minutes of parish council meeting held on 16th July 2012.

The clerk asked the council to read and approve the minutes of the July Meeting. It was agreed by the Cllrs that these reflected a true representation of the meeting. The clerk then informed the councillors that an E mail had been received from Rev M Dunstan at 7.00pm before the meeting (this E Mail was read out in full by the clerk) in which he requested an amendment to point 6c. After further discussion, Cllr Kitching proposed an amendment which was seconded by Cllr N Clark. The minute point of 6c will now read as follows....**New Chapel...** The Cllrs had met with Rev Dunstan and members of the PCC and discussed matters concerning a proposed new chapel, excluding the plans themselves. It was noted that Rev Dunstan had requested copies of all the letters sent to the PC by villagers in connection with the withdrawn application. The clerk has subsequently given Revd Dunstan all the letters on file as requested". With regard to Rev Dunstan request to minute an additional point, Cllr D Kitching suggested that the request be put into a letter and this would be given further consideration by the PC at October's meeting.

3. Matters arising.

10b. S106 agreement. Dist. Cllr M Newman informed the Cllrs that the S106 had had to be amended by EHDC. This hopefully would happen soon and monies could then be claimed. The clerk read out an E mail received from Herts Highways regarding the reimbursement of money for the bus shelter. Again the monies could not be released by HH until EHDC had sorted out the amendments and process.

9b. Rural Conference. This was attending by D Gibbs and D Clark. It was agreed that it was very informative; discussing topics concerning, Rural business project, Eastern Plateau Project and Community Buses. A member of the business team, M Reid, suggested that local businesses be informed of grants available. Cllrs agreed to this being undertaken by M Reid. Dist. Cllr M Newman stated that the New Homes Bonus had also been discussed and he was still pursuing the figures given to Hunsdon Parish.

9a. Defibrillator. The clerk will inquiry as to whether the local ambulance services know about the village's defibrillator.

5a. Village Forum. Cllr N Clark informed the council that the commencement of this forum would be delayed until October/ November.

4. Reports from members representing the Parish Council on outside organisations and attending meetings on behalf of the Council

(a) Hunsdon JMI School Governors. The clerk informed the Cllrs that Mrs. Colley, school admin officer had resigned and would be leaving in December.

(b) Parish Paths Partnership. J Ashley reported that there had been some damage to a way marker post, due to harvesting machinery. Also, J Ashley asked if the council could nominate a Cllr to represent the HPC at the Modification Order Enquiry. Cllr N Clark proposed that the clerk be given that authority to appoint the correct person.

(c) Council for the Protection of Rural England (CPRE). Nothing to report.

(d) Poor's Land and Stock Charity. Nothing to report.

(e) Village Hall Management Committee. Cllr H Brown stated that the V Hall had received a very high electricity bill. It had been decided by the VHMC that if users of the hall left lights on they would be charged £5. The public consultation forms had now been analysed by the VHMC and a report had been given to the PC for reading. Cllr H Brown stated that she had resigned as booking clerk of the Village Hall after 8 years. No replacement had been found as yet. Cllr Kitching informed the council that the Village Hall has now got its own website and this is linked into the Village website.

(f) Allotments. Cllr Oliver said that a letter had been given out to all tenants, stating that if their allotments were in disarray and not attended to, then the allotment would be assigned to a new tenant.

(g) Police Liaison. Crime within the village in August was as follows. 1 arrest for an offensive weapon. Cllr D Kitching stated that crime figures in the county had fallen significantly. Down by 3939. New anti-social behavior initiatives in Bishops Stortford were proving positive. A police locality meeting had been held in Hunsdon, chaired by Cllr D Kitching. It had been well received by both police and local Cllrs. Cllr Kitching clarified that the rural farm system was still in situ, using mobile phones and not pagers.

(h) SHN. The EHDC executive planning panel had met to progress the "sieving process" of potential housing

development sites. Cllr Clark stated that Dist. Cllr M Newman had stated the inadequacies of the process to EHDC. The next meeting of the panel is scheduled for November, when it must look at sustainability of proposed sites. It is hoped that North Harlow and another proposed development of 5000 houses near Hunsdon, will be removed as both should fail to meet the sustainability criteria. Mr. M Prisk has been appointed housing minister and has reiterated his support for the SHN campaign.

(i) Dist Council. Cllr Newman agreed with the above comments from Cllr N Clark and again stated that the sieving process being adopted by EHDC was inaccurate. Dist. Cllr Newman informed the council that the housing benefit budget for the district had been cut by 10%. The council intends to protect the vulnerable, i.e. pensioners and therefore other persons on benefit will be more greatly affected.

(j) Cty Council. Cty Cllr R Beeching gave the council an update on School buses, Bishop Stortford school consortium, Broadband and Olympics medals. He reported that the Schools appeal for a one new site school in Bishop Stortford had been rejected by Mr. Pickles. M.P.. Local schools were now cooperating together to accommodate local children's needs in the future. The county council would fund match the money received by the government for broadband in the county, this should therefore be in excess of £6m. Hertfordshire County Olympians had secured 13 medals, a great achievement for the county.

5. **Parish Plan.**

a. Welcome Pack. L Newman stated that this is very well received by new families. The content was in need of constant updating and therefore she was awaiting updates from new clubs within the Village.

6. **Village Infrastructure.**

a. Bus Shelter. Chairman D Gibbs had received a quote for an oak engraving for the shelter. It amounted to £164. The councillors agreed to this purchase. D Gibbs would discuss with the engravers the most suitable colour infill.

b. Play ground inspection. This had been received and although all equipment was categorised as very low risk or low risk, the council were concerned about on the safety of the see saw. The clerk will write to the manufacturers and ask them to inspect it. Notices had been put up at the school, Ducklings and the play area asking children not to play on it. General maintenance was required on some equipment; this will be listed and undertaken accordingly.

7. **Planning.**

- i. Decision by EHDC Development Control on earlier applications.
 - i. Olives Farm Stanstead Road, Listed building consent. GRANTED
- ii. New Applications:
 - i. New Chapel /Parking facilities; Acorn Street Hunsdon
 - ii. Olives Farm Stanstead Road, Listed building consent for int alterations
 - iii. Olives Farm Stanstead Road, Listed building consent for First floor side ext.

8. **Finance**

- a. Spending for approval

Clerk's salary for September	£296.10
J Franklin (grass cutting July) retrospective	£274.50
Cash Litter pickers	£100.00
EHC Playground inspection retrospective	£55.86
AJ products (bin for bus shelter) retrospective	£75.00
J Franklin (grass cutting August)	£252.50
D Robinette (Defib battery and pads) retrospective	£225.84

Spending was approved and chqs signed by H Brown and S Oliver.

9. **Correspondence.**

a. Letter from local resident. A letter had been received concerning the location of the dog bin and rubbish bin outside 30 Widford Road. The clerk read out all correspondence. The councillors agreed that is needed monitoring and a decision whether or not to move the bins would be taken in the near future.

10. **Any other business.**

a. Waste transfer Site. 2 Councillors had complaints from a resident adjacent to this site regarding the noise level, rodents and poor driving of the skip drivers. Also the clerk raised concerns about the height of the wood pile as a potential fire hazard. Environmental Health and agency would be contacted along with the fire brigade to inspect the site.

11. **New Chapel Planning Application.**

Before any discussions took place Cllr N Clark stated, "I have a pecuniary interest in the new chapel planning application. I will therefore not participate in this part of the Parish meeting." Cllr N Clark left the meeting. The clerk informed the council that the plans were on the notice board outside the PO for all villagers to see. A public meeting would be held on 24th September for all villagers to express their views on the proposed planning application. This meeting had been advertised at the PO, school and on the website. All households are to receive a leaflet informing them of the Public Meeting. The clerk and the chairman D Gibbs have roughly marked out the area of the proposed chapel building and car park on the field with white spray paint to help both Cllrs and residents to visualise the area in question. Derek Clark asked Dist. Cllr Newman if he too was to declare an interest in this development. Dist. Cllr Newman stated that he did not have a pecuniary interest and therefore did not need to do so.

Meeting closed at 10.20pm

Minutes are always available on the village web site - www.hunsdon.org.uk

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HUNSDON PARISH COUNCIL

Minutes of Parish Council Meeting held at 8.00pm on Monday 19th November 2012 in the Village Hall, Hunsdon

Present: - Chairman D Gibbs, Cllrs D Kitching (Deputy Chairman), N Clark, S Oliver, B Toll, H Brown

In attendance: - J Robinette (Clerk), John Ashley (PPP Warden), D Clark (PP), Dist. Cllr M Newman, Cty Cllr R Beeching. 26 members of the public.

1. Apologies for absence.

None received.

2. Approval of minutes of both the Parish Council meeting held on 22nd October 2012.

Agreed & signed by the Chairman.

3. Matters arising.

S106. Agreement. This money was still not forthcoming from EHDC. Clerk and Dist. Cllr to chase again.

4. Reports from members representing the Parish Council on outside organisations and attending meetings on behalf of the Council

(a) Hunsdon JMI School Governors. Nothing to report.

(b) Parish Paths Partnership. The Modification Order decision had not been confirmed. A detailed report had been sent to the PC. In essence the planning inspector was not convinced that in the period between 1978-1998 people had been walking the paths across the aerodrome without permission. John Ashley stated that HCC would be communicating with Savills and farmers to resolve issues locally.

(c) Council for the Protection of Rural England (CPRE). An E Mail had been sent some months ago to the HPC from the VOTY committee asking for suggestions to revitalise this competition. Cllr B Toll asked the Chairman D Gibbs if there had been any feedback. Nothing had been received.

(d) Poor's Land and Stock Charity. Nothing to report.

(e) Village Hall Management Committee. A new bookings clerk had been appointed. Mrs. T Curtis is to take up the role. Both a handyman and minute secretary had also been recently appointed. Cllr H Brown had informed the new booking clerk of the dates for the PC meetings however the clerk will confirm in writing to Mrs. Curtis.

(f) Allotments Nothing to report.

(g) Police Liaison Cllr Kitching informed the council that there had been 2 non-residential burglaries, 15 thefts and 3 attempted thefts of possessions in cars. He urged all residents to lock their cars. SID, the speed indicating device can now be borrowed by the PC to evidence traffic flow. Training is necessary before use.

(h) SHN. Cllr Clark informed the council that the LDF meeting for EH was scheduled for 28th November. Although a lot of data is now readily available, the preferred options would not be published until next year.

(i) District Council. Dist. Cllr M Newman stated that EHC housing Strategy was too small and fragmented, in which case it was possible for the government to step in and determine the housing stock, vulnerable to this. Dist. Cllr Newman stated that EHDC Local Plan was current and therefore should not be vulnerable to the government being involved.

EHDC car parks operate a Ring go system. At present it costs the users 10p. However to encourage people to shop locally within the towns EHDC has now decided to absorb this charge. Cllr Newman stated that the local bus service had become erratic and unreliable. He was at present collecting data to challenge the bus company's service. New constitutional boundaries have been proposed, reducing the number from 533 to 502. In this proposal Hunsdon ward would be with Broxbourne rather than Stortford. Mr. C Walker is Broxbourne's local MP at present. There is a website for anybody to make comments, see www.consultation.boundarycommissionforengland.independent.gov.uk

(j) County Council. Cllr R Beeching informed the council that Mr. D Lloyd had been elected as the new police commissioner. Voting turn out had been poor across the country and county. Adult social care within Herts County took up 48% of the Cty overall budget. "Hertfordshire local" has been a successful initiative; 644 grants had been given out. Both The locality budget and Herts highways budget schemes continued, with grants being given to Hunsdon.

5. Parish Plan.

Nothing to report.

6. Village Infrastructure.

a. Bus Shelter. The oak engraved panel had been ordered to commemorate QEII's Diamond Jubilee. It is hoped that it would be in place shortly.

7. Planning

a. Decision by EHDC Development Control on earlier applications.

- i. New Chapel and Community centre with car parking... GRANTED

b. New Applications:

- ii. Olives Farm, Stanstead Road. Replacement of 2 new windows.

c. Consequences of EHC Development Control Committee decision on chapel application.

The clerk asked the councillors to e mail her by Friday this list of conditions that HPC would like to put forward to the planning dept. concerning the recent granted PA. If local residents wished to suggest any additional conditions then these too need to be directed to the council for consideration before Friday 23rd November.

Alternative land. The HPC will write to the PCC to determine the status of the land if/when handed over to the PC. St Francis Chapel. The HPC will write to the PCC to ask what the intentions are to keep this grade II listed building.

d. New Chapel HPC Statement. Cllr D Kitching read out the following statement.

"An application for a new chapel was first submitted just over a year ago. However, after a public meeting at which much opposition to the proposal was voiced, it was withdrawn by the Parochial Church Council. Now, a year later, a new application has been submitted, including a proposed building and location which is unchanged since the original application. The Church Council has held no consultations with the village during the past year but Hunsdon Parish Council held another public meeting on 24 September 2012 to gauge public opinion. It was attended by over 90 villagers and, in a straw poll of those present, all but 10 opposed the application. The majority of written submissions to East Herts Council were also opposed to the planning application.

Few, if any, villagers would not acknowledge that the existing chapel is in a very poor state of repair. And few, if any, villagers would not accept that some form of new chapel is required. However, it is abundantly clear that the majority of parishioners are opposed to the plan as currently submitted and, in taking into account various planning considerations and being representative of the village as a whole; Hunsdon Parish Council supports that view.

The officers of East Herts Council Development Control, in reviewing the planning application, recommended that it be refused and it was referred to committee. A Development Control Committee meeting was then held in public on 7 November 2012. At this meeting Hunsdon Parish Council made a statement opposing the planning application and supporting the officers' recommendation that it be refused.

In his submission to committee Cllr Michael Newman, our Ward District Councillor, then proceeded to counter many of the negative observations made by the Development Control officers. This included, for example, the fact that Council had previously approved development on recreational land in Bishop's Stortford without alternative land being offered, thus contradicting policy LRC1.

He also quoted the Hunsdon Parish Plan as supporting a new chapel. This statement to Council was misleading because the full Parish Plan states: *"To consider the repair and possible extension of St Francis Chapel (if viable) or the development of the site to provide suitable accommodation to meet the needs of the present and future worshipping community and to serve the greater village community"*. Nowhere does the Parish Plan support building other than on the existing site and certainly not on the recreation ground. Cllr Newman failed to mention this.

Cllr Newman also highlighted the fact that the main difference between the most recent planning application and that submitted last year was the offer of additional land in compensation for the land lost to development. This he regarded as a positive move. He did not attempt to portray that the land on offer is removed from the current recreation area, is screened from view and is unsuitable as a children's play area.

Cllr Newman went on to quote from the National Planning Policy Framework as apparently being supportive of the new chapel project. He quoted the NPPF as saying that planning policy *"should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship"*. What Cllr Newman did not say was that the NPPF goes on to state that *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location"*. Since these provisions have not been met, the Parish Council would therefore argue that the NPPF is supportive of retaining village recreational facilities rather than build on them.

Throughout his submission to the committee he gave weight to arguments opposing the officers' recommended refusal. When it came to the vote, he voted to support approval of the planning application for the proposed new chapel.

The East Herts Council Code of Conduct for Councillors states that:

"As a Member of East Hertfordshire District Council, my conduct will in particular address the statutory principles of the code of conduct by championing the needs of residents - the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first".

In disregarding the views of the clear majority of Hunsdon residents in his submission to the Development Control Committee, Cllr Newman has failed to be representative of the community at large. His statements to the committee were selective and misleading. He presented a one-sided rather than balanced view and promoted, rather than countered, the planning application. His overall viewpoint was clear for all to see when he voted to support the application rather than at least abstain.

As a direct result of Cllr Newman's conduct at the public meeting of East Herts Development Control Committee meeting held on 7 November 2012, Hunsdon Parish Council has lost confidence in his ability to represent fairly and impartially the majority of residents of Hunsdon as its Ward Councillor."

Cllr D Kitching asked for further comments from councillors.

Chairman D Gibbs read out the following from a prepared statement. Chairman D Gibbs stated these points were of planning issues taken from the Planning Development control committee meeting of 7th November and not personal. "To the PCC and the Vicar – Planning Officer accused of bias and errors. However, Church one mile outside Village, suddenly?

Too Cold – previous members of the clergy were more tolerant.

New building uses eco-friendly technology – so why can't this be applied to St Dunstan's; many listed churches have ground heat installed. Lighting improvement would be no problem.

Loss of land is "small and rarely used", it is recreational land for all ages, especially for children –there has been a community vacuum created.

New building sustainable – where are these figures for maintenance

To Dist. Cllr Newman .You stated that the new Chapel would be more accessible – many (?) elderly people find it difficult to visit church –can't lifts be organised, surely the Christian way to help worshippers.

You are the Ward Councillor – elected by the community – your first duty is to your constituents whether they voted for you or not, you have not carried out that duty. Your comment on the first public meeting resulting in a 50/50 split is untrue; you used it as a platform to expound your theory that public meetings only attract objectors, excusing the weighty "NO" from the second public meeting which has since increased. You are obviously oblivious to the following:-

You failed to pursue this councils attitude towards the building of a new chapel, that is has a positive approach towards such an enterprise. You were well aware that this council, which represents the feelings of this community, agrees with the PCC's for a new chapel but not on the playing field and not such a huge building- this was never put to the Planning Committee. You did not mention that the Architects said there would be no commercial retail space, no transport implications and there would not be a detrimental impact to open space and existing trees would not be affected.

Only 5 members of the Pl. Committee visited the chapel or were shown the offered extra land, one could not remember where it was. Your answer to Cllr Tim Page who asked you to define the current use of the offered area was totally evasive, he had to ask you again, and you replied "An open space, no defined use".

Your display and reading of the Parish Plan Brochure was obstructive to the truth and did not explain that it was a work in progress and stating that this Council has never pursued a building on the playing field. You were on the working party which proposed it and on the Parish Council which adopted it – you have no excuse for not knowing what is in it.

Your detailed description of the Bishops Stortford Planning application being granted for building on playing fields had nothing to do with Hunsdon Village but only served to underline your personal belief in only what the PCC want. Your further comment that your wife is a church goer, but you were not was not of planning concern but obviously sort to add a sense of personal axe to grind. The fact that the PCC are the applicants for this chapel build and your wife is a member of the PCC casts an uneasy sense of perception on you argument. The EHC have accepted an application which has now been recommended for permission by the husband of an applicant.

Did you revise the Glebe land description by the PCC from vacant to village recreational ground, designated as such in the EHDC Local Plan; policy being Rural Area Beyond the Green Belt, as it is outside the village envelope?

Was LRC1 understood by the P.Committee and that as an alternative it would have to be flattened, grass sown and maintained before being considered, which is unacceptable. Was this area plus the old allotment land ever suggested as an alternative build site? Did you comment upon the inadequate car park? Did you remind the P.Committee that Wareside and Widford Churches will follow Hunsdon in Centuries of worship and history to the scrapheap? Their Parish Councils have not been consulted at all. Was the P.Committee advised to consider an alternative build site which would be ideal on the old Allotment site/extra land? Easily accessible especially for the priest-in-charge. Were the environmental effects mentioned, ENV11, hedgerow/trees? ENV1-to reflect local distinctiveness?

The COMMITTEE. How was the decision arrived at?

There was little discussion the DC did not represent the views of the community, less than half the Committee said anything at all, did they understand the pros and cons? Did they all visit the site? Did they speak to anyone other than the PCC? Why have the PCC resolutely ignored the PC's offer to talk. A small number of parishioners and ill-informed planning committee have achieved their goal – at enormous expense to our community – the expense of losing a quarter of the only playing field we have; the finance expense is of no consequence to the church authority as a benefactor is at hand. Wouldn't those hundreds of thousands of pounds be more usefully used to heat the church with ground heat technology, provide an extra room plus improved lighting even a donation towards a mini

bus to convey worshippers to and from the three churches in the Benefice- do not say it is impossible to achieve on a Grade 1 listed building 800 years old, beautiful, stuffed with history, decorated, water and w.c. laid on. Suddenly it is almost a mile from the Village; show me a Village which has a central church.

My parish church at Broxbourne had similar problems, is almost as old, on the far edge of the village but has surmounted similar problems

Planning policy was non-existent or was it all detailed for discussion prior to the meeting, if so this PC wishes to have sight of the meeting minutes, or was it secret? Standards and guidance were personal, biased and blatantly incorrect. The P.Committee of Nov.7th was a travesty, there is a strong suspicion that due process was skewed to such an extent that the decision was made on insufficient knowledge, bad advice, a general ignorance of planning procedure, and, as displayed by the lack of member discussion, a predetermined result. It is crystal clear, to use your words, that you had no intention to represent your ward as elected Councillor on the planning application."

Cllr N Clark stated that he was both dismayed and angered when he watched the webcast live. He stated that he knew the PA would be granted once Cllr Alexander had entered into the discussion.

Cllr D Kitching proposed a Vote of No Confidence in Cllr M Newman, seconded by Cllr S Oliver. Cllr B Toll stated that he wished to hear comment from Dist. Cllr Newman before voting. Cllr Clark stated that the meeting could be suspended to listen to an individual's comments. This was proposed by Cllr Clark and seconded Chairman D Gibbs. The council therefore suspended its meeting to ask for comments from Dist. Cllr Newman. Dist. Cllr Newman read from a prepared statement as follows.

"The twelve members of EH Development Control Committee decided to grant this permission by an overwhelming majority. Each member reaches his / her decision at the meeting but based a number of submissions of which the planning officer's report is only one. Individual visits made to the application site are likely to be important, the speakers for and against are clearly an influence, I gave my crystallisation of the decision to be made and this was followed by the open debate among the committee. Each member is sensible and conscientious in reaching his / her own view and - quite rightly - no one member has any undue influence. No other person knows what led individual members to vote in the way they did, but the committee system of decision is wholly open and transparent and yet properly monitored to ensure propriety. Presumably it was a confidence in this system that was behind the PC's request for the application to be taken by committee.

Looking to the future, there are clearly a number of consequent activities, including

- ☐ Defining the appropriate EH Planning conditions of the approval
- ☐ Addressing the matter of the Diocesan Glebe Committee lease
- ☐ PCC's architect working up the internal and external design details of the new chapel

... and I am sure that each of these agencies would welcome a positive contribution from the PC."

The council meeting was then resumed. The Vote of No Confidence was carried unanimously.

8. Finance

a. Spending for approval

Clerk's salary for Nov/Dec	£592.20
J Ashley (flowers for pump)	£20.00
D Gibbs expenses (ink, laminator, mileage)	£51.67
J Franklin Hedge cutting	£210.00
J Franklin grass cutting	164.50
Wages (Litter pickers)	£250.00
J Robinette (O/time.10 hours)	£134.60
CPRE sub	£29.00
Archer (engraving of bus shelter) to be completed in Dec	£163.44

(b). Precept The Councillors agreed that the precept figure should be £14545 for 2013/14, a similar figure to last year's. Funds would be allocated to village projects. The clerk will finalise the paperwork and send the initial paperwork to East Herts. The clerk agreed to investigate the conditions surrounding Section 137 in order to try to help the local post office. A final precept figure and formal paperwork would be completed at January's meeting.

9. Correspondence.

- a. None received.

10. Any other business

- a. **Street signs.** There are a number damaged in the village. The clerk will list and send to HCC.
- b. **Village Forum.** Cllr Clark informed the council that his would commence in the New Year.
- c. **The Pump Railings.** These had been damaged by a delivery lorry. The clerk informed the council that the loss adjuster was visiting on Tuesday. Also the blacksmith from M Hadham forge was to quote for the repair.
- d. **CDA.** J Tirelli will ensure the PC is on the CDA mailing list.
- e. **Leftover Spoil.** J Felstead asked if the left over spoil in Back Lane could be removed. J Ashley stated he would speak to N Maddex.
- f. **New Chapel.** Members of the public addressed the audience asking questions regarding this application.

Meeting closed at 9.20pm

Minutes are always available on the village web site - www.hunsdon.org.uk .

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STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

**The Relevant Authorities (Disclosable
Pecuniary Interests) Regulations 2012**

<i>Made</i>	- - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>		<i>8th June 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(1), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

(1) 2011 c.20.

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000⁽²⁾ and other securities of any description, other than money deposited with a building society.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State
Department for Communities and Local
Government

6th June 2012

(2) 2000 c. 8.

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest</p>

(3) 1992 c. 52.

exceeds one hundredth of the total
issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

5

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Complaints Procedure

1.0 Context

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this authority (or of a Town or Parish council within its area) has failed to comply with the Councillors’ Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the authority (or of a Town or Parish council within the authority’s area), or of a Committee or Sub-Committee of the authority, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the authority to appoint at least 1 Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member (or a Member or co-opted Member of a Town or Parish council) against whom an allegation has been made.

2.0 The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available for inspection on the authority’s website and on request from Reception at the Council Offices.
- 2.2 Each Town and Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, you should inspect any website operated by the Town or Parish Council and request the Town or Parish Clerk to allow you to inspect the Town or Parish Council’s Code of Conduct.

3.0 Making a complaint

- 3.1 If you wish to make a complaint, please write or email to:

The Deputy Monitoring Officer - Jeff Hughes
East Herts Council
Council Offices
Wallfields

Pegs Lane
Hertford
SG13 8EQ

Tel: 01279 655261

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 In order to ensure that the Council has all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the Reception at the Council Offices.
- 3.4 Please provide the Council with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.
- 3.5 The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.7 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance. The Council will endeavour to deal with a complaint within 3 months.

4.0 Will your complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received and, may consult with the Independent Person before referring it to the Standards Sub-Committee
- 4.2 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the

Assessment Criteria annexed at Appendix 2. The Standards Sub-Committee will make a recommendation as to whether the complaint should be investigated. Where the Sub-Committee requires additional information in order to come to a decision, the Monitoring Officer may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Town or Parish Council before submitting it to the Sub-Committee.

- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Sub-Committee will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5.0 How is the investigation conducted?

- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.
- 5.2 If the Council decides that a complaint merits further investigation, the Council may appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.
- 5.3 The Investigating Officer or Monitoring Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the

complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.5 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

6.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer’s report and, if he is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned and to the Town or Parish Council, where your complaint relates to a Parish Councillor, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigation Final Report. The Monitoring Officer will then report to the Standards Sub-Committee which will make a decision based on the report.

6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer’s report and will then either send the matter for a hearing before the Standards Sub-Committee and in consultation with the Independent Person seek an informal resolution.

7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you may consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Town or Parish Council for information, but will take no further action.

7.1.2 Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the Councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Sub-Committee which may conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for hearing complaints, which is attached as Appendix 4 to these arrangements.

At the hearing, the Investigating Officer or the Monitoring Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with

the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should recommend as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8.0 What action can the Standards Sub-Committee take where a Member has failed to comply with the Code of Conduct?

8.1 The Sub-Committee may decide to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may consider:-

- 8.2
 - i. A formal letter to the Councillor found to have breached the code;
 - ii. Formal censure by motion;
 - iii. Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;
 - iv. Press release or other appropriate publicity;

8.3 The Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9.0 What happens at the end of the hearing?

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

9.2 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Sub Committee, and send a copy to you, to the Member and to the Town or Parish Council, making that decision notice available for public inspection.

10.0 Who are the Standards Sub-Committee?

10.1 It is a Sub-Committee comprising Independent Members.

10.2 If the Councillor complained about is a member of a Town or Parish Council a Town or Parish Councillor who is a member of the Standards Committee will also be invited to attend the Sub-Committee.

- 10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11.0 Who is the Independent Person?

- 11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

- 11.2 A person cannot be "independent" if he/she:

11.2.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

11.2.2 *(Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area), or*

11.2.3 Is a relative or close friend, of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose, a "relative" means:

11.2.3.1 Spouse or civil partner;

11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.2.3.3 Grandparent of the other person;

11.2.3.4 A lineal descendent of a grandparent of the other person;

11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or

11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or

11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

12.0 Revision of these arrangements

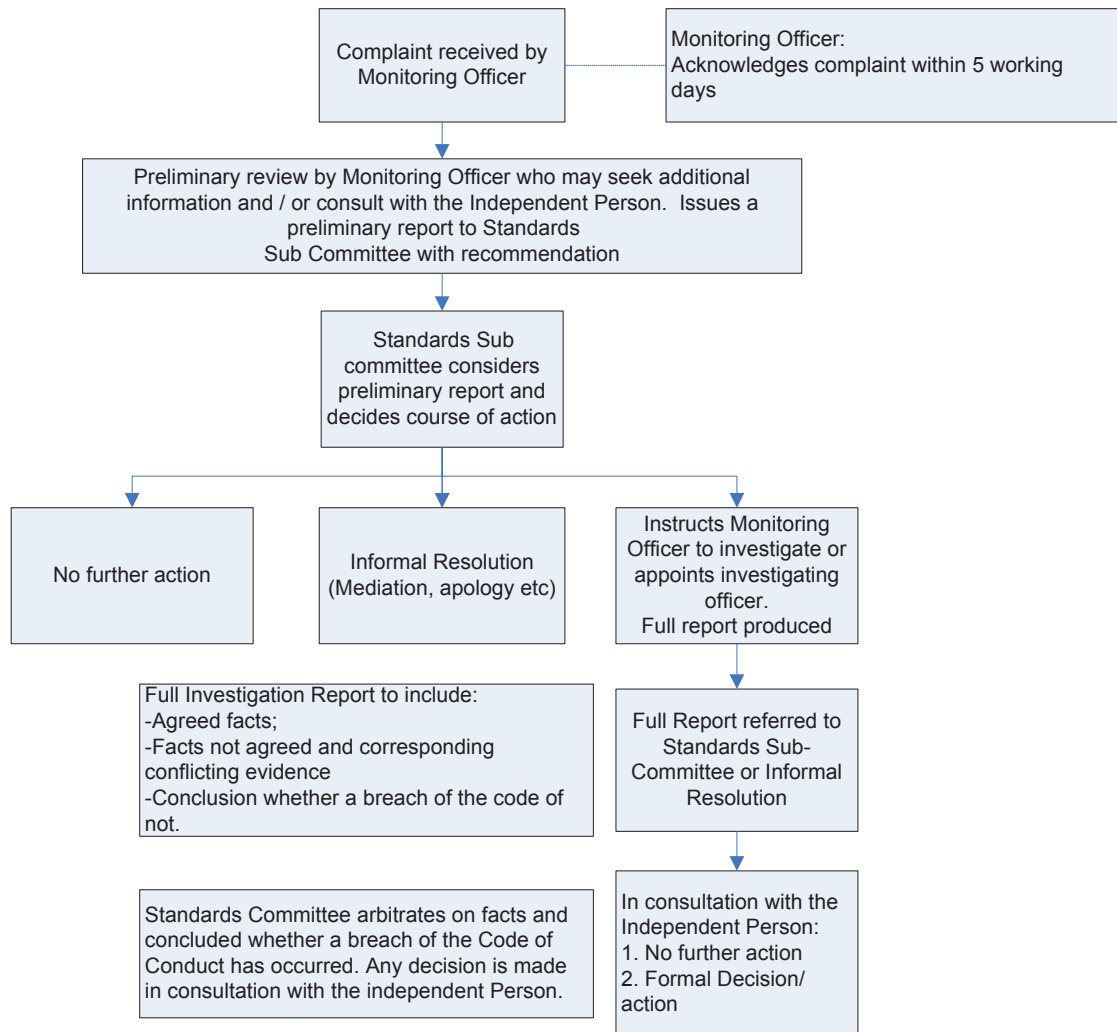
The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13.0 Appeals

- 13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Sub-Committee.
- 13.2 If you feel that the authority has failed to deal with your complaint properly, you can make a complaint to the Local Government Ombudsman.

APPENDIX 1

Complaints Procedure Flowchart



Preliminary tests:

Potential breach of the code?

What to do with it?

Assessment of public interest?

Decision within 28 working days of receipt

Or seek additional information as required prior to making a decision.

Independent Persons is consulted

Complaints which would not normally be referred for investigation:

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is "tit-for-tat" or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

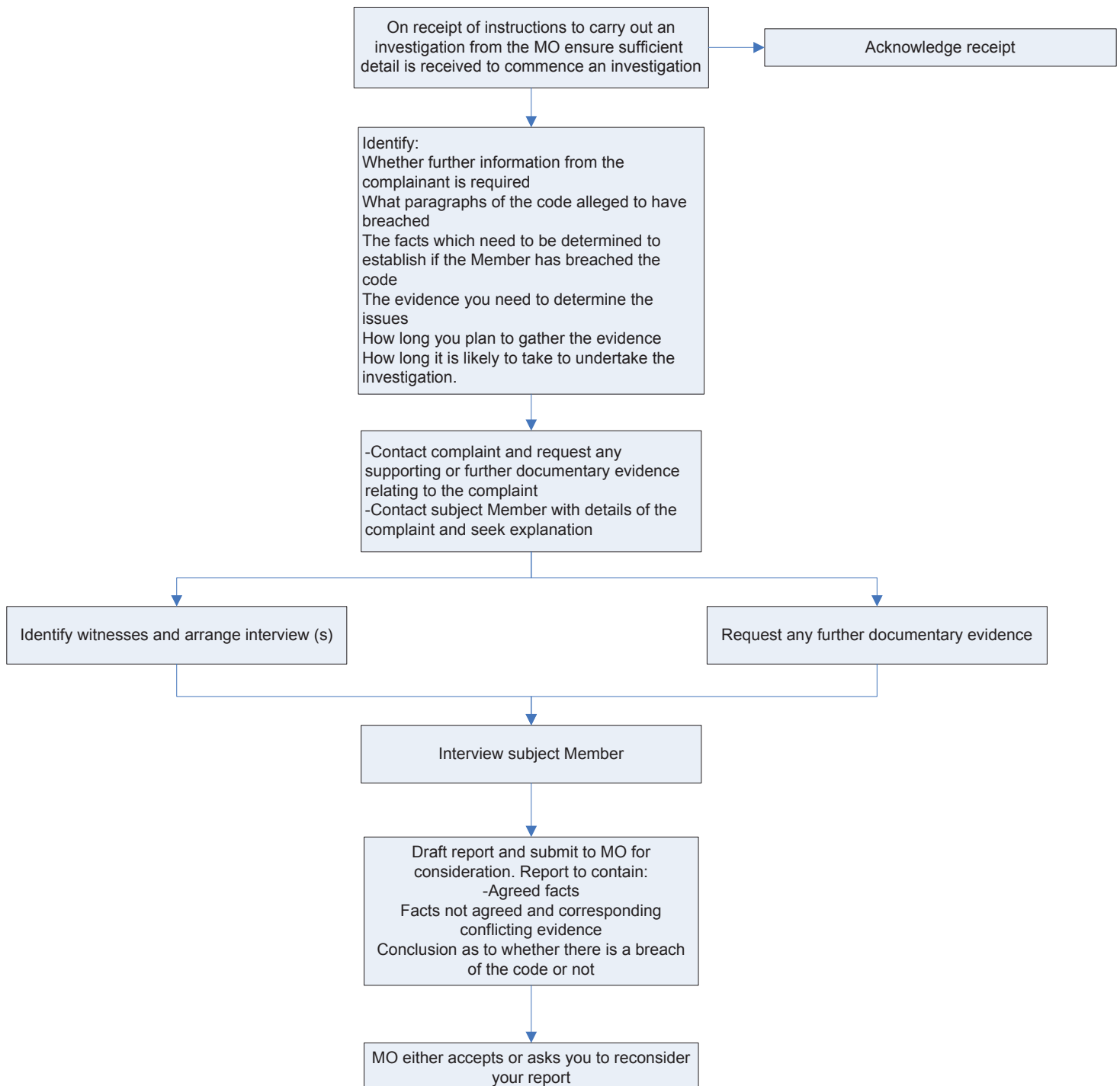
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. it is about someone who is no longer a Councillor
5. There is insufficient information available for a referral; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
10. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

APPENDIX 3

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

You should maintain a written record to demonstrate what was considered at the start of each investigation and plan how you intend to carry out the investigation, the paragraphs of the code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 for co-operation with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council's Monitoring Officer.



Appendix 4

Complaints Standards Sub-Committee Procedure

<u>Item No.</u>	<u>Procedure</u>
1	<p><u>Quorum</u></p> <p>1.1. Three Members must be present throughout the hearing to form a quorum.</p> <p>1.2. The Sub-Committee shall elect a Chairman for the meeting</p>
2	<p><u>Opening</u></p> <p>2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones.</p> <p>2.2 The Chairman asks all present to introduce themselves</p> <p>2.3 The Councillor will be asked whether they wish to briefly outline their position</p>
3	<p><u>The Complaint</u></p> <p>3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions arising from the Investigator's report and not to make a statement)</p> <p>3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer</p>
4	<p><u>The Councillor's case</u></p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p>

	<p>4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p>4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
5	<p><u>Summing Up</u></p> <p>5.1 The Investigating Officer may sum up the Complaint</p> <p>5.2 The Member (or their representative) may sum up their case.</p>
6	<p><u>Decision</u></p> <p>6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p>6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or</p> <p>6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.3 The Sub-Committee will give reasons for their decision</p> <p>6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Panel will consider any representations from the Investigator and/or the Member as to:</p> <p>6.3.1 Whether any action should be taken and</p> <p>6.3.2 What form any action should take</p> <p>6.4 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person</p> <p>6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council)</p> <p>6.6 The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members.</p>

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EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 26 JUNE 2013

REPORT BY THE DEPUTY MONITORING OFFICER

COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR
B WRANGLES

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider a complaint in respect of Councillor B Wrangles, a Member of East Herts Council.

1.0 Background

- 1.1 Council has received a complaint alleging that a District Councillor has breached the Authority's Code of Conduct.

2.0 The Report

- 2.1 The Council has agreed a procedure for considering complaints.
- 2.2 The Sub-Committee will consider the report and decide what action to take.

3.0 The Complaint

- 3.1 A Complaint was made that Councillor Wrangles breached the Council's Code of Conduct (see **Essential Reference Paper B**).

4.0 Procedure

- 4.1 A copy of the Council's complaints procedure is contained in **Essential Reference Paper C under an earlier Agenda Item**.

5.0 Implications/Consultations

- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon Drinkwater- Director of Neighbourhood
Services - 01992 531405
simon.drinkwater@eastherts.gov.uk

Report Author: Jeff Hughes – Deputy Monitoring Officer –
ext. 2170.

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	None
Legal:	The procedures are in accordance with the regulations.
Financial:	None
Human Resource:	None
Risk Management:	The case should be determined in accordance with the regulations having regard to the relevant guidance.




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:	Mr
First name:	Christopher
Last name:	Sheail
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	17/5/2013

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
Cllr	Beryl	Wrangles

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.

Please see the attached letter and accompanying emails that detail my complaint.

(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:

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

Acknowledgement that Councillor Wrangles has breached the code of conduct.

A public apology.

A retraction of the original email. I do not feel that it is appropriate for it to be a consideration when assessing my planning application. But to clarify, I welcome Councillor Wrangles or any other councillors or members of the public', involvement in the planning issues relating to my application. I would welcome a more objective and coherent statement from Councillor Wrangles.

That Councillor Wrangles will in future act in a manner that is more appropriate when carrying out her duties.

(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:

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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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267 Ware Road
Hertford
Hertfordshire
SG13 7EL

The Deputy Monitoring Officer - Jeff Hughes
East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

17th May 2013

Re: Complaint Against Councillor Beryl Wrangles

Dear Mr Hughes,

This letter forms the explanation section of my complaint against Councillor Beryl Wrangles. The complaint is in relation to an email that was issued to the Planning Office of East Herts District Council which I have included with this letter. I have also included a copy of my email response to Councillor Wrangles.

Below I have quoted and highlighted in bold the sections from the Councillors Code of Conduct that I believe have been breached, along with my comments.

"As a member or co-opted member of East Hertfordshire District Council I have a responsibility to **represent the community and work constructively with our staff and partner organisations** to secure better social, economic and environmental outcomes for all."

I feel Councillor Wrangles has not represented the community, and her comments are not constructive to assessing the planning issues related to my application.

"SELFLESSNESS: Holders of public office **should act solely in terms of the public interest**. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends."

Councillor Wrangles does not appear to have acted solely in terms of the public interest, her email represents only the personal interests of the sole objector.

"OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, **holders of public office should make choices on merit**."

I do not believe Councillor Wrangles has been objective in her decisions. She has failed to engage with me, and has demonstrated a lack of knowledge of the documents and plans provided with my application.

"OPENNESS: Holders of public office should **be as open as possible about all the decisions and actions that they take**. They should **give reasons for their decisions** and restrict information only when the wider public interest clearly demands."

I do not feel that Councillor Wrangles has explained or qualified the reasons for her decisions adequately. Councillor Wrangles has not been open at all. I have attempted to engage Councillor Wrangles about her email (please see the attached email) but have simply received a two line reply:

"Thank you for your email
The contents of which I have noted."

I do not believe this is an appropriate response.

“Championing the needs of residents – **the whole community** and in a special way my constituents, including those who did not vote for me - and **putting their interests first.**”

I do not feel Councillor Wrangles has championed the needs of the whole community, nor put their interests first. The personal interests of the single objector are the only interests represented.

“**Dealing with representations or enquiries from residents**, members of our communities and visitors **fairly, appropriately and impartially.**”

I do not believe Councillor Wrangles has acted fairly, appropriately or impartially in her original email, or in her response to me.

“**Listening to the interests of all parties**, including relevant advice from statutory and other professional officers, **taking all relevant information into consideration, remaining objective and making decisions on merit.**”

Councillor Wrangles has not listened to the interests of all parties. Councillor Wrangles has not taken all relevant information into consideration. Councillor Wrangles has not remained objective. I do not believe her decisions are based on merit.

“**Being accountable for my decisions** and co-operating **when scrutinised** internally and **externally**, including **by local residents.**”

Councillor Wrangles has refused to engage with me about this issue.

“Contributing to making this authority’s **decision-making processes as open and transparent** as possible to **enable residents to understand the reasoning behind those decisions** and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it”

I feel that Councillor Wrangles has not been open or transparent about the decisions made, nor has she enabled me to understand the reasoning behind those decisions.

To conclude I would like to clarify that I welcome Councillor Wrangles, local residents and any other interested parties involvement in my planning application. My complaint is solely related to Councillor Wrangles conduct.

Yours sincerely

A large black rectangular box redacting the signature of Chris Sheail.

Chris Sheail

JS
+HP

Eley Amanda

From: Stevens Jill
Sent: 14 May 2013 10 23
To: Planning
Subject: FW 3/130643/FP 267 Ware Rd Hertford

From: Councillor Wrangles (Beryl)
Sent: 14 May 2013 10:21
To: Stevens Jill
Subject: 3/130643/FP 267 Ware Rd Hertford

Dear Mrs Stevens

I write as Ward Member, I was asked by Mr & Mrs Read At 269 Ware Rd, Hertford to visit there house to see the views/light that they have now and the views/light that they will have if this rear extension at 267 is granted

The applicant Mr Sheail has not informed Mr & Mrs Read and has no conversation with them re this extension or discussed the party wall act with them. This is a great concern to them, as these houses are not on flat ground, and a great deal of earth would have to be excavated and will the extension be right up to the boundary line ?.

Having viewed this proposed extension from the back garden and back bedroom window at 269, this balcony will have views over No 269 & 271 gardens, this will be detrimental to their privacy/security

I give my full support to Mr & Mrs Read, in refusing this application
I which to be kept informed of the progress of this application.

Regards.
Beryl Wrangles

Cllr Mrs Beryl Wrangles
Kingsmead Ward Hertford
East Herts District Council

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FW 3/130643/FP 267 Ware Road, Hertford

Chris Sheail

17 May 2013 09:08

To: beryl.wrangles@eastherts.gov.uk

Cc: planning@eastherts.gov.uk, jeff.Hughes@eastherts.gov.uk, simon.drinkwater@eastherts.gov.uk

Dear Councillor Wrangles,

I am contacting you regarding the recent email you sent to Mrs Jill Stevens at the Planning Office of East Herts District Council (attached). In this email you state that you were contacted by Mr and Mrs Read of [REDACTED], and asked to visit their house to discuss the planning application which I have submitted for an extension to my property.

In your email to Mrs Stevens you make a number of statements in regard to the application and then conclude with the statement: "I give my full support to Mr & Mrs Read, in refusing this application." I note that at the end of the second paragraph you ask Mrs Stevens a question; namely, "will the extension be right up to the boundary line?" From this I conclude that you have not actually inspected the deposited plans yourself.

It has always been my understanding that Ward Councillors are expected to represent the interests of all their constituents equally and impartially. If a Councillor chooses to become involved in the issues affecting a specific planning application, then I would have thought it only reasonable for that Councillor to discuss the matter with all the parties concerned, inspect the deposited plans, and then make a balanced and impartial judgement. I consider it totally unacceptable for you to have issued your email to Mrs Stevens without having first given me the opportunity to discuss the matter with you and show you the site of the proposed extension.

—

Regards

Chris Sheail



EastHertsDistrictCouncilPlanning576821.pdf

27K

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EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 26 JUNE 2013

REPORT BY THE DEPUTY MONITORING OFFICER

COMPLAINT IN RESPECT OF HUNSDON PARISH COUNCILLOR D GIBBS

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider a complaint in respect of Parish Councillor D Gibbs, a Member of Hunsdon Parish Council.

1.0 Background

- 1.1 Council has received a complaint alleging that a Parish Councillor has breached his Authority's Code of Conduct.

2.0 The Report

- 2.1 The Council has agreed a procedure for considering complaints.
- 2.2 The Sub-Committee will consider the report and decide what action to take.

3.0 The Complaint

- 3.1 A Complaint was made that Parish Councillor D Gibbs breached Hunsdon Parish Council's Code of Conduct (see **Essential Reference Paper B**).

4.0 Procedure

- 4.1 A copy of the Council's complaints procedure is contained in **Essential Reference Paper C under an earlier Agenda Item**.

5.0 Implications/Consultations

- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Simon Drinkwater- Director of Neighbourhood Services - 01992 531405
simon.drinkwater@eastherts.gov.uk

Report Author: Jeff Hughes – Deputy Monitoring Officer – ext. 2170.

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	None
Legal:	The procedures are in accordance with the regulations.
Financial:	None
Human Resource:	None
Risk Management:	The case should be determined in accordance with the regulations having regard to the relevant guidance.



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:	Councillor
First name:	Michael
Last name:	Newman
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	24 April 2013

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
Cllr	David	Gibbs
(Chairman, Hunsdon Parish Council)		

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.

The elements of Hunsdon Parish Council's Code of Conduct¹ (Annex A) which I maintain Cllr Gibbs has breached are:

Part 1 Sect 3 (1) You must treat others with respect

Part 1 Sect 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Hunsdon Parish Council into disrepute.

The principal evidence for my complaint is Cllr Gibbs' report as Chairman of Hunsdon Parish Council to the 2012/13 Hunsdon Annual Parish Meeting on 25 March 2013 (Appendix 1). This report was read out by Cllr Gibbs at the meeting which was attended by me, other Parish Councillors and about 15 members of the public. The report has subsequently been published with the minutes of the meeting and posted on the village website. Since the report is published then I assume there is no need for witnesses to be identified. The relevant section of his report is concerned with my conduct leading up to and at the EH Development Control Committee meeting on 7 November 2012, when a planning application to replace the current St Francis Chapel in Hunsdon was considered. I am a Member of the DCC but also the Local Member associated with this application.

My complaint is threefold:

1. Cllr Gibbs makes a number of accusations that I acted improperly on this matter and did not abide by the EHC Code of Conduct. My conduct in relation to this planning application has been investigated by an independent Investigating Officer and, although the Officer's report is (at the time of writing) complete, it will remain Confidential until considered by the Standard Committee. The Officer's findings are, though, highly pertinent to this point and I would ask that the report is taken into consideration. However, in response to a letter from the Hunsdon PC Clerk, the Chairman of the DCC advised on 18 February 2013 that a formal complaint about my conduct had been lodged and was being investigated through the proper procedure – in other words the matter was *sub judice*. Under these circumstances Cllr Gibbs should have respected this position and refrained from any comment on the matter, knowing that I would be unable to answer his...
(Continue on separate sheet(s), as necessary)

¹ At the time in question, Hunsdon Parish Council had not adopted a Code of Conduct consistent with The Localism Act 2011. Its extant Code of Conduct had been prepared in accordance with The Local Authorities (Model Code of Conduct) Order 2007 and adopted in May 2007

EAST HERTFORDSHIRE DISTRICT COUNCIL

1. (cont)... accusations.
2. Cllr Gibbs' statement that *"He spoke for 10 minutes to the Committee and during this time he demonstrated no support for the feelings of his electorate and failed to represent this Community which had plainly made its views known through two public meetings, not to mention the current anger and frustration in the village. His comments had little to no planning content, quoted from the Parish Plan out of context, and a common thread running through his entire speech revealed a rejection of villager's fears and his dismissive attitude to the East Herts District Councils Code of Conduct to which he should adhere. These actions and words followed by a negligible consultation culminated in a granted decision. Cllr. Newman's speech at that meeting which generated the 'granted' decision helped to tear this once contented village apart; it will wreck the playing field, destroy the village scene and change forever the environment of the village centre. It has created nothing less than a divisive atmosphere. His speech, full of bias and partisan content..."* is, in every detail, an untruthful, unreasonable and unjustified defamation of my integrity. For example and in the context of his assertion that I *"...quoted from the Parish Plan out of context..."*, I provided copies of the summary (from which I quoted) and full versions of the Hunsdon Parish Plan to the EH Head of Planning and it is Mr Steptoe's view that *"an entirely reasonable interpretation of them would be that although the reuse/ redevelopment of the current chapel site is expressed as a preference in the parish plan, a separate village centre location should and could also comprise an acceptable alternative."* (Appendix 3)
3. Cllr Gibbs' statement that *"...but because his wife is a Church Warden, and a member of the PCC who are the applicants, it was perceived that a personal interest could affect his judgment on Church matters, he was consequently asked to withdraw before the planning meeting, ...; he refused to withdraw."* is again untrue and a defamation of my integrity. I was asked in an email from the Hunsdon PC Clerk on 5 November 2012 (Appendix 2) whether I was planning to speak at the DCC, and I responded that that I was planning to speak. At no stage was I asked to withdraw from the meeting, hence at no stage did I *"refuse to withdraw"*.

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:

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

D. Remedy sought

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

I request that Cllr Gibbs makes a written apology to me. A draft of the apology is to be submitted to, and approved by the Chairman of the EH Standards Committee

The apology should be read by Cllr Gibbs at the first available scheduled meeting of Hunsdon Parish Council, and recorded in the minutes thereof.

The apology should be included in the first available scheduled edition of the Hunsdon Parish Magazine.

Hard copies of the apology should be posted on noticeboards around Hunsdon at the first opportunity and for at least one month.

The apology should be posted on the village website at the first opportunity and for at least one month.

(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:

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

☒

EAST HERTFORDSHIRE DISTRICT COUNCIL

Appendix 1 – Extract from the Chairman's report at the Annual Parish Meeting in Hunsdon on 25 March 2013

My final report must be in some detail as it is the most important factor this village has had to face. Some villagers have asked me to explain how a Planning Application which was refused by an East Herts Planning Officer, and objected to by a large majority of parishioners, came to be granted by East Herts Planning and Development Control Committee last November. The Parochial Church Council (PCC) entered a Planning Application to East Herts Council to build a Chapel/Community centre on church owned land, currently leased by this council from the Diocese of St Albans for the last 60 years, commonly known to residents as the recreation ground, or playing field, in Acorn Street. The lease runs until the middle of next year. The process detail is considerable so I will not enter into that now, but many people would like to know "what went on", of the massed feeling against an oversized building in the wrong place, endangering the future of our ancient Parish Church as well as duplicating facilities now available in the refurbished Village Hall a few yards away. Letters of support and objection from the public were available for members of the Planning and Development Control Committee to read and is hoped that they did in addition to taking into consideration their own Planning Officer's "Refusal" Report, they then heard the three minute presentations by the Church and then this Council. The Committee Chairman then asked for representations from the Committee members, this was answered by Cllr. Newman, Ward Councillor for Hunsdon. In this position he represents this Community, but because his wife is a Church Warden, and a member of the PCC who are the applicants, it was perceived that a personal interest could affect his judgment on Church matters, he was consequently asked to withdraw before the planning meeting, and perhaps his position of Deputy Chairman of that Planning and Development Control Committee would complement any advice given; he refused to withdraw. He spoke for 10 minutes to the Committee and during this time he demonstrated no support for the feelings of his electorate and failed to represent this Community which had plainly made its views known through two public meetings, not to mention the current anger and frustration in the village. His comments had little to no planning content, quoted from the Parish Plan out of context, and a common thread running through his entire speech revealed a rejection of villager's fears and his dismissive attitude to the East Herts District Councils Code of Conduct to which he should adhere. These actions and words followed by a negligible consultation culminated in a granted decision. Cllr. Newman's speech at that meeting which generated the 'granted' decision helped to tear this once contented village apart; it will wreck the playing field, destroy the village scene and change forever the environment of the village centre. It has created nothing less than a divisive atmosphere. His speech, full of bias and partisan content to the Planning Committee left this council no option but to unanimously pass a vote of 'No confidence' in Cllr. Newman.

EAST HERTFORDSHIRE DISTRICT COUNCIL

Appendix 2 - Copy of email exchange with Hunsdon PC Clerk prior to DCC on 7 November 2012

Councillor Newman (Michael)

From: Councillor Newman (Michael)
Sent: 05 November 2012 16:41
To: Parish Clerk
Subject: RE: 7 November Dev. Control Committee Meeting

Joy

Apologies for not responding.

I understand that David Kitching will be speaking at the meeting so presumably will be putting these views.

I will have the opportunity to speak as Ward Councillor and will probably do so. What I say will depend on everything I, personally, have read and heard leading up to the meeting and at the meeting.

Best regards

Mike

Cllr Michael Newman

East Herts Council, Member for Hunsdon Ward

From: Parish Clerk [REDACTED]
Sent: 05 November 2012 13:33
To: Councillor Newman (Michael)
Subject: FW: 7 November Dev. Control Committee Meeting

Mike, Just following up this e mail as I have had no reply from yourself. Thanks Joy

From: Parish Clerk [REDACTED]
Sent: 30 October 2012 17:20
To: michael.newman [REDACTED]
Subject: 7 November Dev. Control Committee Meeting

Mike,

Please find attached a document that HPC is sending to all members of the development control committee for their perusal before the committee meeting.

The Parish Council wants these arguments to be presented at the meeting. As Ward Cllr we would like to ask you would do so. However we are mindful that you may be uncomfortable with this and therefore I have had an initial conversation with R Beeching to stand in if that is the case.

Joy

Joy Robinette
Hunsdon Parish Clerk

EAST HERTFORDSHIRE DISTRICT COUNCIL

Appendix 3 - Copy of email from Kevin Steptoe, EH Head of Planning

Councillor Newman (Michael)

From: Steptoe Kevin
Sent: 05 April 2013 14:45
To: Councillor Newman (Michael); Councillor Rutland-Barsby (Suzanne); Drinkwater Simon
Subject: RE: St Francis Chapel, Hunsdon

Mike - thanks for the copy of the summary document - that is certainly a less specific summary document - from the knowledge of both documents I feel that an entirely reasonable interpretation of them would be that although the reuse/ redevelopment of the current chapel site is expressed as a preference in the parish plan, a separate village centre location should and could also comprise an acceptable alternative.

Kevin

EAST HERTFORDSHIRE DISTRICT COUNCIL
Annex A - Copy of Hunsdon Parish Council extant Code of Conduct

HUNSDON PARISH COUNCIL

CODE OF CONDUCT

*Prepared in accordance with The Local Authorities (Model Code of Conduct) Order 2007
Coming into force 3rd May 2007*

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1.

(1) This Code applies to **you** as a member of Hunsdon Parish Council.

(2) You should read this Code together with the general principles prescribed by the Secretary of State. *See* the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code -
“meeting” means any meeting of -

- (a) Hunsdon Parish Council;
- (b) any of the Parish Council’s committees or sub-committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to Hunsdon Parish Council, references to the monitoring officer and the standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of East Herts Council which has functions in relation to the Parish Council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.

(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -

(a) conduct the business of the Parish Council (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of the Parish Council and references to your official capacity are construed accordingly.

EAST HERTFORDSHIRE DISTRICT COUNCIL

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of Hunsdon Parish Council -

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with Hunsdon Parish Council's code of conduct, except insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.

(1) You must treat others with respect.

(2) You must not -

(a) do anything which may cause Hunsdon Parish Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be -

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with Hunsdon Parish Council's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Hunsdon Parish Council.

4. You must not -

EAST HERTFORDSHIRE DISTRICT COUNCIL

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of Hunsdon Parish Council, or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Hunsdon Parish Council into disrepute.

6. You -

(a) 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; and

(b) must, when using or authorising the use by others of the resources of Hunsdon Parish Council -

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.

(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by -

(a) the Clerk to Hunsdon Parish Council; or

(b) East Herts Council's monitoring officer.

EAST HERTFORDSHIRE DISTRICT COUNCIL

where the Clerk or the monitoring officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by Hunsdon Parish Council.

PART 2

INTERESTS

Personal interests

8.

(1) You have a personal interest in any business of your authority where either -

(a) it relates to or is likely to affect -

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body -

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in Hunsdon Parish Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between Hunsdon Parish Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in

EAST HERTFORDSHIRE DISTRICT COUNCIL

paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in Hunsdon Parish Council's area in which you have a beneficial interest;

(x) any land where the landlord is Hunsdon Parish Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in Hunsdon Parish Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of Hunsdon Parish Council's area.

(2) In sub-paragraph (1)(b), a relevant person is -

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.

(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of Hunsdon Parish Council and you attend a meeting of Hunsdon Parish Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of Hunsdon Parish Council which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of Hunsdon Parish Council of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

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(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in Hunsdon Parish Council's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10.

(1) Subject to sub-paragraph (2), where you have a personal interest in any business of Hunsdon Parish Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of Hunsdon Parish Council where that business -

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of Hunsdon Parish Council in respect of -

(i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(ii) an allowance, payment or indemnity given to members;

(iii) any ceremonial honour given to members; and

(iv) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11.

You also have a prejudicial interest in any business before an overview and scrutiny committee of Hunsdon Parish Council (or of a sub-committee of such a committee) where -

(a) that business relates to a decision made (whether implemented or not) or action taken by a Hunsdon Parish Council committees or sub-committee,

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(b) at the time the decision was made or action was taken, you were a member of the committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12.

(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of Hunsdon Parish Council -

(a) you must withdraw from the room or chamber where a meeting considering the business is being held -

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from the Council's standards committee;

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of Hunsdon Parish Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

13.

(1) Subject to paragraph 14, you must, within 28 days of -

(a) this Code being adopted by or applied to Hunsdon Parish Council; or

(b) your election or appointment to office (where that is later),

register in Hunsdon Parish Council's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to East Herts Council's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that

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new personal interest or change by providing written notification to East Herts Council's monitoring officer.

Sensitive information

14.

(1) Where you consider that the information relating to any of your personal interests is sensitive information, and East Herts Council's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify East Herts Council's monitoring officer asking that the information be included in Hunsdon Parish Council's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EXPLANATORY NOTE

(This note is not part of the Order)

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the

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authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

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