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Jeff Hughes
*Head of Democratic and Legal
Support Services*

MEETING : STANDARDS SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 10 SEPTEMBER 2015
TIME : 2.30 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB-COMMITTEE

Councillors A Alder, B Deering and C Woodward

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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.)

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

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 7 - 16)

To approve the Minutes of the meeting held on 30 June 2015.

6. 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.

7. Exclusion of the Press and Public

To move that under Section 100 (A) (4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of items 8 – 9 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the said Act:

It is for the Sub-Committee to determine whether or not this item should be considered in public and the report made available for public information. Until a decision is taken, please regard the report as confidential.

8. Complaint in respect of District Councillor D Andrews (Pages 17 - 134)
9. Complaint in respect of District Councillor K Crofton (Pages 135 - 164)
10. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

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MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 30 JUNE 2015,
AT 2.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors G McAndrew and C Woodward

ALSO PRESENT:

Councillors A Alder, D Andrews and
A McNeece

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
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1 APPOINTMENT OF CHAIRMAN

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

2 MINUTES

RESOLVED – that the Minutes of the meeting of the
Standards Sub-Committee held on 30 March 2015 be
confirmed as a correct record and signed by the
Chairman.

3 EXCLUSION OF THE PRESS AND PUBLIC

The Sub-Committee considered whether or not to pass a resolution to exclude the press and public from the meeting during the discussion of the items recorded at Minutes 4 to 10 below on the grounds that they involved the likely disclosure of exempt information as defined in provisions of the Local Government Act 1972.

The Sub-Committee also considered whether or not to make the associated reports publically available.

The Sub-Committee determined to exclude the press and public from the meeting during the discussion of the matters at Minutes 4 to 10 below and not to make the associated the reports publically available.

RESOLVED – that (A) under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during discussion of the business recorded at Minutes 4 to 10 below on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said act, and

(B) the reports associated with the business recorded in Minutes 4 to 10 below, be not made public by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

(Note: Councillors Alder, Andrews and McNeece left the Chamber prior to consideration of the matters recorded at Minutes 4 to 10 below.)

4 COMPLAINT IN RESPECT OF FORMER COUNCILLOR M ALEXANDER

The Sub-Committee considered a complaint against (former) Councillor M Alexander alleging that he had breached the

Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, agreed that no further action be taken as it related to someone who was no longer a member of the Authority and reasons for the alleged breach of the Code of Conduct were not sufficiently made clear.

RESOLVED – that, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, no further action be taken as it related to someone (M Alexander) who was no longer a member of the Authority and reasons for the alleged breach of the Code of Conduct were not sufficiently made clear.

5 COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR D ANDREWS

The Sub-Committee considered a complaint against Councillor D Andrews alleging that he had breached the Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, agreed that no further action be taken as it was not considered sufficiently serious to warrant investigation, particularly as any comments made at a meeting on 4 June 2014 were invited by the Chairman and were not material to the decision referred to by the complainant.

RESOLVED – that, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, no further action be taken as it was not considered sufficiently serious to warrant investigation, particularly as any comments made at a meeting on 4 June 2014 were invited by the Chairman and were not material to the decision referred to by the complainant.

6 COMPLAINT IN RESPECT OF FORMER DISTRICT COUNCILLOR M CARVER

The Sub-Committee considered a complaint against (former) Councillor M Carver alleging that he had breached the Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, agreed that no further action be taken as it related to someone who was no longer a member of the Authority and the grounds of the alleged breach of the Code had not been established.

RESOLVED – that, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, no further action be taken as it related to someone (M Carver) who was no longer a member of the Authority and the grounds of the alleged breach of the Code had not been established.

7 COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR K CROFTON

The Sub-Committee considered a complaint against Councillor K Crofton alleging that he had breached the Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee agreed that consideration of the complaint be deferred to allow the Monitoring Officer to invite the complainant to particularise the element of the allegation now detailed as soon as possible.

RESOLVED – that, consideration of the complaint be deferred to allow the Monitoring Officer to invite the complainant to particularise the element of the allegation now detailed as soon as possible.

8 COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR J JONES

The Sub-Committee considered a complaint against Councillor J Jones alleging that he had breached the Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria and the approved process for dealing with complaints, agreed to request the Monitoring Officer to secure an informal resolution on the basis now detailed.

RESOLVED – that, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria and the approved process for dealing with complaints, the Monitoring Officer be requested to secure an informal resolution on the basis now detailed.

9 COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR
P MOORE

The Sub-Committee considered a complaint against Councillor P Moore alleging that she had breached the Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee, after careful consideration of the complaint in consultation with the Independent Person and

taking into account the Council's assessment criteria, agreed that no further action be taken as it was not considered sufficiently serious to warrant investigation.

RESOLVED – that, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria, no further action be taken as it was not considered sufficiently serious to warrant investigation.

10 COMPLAINT IN RESPECT OF FORMER DISTRICT COUNCILLOR M NEWMAN

The Sub-Committee considered a complaint against (former) Councillor M Newman alleging that he had breached the Authority's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence submitted by the complainant to support their allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Monitoring Officer and Acting Chief Executive left the Chamber whilst the Sub-Committee came to a determination on the complaint.

The Sub-Committee, after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council's assessment criteria and the approved process for dealing with complaints agreed that no further action be taken as it related to someone who was no longer a member of the Authority.

The Sub-Committee further agreed that the Monitoring Officer

be requested to write to the former member on the basis now detailed.

RESOLVED – that (A) after careful consideration of the complaint in consultation with the Independent Person and taking into account the Council’s assessment criteria and the approved process for dealing with complaints, no further action be taken as it related to someone (M Newman) who was no longer a member of the Authority, and

(B) the Monitoring Officer be requested to write to the former member on the basis now detailed.

The meeting closed at 4.25 pm

Chairman
Date

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EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 10 SEPTEMBER 2015

REPORT BY MONITORING OFFICER

COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR ANDREWS

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider eight complaints in respect of District Councillor D Andrews.

1.0 Background

1.1 Council has received eight complaints alleging that District Councillor D Andrews has breached the Council's Code of Conduct.

1.2 The facts of each complaint are similar. However, they are not all exactly the same. The Sub-Committee will therefore need to come to a determination in respect of each complaint individually. Having consulted the Independent Person, each complainant was afforded an opportunity to provide further information/evidence to support their allegations. Where further information/evidence was submitted this has been added to the complainant's complaint form.

1.3 Members' attention is drawn to the web cast of the meeting:

http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130

Members are invited to watch that element of the web cast that is referred to in the complaints.

2.0 Report

2.1 Council has agreed a procedure for considering complaints.

2.2 The Sub-Committee will consider each complaint and decide what action to take.

- 2.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Again, having consulted the Independent Person, it is not considered that the complaints can be resolved informally.
- 2.4 Complaints are considered in accordance with the Standards Complaints assessment criteria set out in Appendix 2 of the Complaints Procedure (**Essential Reference Paper 'B'**)
- 3.0 The Complaints
- 3.1 The eight complaints are set out in the complaints forms and accompanying documents that form **Essential Reference Papers 'C' to 'J'**.
- 4.0 Procedure
- 4.1 A copy of the Council's complaints procedure is contained in **Essential Reference Paper 'B'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Contact Officer: Jeff Hughes- Monitoring Officer
01279 502170
jeff.hughes@eastherts.gov.uk

Report Author: Jeff Hughes - Monitoring Officer

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

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

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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 needs to 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

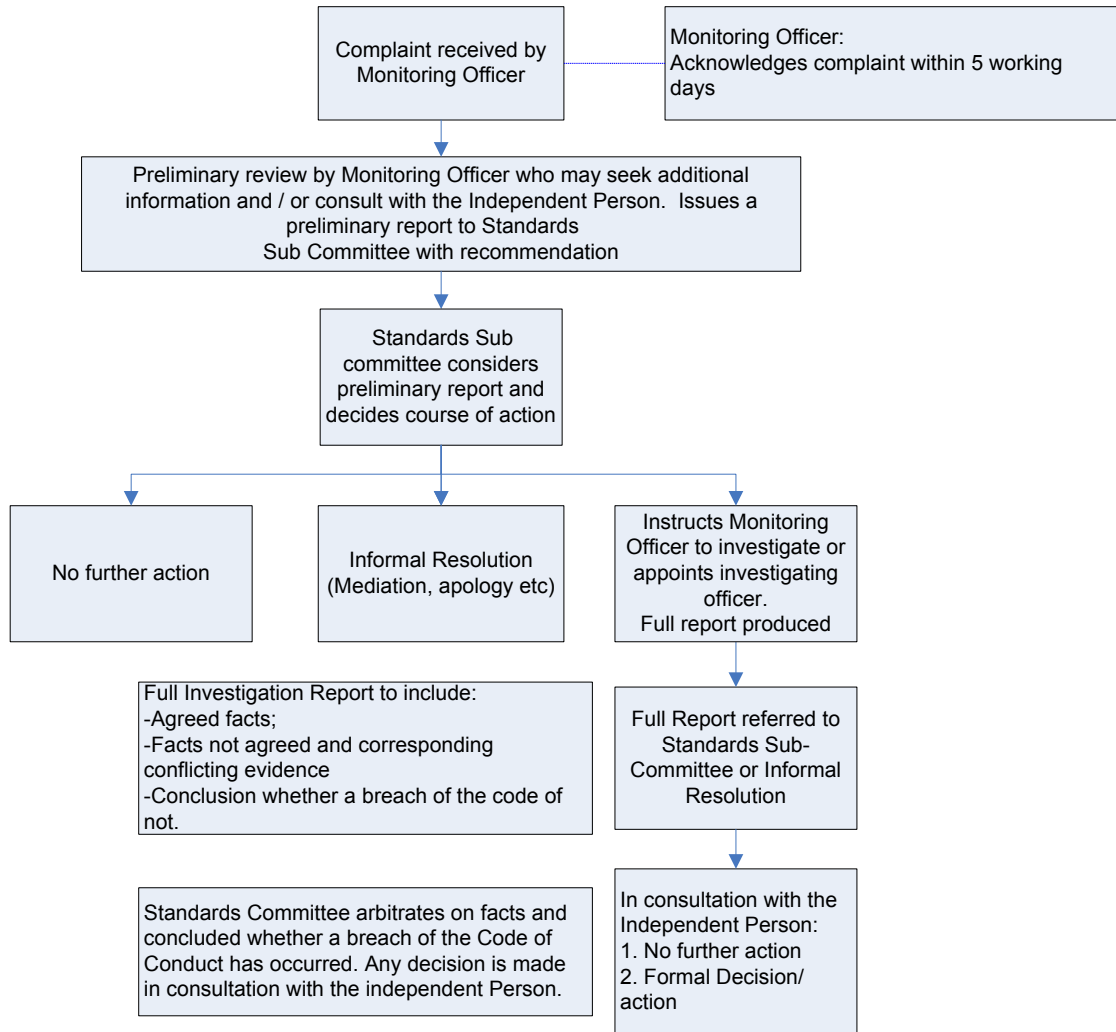
The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

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

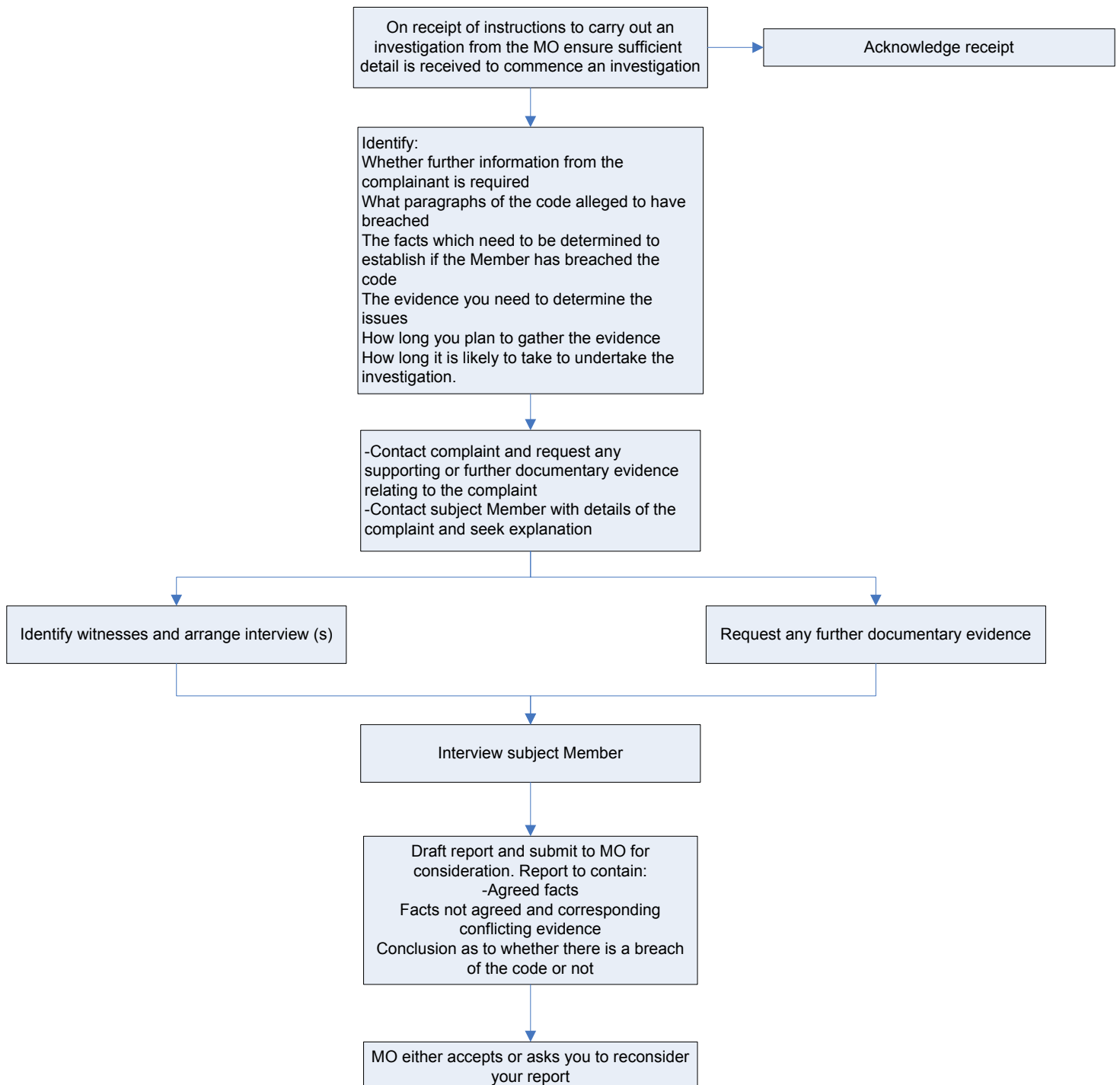
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, 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 HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	04/07/2015

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

The following people may see this form:

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

Please tell us which complainant type best describes you:

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	David	Andrews

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

I attended the DMC meeting where application's 3/14/2292/FP and 3/14/2250/FP were heard and I have watched the online webcast http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130 of the DMC meeting. I think the behaviour by the meeting's Chair was wholly inappropriate and I think that there were conflict of interests which resulted in the approval of these submissions.

Please note the following:

1) The agenda order was changed by the committee, to the benefit of those applying for planning. This was done without warning and resulted in significantly diminishing the value of the carefully prepared speeches by the representative for the residents in opposition to the applications. The application for the Sports Hall was heard first followed by the application for the housing development. This was done wholly to ensure that the less tenuous Sports Hall application was approved first, thus softening the impact for the application for the approval of the housing development. There was no reason for the switch in agenda offered but it was more than clear that the Chair knew this would benefit both applications – an indication of collusion with those making the application. This had a huge impact on the outcome of the planning meeting and was a strong indication of his association with Dennis O'Sullivan, the Head Teacher of Chauncy School.

2) The Chauncy Head Teacher, on greeting the Chair, showed his familiarity by addressing the Chair as 'Dave'. It was abundantly clear that they were more than just interested parties concerned with a planning application. The chair made effort to distance himself from this and carried on chatting like old friends rather than on a professional basis. In my opinion, the Chair, at this point, should have declared a clear conflict of interest and should have stepped down to allow the meeting to be chaired by another unbiased council member.

3) The claim from those seeking approval that local people will benefit from a Sports Hall was completely unsupported and unsubstantiated. A similar model has been implemented without success at Ward Freeman School which is, coincidentally, run by the wife of the Chauncy Head Teacher. No estimated frequency of use by the public was tabled and considering this is a huge carrot being used by those favouring the development as further justification for its requirement, it came nowhere close to substantiating that claim. The Chair / DMC did not seek any binding guarantees from

EAST HERTFORDSHIRE DISTRICT COUNCIL

those seeking the Sports Hall development on public use and did not press the issue.

4) The Highways Department's initial reaction to the proposal of the new housing development and the Sports Hall was one of total rejection based upon safety concerns, congestion, off road parking issues to an already extremely busy road. For a reason we are yet to have explained to us, the Highways Department made a complete U turn, suddenly quoting regulatory compliance, with regards to the new development and citing that a couple of 'drive by' assessments were made and no issues were noted at that time. Residents have submitted extensive evidence of the traffic volumes experienced in this area but these were wholly ignored. I would like to know why the Highways Department's support against the proposed development was revoked and completely revised as it smacks of collusion, once again. This is an urban landscape with complex use by local residents, GSK Glaxo, Chauncy School and the newly constructed ASDA superstore which backs on to Park Road and deserves more assessment than that which has been afforded to it by the Highways Department to date. This issue, again, was compelling evidence that the local road infrastructure would not support this development was completely ignored by the Chair.

5) The DMC Chair made no attempt to understand or address any of the issues that had been raised by concerned and affected local residents regarding the developments and the discussion was clearly manipulated by the Chair to that effect. He gave no credence or regard to the extremely pertinent and valid comments made by local councillors against the proposed development, to the detriment of those in opposition of the development.

6) In my experience, custom and practice suggest that a vote is tied that the Chair should lean towards those in opposition. Instead, The Chair appeared to take pleasure in being able to cast his vote in favour of those seeking the planning approval. He even said that he guessed it would come down to his casting vote – a strange statement to make. This decision was taken despite strong opposition from participating parties which included local and affected residents, Sport England, Ware Town Council (who are wholly qualified to know what is right for Ware Town), a local councillor petition, The Wildlife Trust as well as documented evidence that the removal of green field space was contrary to local and national directives.

7) After casting his deciding vote favour of the applications, The Chair forgets to turn off his microphone and made some extremely concerning comments which can be heard on the webcast. I would urge you to listen to these as it is plain to see that the comments establish The Chair's pre-conceived opinions. As well as the statement about expecting to cast the deciding vote, he also discusses Dr Gary Manchee, the local resident's representative, with the officer next to him. His unprofessional comments included incorrectly pointing out a member of the public to his colleague who he perceived to be Dr. Manchee, noting that Dr Manchee is the "driving force

EAST HERTFORDSHIRE DISTRICT COUNCIL

behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself is wholly unacceptable and can only lead one to the conclusion that a serious conflict of interests and a bias towards the approval of the application exists. It is not only unprofessional, but it's also comical that The Chair presumed the member of the public was Dr. Manchee, purely because of their distinct similarity in appearance. His incorrect presumption can only have been made as a result of Dr. Manchee's appearance being described by the Head of Chauncy school. Further indication that association and collusion was entered into.

You can review this dialogue here: http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130

8) A councillor is currently associated with Ward Freeman School whose Head Teacher is the wife of the Head of Chauncy School. That, to me is a conflict of interest.

I have not been to Planning Meeting before and I was shocked to see those in positions of influence and power ignoring the majority opinion, which was comprehensively supported. It was an example of how a committee, which was fundamentally established to look after the interests of all parties involved in planning applications, arrived at a decision which was biased and to the detriment of those people who are going to be affected greatest by the approval – the local residents. We will have to live with the consequences of this planning approval, the construction, the traffic chaos, the further demand on the local infrastructure which is already at breaking point, long after The school has benefited from its questionable windfall, the developers have made their tidy profit and the DMC have moved on to other considerations.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

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

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

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

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

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

I am a very local and concerned resident who will be wholly affected by the new developments and the long term consequences to all infrastructure with the Park Road area.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

To have the planning proposals for the Chauncy School Sports Hall and the proposed housing development on their playing field to be reviewed and assessed fairly by a committee with no bias, conflict of interest or hidden agenda, based upon the facts submitted by those seeking approval and those opposing it.

(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.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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



27th July 2015

Planning Committee Meeting - 3/14/2292/FP and 3/14/2250/F

Dear Mr Hughes,

In response to your letter of the 24th July 2015, please find my reasons below for making my complaint which I have now applied to the Code of Conduct you enclosed with your letter. I would like to ask why I need to provide you with these again considering my original detailed complaint submission.

Surely it is your responsibility to apply the points I raised rather than for me to re-write it all again as this renders the whole purpose of submitting the complaint in the first place, pointless?

My points of contention applied to the Code of Conduct

Selflessness

It was more than apparent that David Andrews did not consider or represent any of the salient points regarding these planning applications other than those made by parties associated with Chauncy School and its interested parties. No regard was paid or acknowledged by him for any of the objections made by local councillors, members of the public, The Wildlife Trust or Sport England. He also ignored the valid objections made by members of the DMC and their queries regarding the proposed development.

It was also most evident that David Andrews drew some pleasure in casting his deciding vote which is more than evident on the webcast. This intimates that he had a clear personal interest in the application and was visibly satisfied in being able to solely provide the approval.

Integrity

It was blatantly obvious to all those at the planning meeting that there was a personal relationship between David Andrews and the Headmaster of Chauncy School. They were on first name terms and were far too familiar with each other for anyone to conclude that this was purely a professional relationship. If the same had happened with Andrews and a representative of the objecting party, I'm sure the same conclusion and complaint would have been made by Dennis O'Sullivan. This can be clearly viewed on the webcast and this should be challenged.

Objectivity

David Andrews failed to objectively consider the overwhelming and considerable protestations with supporting evidence which was tabled by the local residents to the proposed development. He dismissed all submissions made by Ware Town Council, Sport England, The Wildlife Trust as well as 50% of the DMC who voiced that the objections should be upheld.

There was not a single comment made by David Andrews on any of the objections made to both applications to indicate that he was even considering what was tabled. He was dismissive of the objections at every opportunity which indicated to me that there was no Objectivity on his part

whatsoever. He had his own agenda and was not about to listen to those that contradicted his subjectivity. This was more than evident when viewing the Webcast and can even be heard voicing his pleasure in being able to provide the casting vote.

After the vote, David Andrews, mistakenly thinking he had muted his microphone, proceeded to discuss the local resident representative Dr. Gary Manchee with the councillor sitting next to him in a very unprofessional and personal, subjective manner. He even, incorrectly, identifies Dr. Manchee as another of the local residents to the councillor whilst saying he expected a reaction to the vote outcome from this person. He had obviously received a description from Dennis O'Sullivan for this mistake in identity to be made as Mr O'Sullivan is the only person who has met with Dr. Manchee.

This, along with the statements made by David Andrews whilst still on microphone indicating his 'relief' can only indicate that he had couldn't possibly have exercised any objectivity when registering his casting vote.

Openess

The agenda was maliciously revised just prior to the planning meeting so as to provide a higher probability that the planning applications would be heard more favourably. This also resulted in putting a considerable burden on the representative who was to speak for those who object to the planning submissions who had prepared his statements based upon the original running order. This was done with no explanation and was clearly to the benefit of those proposing the application.

David Andrews responded to objections to the change in agenda citing that the applications were completely separate and bore no relationship to each other, which is clearly untrue. Hearing the application for the proposed Sports Hall first which, in isolation, there is fewer objections to, added weight to the secondary application which is required to fund the development of the Sports Hall. The original agenda had been devised 'putting the cart before the horse' and was revised at the eleventh hour once this gaff had been realised.

Register of Interests

I take exception that David Andrews did not register any interests prior to the planning application hearing when it is clear by association and by his actions at the DMC meeting that he should have stepped aside to allow another councillor to preside. It was more than evident that there was an association with Dennis O'Sullivan, the Head of Chauncy School, and that this would inevitably affect his disposition with regards to the planning applications.

Other

Please see further comments below which relate to principals expected from David Andrews as a member of EHDC made in relation to the Code of Conduct document bullet points.

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

Based upon what I have noted above and previously on my original complaint form, it is abundantly clear that David Andrews did not adhere to these requirements. He wholly supported the interests of The Chauncy School and the Riversmead Housing Association, paying no regard to the appeals and factual submissions presented at the Planning Meeting by Councillor Rosalie Standley and Geoff Marshall, the local residents representative for the evening. He showed irreverence toward those who provided objections to the planning submissions.

The resident's traffic survey tabled at the meeting, which was far more comprehensively undertaken than that of the Highways Agency, was not shown any proper consideration. Its credibility and validity was questioned even though the survey provided photographic evidence and a comprehensive traffic matrix of the current unacceptable traffic conditions which exist immediately adjacent to the site of the proposed development, which local residents already have to endure. Once again, the views of the local residents and constituents were ignored.

Dr. Gary Manchee, the resident's representative, contacted EHDC councillors and Highways Agency early in the proceedings, resulting in the Agency stating they objected to both planning applications. These objections were subsequently withdrawn and full approval submitted in their place.

It should be noted that on this subject, at no time did any of the members of the DMC seek any clarifications or query any of the objections made. It is also worth noting that coincidentally, David Andrews was previously a member of the Highways Department. The complete U turn by the Highways Department is unexplained and incomprehensible considering their original decision and the quality of the traffic data submitted by the local residents. I believe that this has been challenged by The Right Honourable Mark Prisk MP and an explanation requested.

3. Not allowing other pressures.
4. Exercising independent judgement.

The only way Chauncy School can fund the new Sports Hall project and allay any current financial burden is by selling playing field land to an eager housing developer. David Andrews was wholly aware of this through his association with Dennis O'Sullivan and Chauncy School. This would prevent him from acting in an impartial and objective manner.

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

It was more than apparent, and can be seen on the Webcast, that David Andrews only considered the views of committee members who disregarded the comprehensive traffic survey provided by local residents. This was detrimental to the statement noted above. It is also interesting to note that at no time was there any objection by the DMC on the Highways Departments original objection and one can only presume, based upon the fact the Department made a total U turn on that decision, that this was because it was an area of the application he could exert some considerable influence over.

6. Code of Conduct point 11

On many occasions, David Andrews fails to meet the standards and criteria as noted in this section. Please refer to my comments above, my previously submitted complaint form and the Webcast which is available for public viewing. His role was to represent the community as a whole, with objectivity and this he failed to do.

The Code of Conduct is a valuable document and is written to serve the best interests of all community members/constituents but it is worth nothing when a Councillor is empowered to act on their own volition, to the detriment of those it was written for.

I ask for you to consider my submission, along with others which have been made, as I feel, as a local resident and community member, that we were not heard. The planning decision should be revoked

and a full, unbiased, independent and objective committee and Chair should be appointed and the applications and objections, resubmitted for review.

Regards



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EAST HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

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

The following people may see this form:

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

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

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	Andrews

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

My complaint is as a result of the actions of members of the Development Committee Management Committee meeting held on the 24th June 2015 in the Council Chambers at Wallfields.

Applications 3/14/2292/FP and 3/14/2250/FP

1) The agenda order was changed by the committee, to the benefit of those applying for planning. This was done without warning and resulted in significantly diminishing the value of the carefully prepared speeches by the representative for the residents in opposition to the applications. There was no reason for the switch in agenda offered but it was more than clear that the Chair knew this would benefit both applications – an indication of collusion with those making the application. This had a huge impact on the outcome of the planning meeting and was a strong indication of the committee members association with Dennis O’Sullivan, the Head Teacher of Chauncy School.

2) The Chauncy Head Teacher, on greeting the Chair, showed his familiarity by addressing the Chair as ‘Dave’. It was abundantly clear that they were more than just interested parties concerned with a planning application. The Chair should have declared what is a clear "conflict of interest" prior to the meeting and stepped down to allow the meeting to be chaired by another unbiased council member.

3) The claim from those seeking approval that local people will benefit from a Sports Hall was completely unsupported and unsubstantiated and factual information to support the objection was ignored, in fact Wodson Park was mentioned as a community facility but this seemed to be ignored.

4) The Highways Department’s initial reaction to the proposal of the new housing development and the Sports Hall was one of total rejection based upon safety concerns, congestion, off road parking issues to an already extremely busy road. For a reason we are yet to have explained to us, the Highways Department made a complete U turn

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

7) Cllr Cartwright led a successful objection to a housing development in his own ward yet supported the Chauncy application, "not in my back yard" springs to mind and evidence this Cllr should not hold such a position.

8) Total disregard to the local community and lasting effects on the surrounding area.

I note that Cllr Andrew and other committee members were part of a closed meeting for complaints made against them, is this also anything to do with pre-determined meetings or conflict of interests ?

(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.

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

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

I have a child at the School

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

D. Remedy sought

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

To have both planning proposals to be reviewed and assessed fairly by a committee with no bias, conflict of interest or hidden agenda, based upon the facts submitted by those seeking approval and those opposing it.

(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

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EAST HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

Title:		
First name:		
Last name:		
Address:		
Contact telephone:		
Email address:		
Signature:		
Date of complaint:	5/7/2015	

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

The following people may see this form:

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

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	David	Andrews

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

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

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

I attended the DMC meeting on 24 June as spokesman for the objectors to planning applications 3/14/2292/FP and 3/14/2250FP and have subsequently watched the webcast http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130 We have concluded that gross-misconduct, inappropriate bias and non-declared conflict of interests were in evident and which resulted in a decision to "approve" these applications

We cite the following in evidence.

1) Chauncy Head acknowledged the Chairman by his first (abbreviated) name calling him "Dave" , indicating they know each other. The chairman made no attempt to correct this "informality" and should have insisted on being addressed in the proper manner. However this corrective gesture was not forthcoming.

2) We feel strongly that the Chairman should have declared what is a clear "conflict of interest" prior to the meeting and stepped down from the meeting to allow it to be chaired by another council member.

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

5) The claim that local people will benefit from a sports hall is unproven /unquantified. There was no estimate/survey of how frequently or what proportion of the public will access this sports hall which is a key part of the justification for its construction. The Chairman/DMC did not seek any binding guarantees from the proposers - why was that?

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

9) After the Chairman cast his deciding vote in favour of the applications he forgot to turn off his microphone and commented that he "expected to have to cast the deciding vote" and mentions Dr Gary Manchee to another officer next to him saying "that's Dr Manchee over there". When asked who he was by the officer at his side, the Chairman states that Dr Manchee is the "driving force behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself supports the conclusion that details of Dr. Manchee have been discussed and passed on to the Chairman and his comments reflect a complete lack of professionalism, a serious conflict of interest and a bias towards the approval of the application. Dr. Manchee has never met or seen Mr David Andrews in his life and was not even in attendance at the meeting. However the Chair seemed to think he had recognised Dr. Manchee when in fact he was mistaking him for a neighbour. The information about his description could have only come from the Head of Chauncy school (who does know him), which further substantiates our claim of collusion and mal-practice

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

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

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

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

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

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

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

E. Additional information

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

Monitoring Officer Contact details:

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

Working towards equal opportunities

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White	Mixed	Asian	Black	Chinese or other ethnic group
White British	White and Black	Indian	Caribbean	Chinese
White Irish	Caribbean	Pakistani	African	Other
Any other White background	White and Black African	Bangladeshi	Any other Black background	
<input type="checkbox"/>	Any other mixed background	Any other Asian background	<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 No

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EAST HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

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

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

The following people may see this form:

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

Please tell us which complainant type best describes you:

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	David	Andrews

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

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

We cite the following in evidence.

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

- 5) The claim that local people will benefit from a sports hall is false and unproven /quantified as evidenced by a similar model has been used without success (public uptake) at Ward Freeman school (run by the wife of the Chauncy Head). There was no quantitation of how frequently or what proportion of the public will access this sports hall which is a key part of the justification for its construction. The Chair / DMC did not seek any binding guarantees from the proposers - why was that?
- 6) The residents assessment of on-road parking issues, congestion and safety concerns were initially supported by Highways in regard to a new junction and extra traffic from the proposed development / sports hall. Highways unexpectedly and without explanation reversed this decision and we want to know why? Their assessment of traffic issues was in complete contrast to that of local residents and all local residents are incredulous at the pathetic efforts of Highways to justify a "status quo" scenario. Existing traffic (with cars now parking further down into park road) has just been shifted north by the opening of the new ASDA, making Park road an even more dangerous place to live. We consider the Chair to be wholly ignorant and complicit with Highways in ignoring these genuine residents claims. I did send through photographic evidence to support the congestion and traffic parking habits of vehicles parked on-street - so contradicting the assessment of Highways. Why was our evidence disregarded?
- 7) There was no genuine effort of the DMC Chair to address any of the issues that had been raised by concerned and affected local residents, and the discussion was clearly "led" by the chair, and disregarded comments made by councillors against the proposed development, effectively biasing the decision to approve development.
- 8) The sports hall application was approved (but could have been irrelevant if the original order of the housing application had been declined). Again this strongly suggests collusion and mal-practice by the DMC.
- 9) Custom and practice suggest that when a vote is tied that the Chair should err on the side of the objectors rather than take great delight in stating that "I thought I would have the casting vote....and I therefore approve the application". This decision was taken despite strong opposition from 1) local and affected residents 2) Sport England 3) Ware Town council 4) local councillor petition, 5) The wildlife trust and 6) documented evidence that the removal of green field space was contrary to local and national directives.
- 10) after the Chair cast his deciding vote in favour of the applications he forgets to turn off his microphone and comments that he "expected to have to cast the deciding vote" and mentions Dr Gary Manchee to another officer next to him saying "that's Dr Manchee over there". When asked who he was by the officer at his side, the Chair states that Dr Manchee is the "driving force behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself supports the conclusion that details of myself have been discussed and passed on to the Chair and his comments reflect a complete lack professionalism, a serious conflict of

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

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

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

E. Additional information

8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
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EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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White	Mixed	Asian	Black	Chinese or other ethnic group
White British	White and Black	Indian	Caribbean	Chinese
White Irish	Caribbean	Pakistani	African	Other
Any other White background	White and Black African	Bangladeshi	Any other Black background	
<input type="checkbox"/>	Any other mixed background <input type="checkbox"/>	Any other Asian background <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 No

Dear Mr Hughes,

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

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

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

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

Code of Conduct

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

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

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

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

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

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

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

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

Interests

2. Register of interests

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

Other

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

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

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

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

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

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

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

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

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

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

6) - 11)

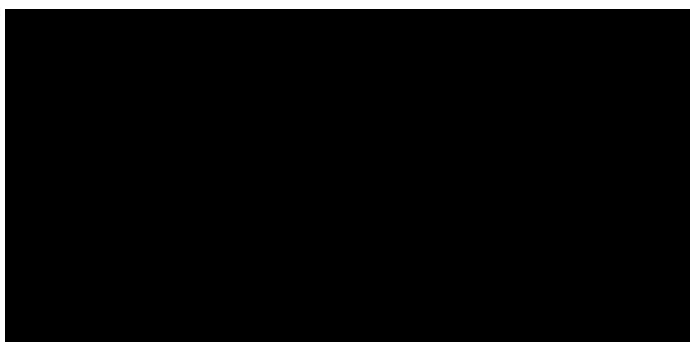
All these behaviours are essential in an officer but from what I have observed to date, David Andrews falls short of his duty as an objective, community focussed individual representing EHDC and this is the view of all who attended the meeting at which the applications were approved. I have nothing personal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

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

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

I look forward to your response in due course.

Yours faithfully



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EAST HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	5/7/2015

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

The following people may see this form:

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

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	David	Andrews

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

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

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

I attended the DMC meeting on 24 June as spokesman for the objectors to planning applications 3/14/2292/FP and 3/14/2250FP and have subsequently watched the webcast http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130 We have concluded that gross-misconduct, inappropriate bias and non-declared conflict of interests were in evident and which resulted in a decision to "approve" these applications

We cite the following in evidence.

1) Chauncy Head acknowledged the Chairman by his first (abbreviated) name calling him "Dave" , indicating they know each other. The chairman made no attempt to correct this "informality" and should have insisted on being addressed in the proper manner. However this corrective gesture was not forthcoming.

2) We feel strongly that the Chairman should have declared what is a clear "conflict of interest" prior to the meeting and stepped down from the meeting to allow it to be chaired by another council member.

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

5) The claim that local people will benefit from a sports hall is unproven /unquantified. There was no estimate/survey of how frequently or what proportion of the public will access this sports hall which is a key part of the justification for its construction. The Chairman/DMC did not seek any binding guarantees from the proposers - why was that?

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

9) After the Chairman cast his deciding vote in favour of the applications he forgot to turn off his microphone and commented that he "expected to have to cast the deciding vote" and mentions Dr Gary Manchee to another officer next to him saying "that's Dr Manchee over there". When asked who he was by the officer at his side, the Chairman states that Dr Manchee is the "driving force behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself supports the conclusion that details of Dr. Manchee have been discussed and passed on to the Chairman and his comments reflect a complete lack professionalism, a serious conflict of interest and a bias towards the approval of the application. Dr. Manchee has never met or seen Mr David Andrews in his life and was not even in attendance at the meeting. However the Chair seemed to think he had recognised Dr. Manchee when in fact he was mistaking him for a neighbour. The information about his description could have only come from the Head of Chauncy school (who does know him), which further substantiates our claim of collusion and mal-practice

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

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

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

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

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

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

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

E. Additional information

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

Monitoring Officer Contact details:

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

Working towards equal opportunities

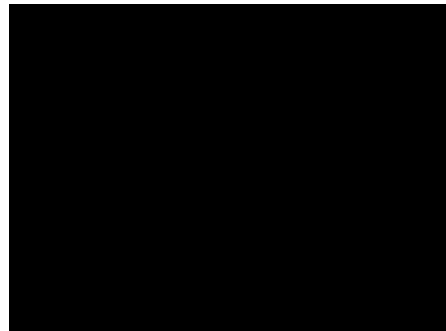
East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation,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

White	Mixed	Asian	Black	Chinese or other ethnic group
White British	White and Black	Indian	Caribbean	Chinese
White Irish	Caribbean	Pakistani	African	Other
Any other White background	White and Black African	Bangladeshi	Any other Black background	
<input type="checkbox"/>	Any other mixed background <input type="checkbox"/>	Any other Asian background <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 No



24 July 2015

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

Dear Mr. Hughes,

Code of Conduct Complaint

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

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

Selflessness

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

Integrity

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

Objectivity/Openness

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

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

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

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

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

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

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

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

Other

Championing the needs of residents

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

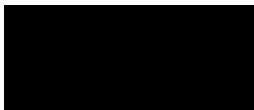
Not allowing other pressures.....

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

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

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

Yours sincerely,





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:	[REDACTED]
First name:	[REDACTED]
Last name:	[REDACTED]
Address:	[REDACTED]
Contact telephone:	[REDACTED]
Email address:	[REDACTED]
Signature:	[REDACTED]
Date of complaint:	14/7/15

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

The following people may see this form:

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

Please tell us which complainant type best describes you:

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	David	Andrews

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

I attended the DMC meeting where application's 3/14/2292/FP and 3/14/2250/FP were heard and I have watched the online webcast http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130 of the DMC meeting. I think the behaviour by the meeting's Chair was wholly inappropriate and I think that there were conflict of interests which resulted in the approval of these submissions.

Please note the following:

1) The agenda order was changed by the committee, to the benefit of those applying for planning. This was done without warning and resulted in significantly diminishing the value of the carefully prepared speeches by the representative for the residents in opposition to the applications. The application for the Sports Hall was heard first followed by the application for the housing development. This was done wholly to ensure that the less tenuous Sports Hall application was approved first, thus softening the impact for the application for the approval of the housing development. There was no reason for the switch in agenda offered but it was more than clear that the Chair knew this would benefit both applications – an indication of collusion with those making the application. This had a huge impact on the outcome of the planning meeting and was a strong indication of his association with Dennis O'Sullivan, the Head Teacher of Chauncy School.

2) The Chauncy Head Teacher, on greeting the Chair, showed his familiarity by addressing the Chair as 'Dave'. It was abundantly clear that they were more than just interested parties concerned with a planning application. The chair made effort to distance himself from this and carried on chatting like old friends rather than on a professional basis. In my opinion, the Chair, at this point, should have declared a clear conflict of interest and should have stepped down to allow the meeting to be chaired by another unbiased council member.

3) The claim from those seeking approval that local people will benefit from a Sports Hall was completely unsupported and unsubstantiated. A similar model has been implemented without success at Ward Freeman School which is, coincidentally, run by the wife of the Chauncy Head Teacher. No estimated frequency of use by the public was tabled and considering this is a huge carrot being used by those favouring the development as further justification for its requirement, it came nowhere close to substantiating that claim. The Chair / DMC did not seek any binding guarantees from

EAST HERTFORDSHIRE DISTRICT COUNCIL

those seeking the Sports Hall development on public use and did not press the issue.

4) The Highways Department's initial reaction to the proposal of the new housing development and the Sports Hall was one of total rejection based upon safety concerns, congestion, off road parking issues to an already extremely busy road. For a reason we are yet to have explained to us, the Highways Department made a complete U turn, suddenly quoting regulatory compliance, with regards to the new development and citing that a couple of 'drive by' assessments were made and no issues were noted at that time. Residents have submitted extensive evidence of the traffic volumes experienced in this area but these were wholly ignored. I would like to know why the Highways Department's support against the proposed development was revoked and completely revised as it smacks of collusion, once again. This is an urban landscape with complex use by local residents, GSK Glaxo, Chauncy School and the newly constructed ASDA superstore which backs on to Park Road and deserves more assessment than that which has been afforded to it by the Highways Department to date. This issue, again, was compelling evidence that the local road infrastructure would not support this development was completely ignored by the Chair.

5) The DMC Chair made no attempt to understand or address any of the issues that had been raised by concerned and affected local residents regarding the developments and the discussion was clearly manipulated by the Chair to that effect. He gave no credence or regard to the extremely pertinent and valid comments made by local councillors against the proposed development, to the detriment of those in opposition of the development.

6) In my experience, custom and practice suggest that a vote is tied that the Chair should lean towards those in opposition. Instead, The Chair appeared to take pleasure in being able to cast his vote in favour of those seeking the planning approval. He even said that he guessed it would come down to his casting vote – a strange statement to make. This decision was taken despite strong opposition from participating parties which included local and affected residents, Sport England, Ware Town Council (who are wholly qualified to know what is right for Ware Town), a local councillor petition, The Wildlife Trust as well as documented evidence that the removal of green field space was contrary to local and national directives.

7) After casting his deciding vote favour of the applications, The Chair forgets to turn off his microphone and made some extremely concerning comments which can be heard on the webcast. I would urge you to listen to these as it is plain to see that the comments establish The Chair's pre-conceived opinions. As well as the statement about expecting to cast the deciding vote, he also discusses Dr Gary Manchee, the local resident's representative, with the officer next to him. His unprofessional comments included incorrectly pointing out a member of the public to his colleague who he perceived to be Dr. Manchee, noting that Dr Manchee is the "driving force

EAST HERTFORDSHIRE DISTRICT COUNCIL

behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself is wholly unacceptable and can only lead one to the conclusion that a serious conflict of interests and a bias towards the approval of the application exists. It is not only unprofessional, but it's also comical that The Chair presumed the member of the public was Dr. Manchee, purely because of their distinct similarity in appearance. His incorrect presumption can only have been made as a result of Dr. Manchee's appearance being described by the Head of Chauncy school. Further indication that association and collusion was entered into.

You can review this dialogue here: http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130

8) A councillor is currently associated with Ward Freeman School whose Head Teacher is the wife of the Head of Chauncy School. That, to me is a conflict of interest.

I have not been to Planning Meeting before and I was shocked to see those in positions of influence and power ignoring the majority opinion, which was comprehensively supported. It was an example of how a committee, which was fundamentally established to look after the interests of all parties involved in planning applications, arrived at a decision which was biased and to the detriment of those people who are going to be affected greatest by the approval – the local residents. We will have to live with the consequences of this planning approval, the construction, the traffic chaos, the further demand on the local infrastructure which is already at breaking point, long after The school has benefited from its questionable windfall, the developers have made their tidy profit and the DMC have moved on to other considerations.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

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- 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.

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

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

I am a very local and concerned resident who will be wholly affected by the new developments and the long term consequences to all infrastructure with the Park Road area.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

To have the planning proposals for the Chauncy School Sports Hall and the proposed housing development on their playing field to be reviewed and assessed fairly by a committee with no bias, conflict of interest or hidden agenda, based upon the facts submitted by those seeking approval and those opposing it.

(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.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

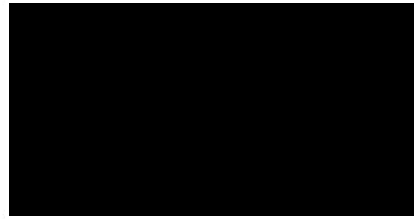
*Categories used are those utilised by
the Office of Population Censuses and Surveys

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 Herts Council
Wallfields, Pegs Lane
Hertford Herts SG13 8EQ



FAO: Jeff Hughes
Head of Democratic and Legal Support Services

24 July 2015

Dear Mr Hughes

We are finding it quite unbelievable that you are actually requesting further supporting evidence on the Code of Conduct of David Andrews as we feel that our letter to EHDC explains in great detail (along with the letters of many other members of the local community) the gross misconduct which took place at the DMC meeting and is very obvious when you view the full webcast dated w/b 22nd June which clearly supports improper behavior and GROSS MISCONDUCT.

How clearly obvious it is that David Andrews and The Head Master of the Chauncy school are most definitely more than familiar with each other to the point where the Head master refers to David Andrews as "DAVE"!!

We wish to ask the question...Who decided that David Andrews should preside over this meeting? It is very clear to us that Andrews superior should not have allowed him to be in the meeting knowing that there was clearly a relationship with the Headmaster

As Residents and voting member of Ware Town we are disgusted and totally disillusioned by the way the whole process has been handled.

We await your next response.

Regards





EAST HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

Title:		
First name:		
Last name:		
Address:		
Contact telephone:		
Email address:		
Signature:		
Date of complaint:		8 July 2015

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

The following people may see this form:

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

Please tell us which complainant type best describes you:

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	David	Andrews

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

C. Confidentiality of complainant and the complaint details

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

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

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

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

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

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

E. Additional information

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

Monitoring Officer Contact details:

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

Working towards equal opportunities

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<p>White White British White Irish Any other White background</p>	<p>Mixed White and Black Caribbean White and Black African Any other mixed background</p>	<p>Asian Indian Pakistani Bangladeshi Any other Asian background</p>	<p>Black Caribbean African Any other Black background</p>	<p>Chinese or other ethnic group Chinese Other</p>
<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 No

29th July 2015

Mr. J Hughes

Head of Democratic and Legal Support Services

East Herts District Council

Wallfields

Pegs Lane

Hertford SG13 8EQ

Dear Mr Hughes

Code of Conduct

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

Selflessness

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

Integrity

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

Objectivity

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

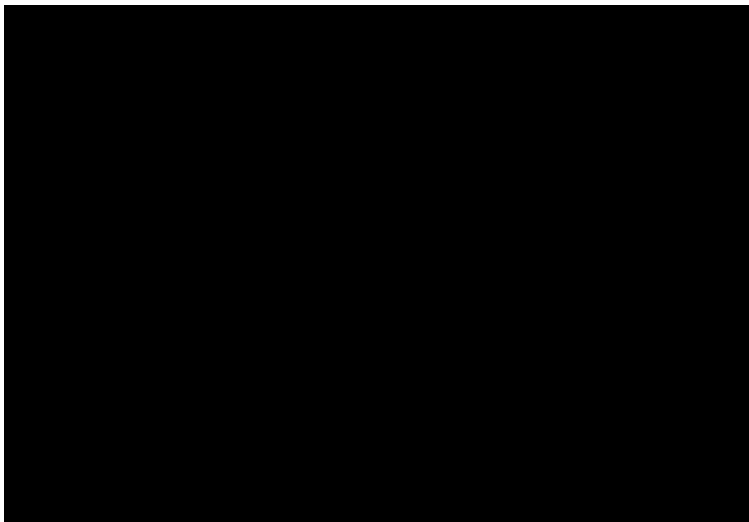
consequence when they would have favoured refusal and as such weren't even considered. This is not objectivity.

Openness

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

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

Yours sincerely





EAST HERTFORDSHIRE DISTRICT COUNCIL

**COMPLAINT FORM :
CODE OF CONDUCT FOR MEMBERS**

A. Your details

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

Title:		
First name:		
Last name:		
Address:		
Contact telephone:		
Email address:		
Signature:		
Date of complaint:		13/07/2015

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

The following people may see this form:

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- 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:

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- 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.

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Title	First name	Last name
Mr	David	Andrews

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

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

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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.

We attended the DMC meeting and we have concluded that gross-misconduct, inappropriate bias and non-declared conflict of interests were in evident and which resulted in a decision to "approve" applications 3/14/2292/FP and 3/14/2250/FP.

We cite the following in evidence.

1) Chauncy Head acknowledged the Chair by his first (abbreviated) name calling him "Dave" indicating they know each other. The chair made no attempt to correct this "informality" and should have insisted on being addressed in the proper manner. However this corrective gesture was not forthcoming.

2) We feel strongly that the Chair should have declared what is a clear "conflict of interest" prior to the meeting and stepped down to allow the meeting to be chaired by another unbiased council member.

3) The agenda order was changed without prior warning such that the sports hall proposal was put first rather than the housing development. We believe that this was done deliberately to ensure that the sports hall application was approved first, otherwise a refusal to approve the housing development meant that the sports hall application would subsequently be irrelevant. We suggest that the Chair knew this and was supportive of / influential in this change for reasons that suited his desired outcome of "approval", strongly suggesting collusion.

4) Although the Chair claimed that the change in application order would be taken into account, and that the "objection" speaker would be "listened to sympathetically on that score", the person speaking against the development was completely "wrong-footed" by the agenda change and could not complete his full objection. To date no explanation has been given for this change in agenda and we can only draw the conclusion that this was done to favour an "approval" scenario and diminish the strength of the objection case.

5) The claim that local people will benefit from a sports hall is false and unproven /quantified as evidenced by a similar model has been used without success (public uptake) at Ward Freeman school (run by the wife of the Chauncy Head). There was

EAST HERTFORDSHIRE DISTRICT COUNCIL

no quantitation of how frequently or what proportion of the public will access this sports hall which is a key part of the justification for its construction. The Chair / DMC did not seek any binding guarantees from the proposers - why was that?

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

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

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

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

10) After the Chair cast his deciding vote in favour of the applications he forgets to turn off his microphone and comments that he "expected to have to cast the deciding vote" and mentions Dr Gary Manchee to another officer next to him saying "that's Dr Manchee over there". When asked who he was by the officer at his side, the Chair states that Dr Manchee is the "driving force behind the objection and I expect him to appeal the decision and be hearing from him again". This in itself supports the conclusion that details of Gary Manchee have been discussed and passed on to the Chair and his comments reflect a complete lack professionalism, a serious conflict of interests and a bias towards the approval of the application. Gary Manchee has never met or seen Mr David Andrews and was not even in attendance at the meeting, however the Chair seemed to think he had recognised him when in fact he

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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

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

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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.

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

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

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

D. Remedy sought

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

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

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

E. Additional information

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

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White	Mixed	Asian	Black	Chinese or other ethnic group
White British	White and Black	Indian	Caribbean	Chinese
White Irish	Caribbean	Pakistani	African	Other
Any other White background	White and Black African	Bangladeshi	Any other Black background	
<input type="checkbox"/>	Any other mixed background <input type="checkbox"/>	Any other Asian background <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 No



Dear Mr Hughes,

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

Code of Conduct

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

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

Objectivity: The decision to approve both applications was not conducted with fairness as he dismissed objections from local residents, Ware Town council, Roz Standley, Sport England, the Wildlife trust, and half of the councillors on the DMC indicated that the objection should have been upheld.

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

Interests

2. Register of interests

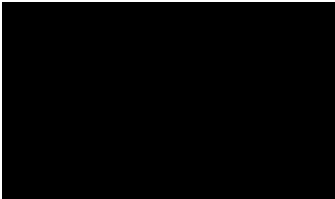
David Andrews should have stepped aside to allow another councillor with no association with the Head of Chauncy to preside over this application hearing.

Other

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

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

Yours faithfully



EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 10 SEPTEMBER 2015

REPORT BY MONITORING OFFICER

COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR K CROFTON

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider a complaint in respect of District Councillor K Crofton.

1.0 Background

1.1 Standards Sub-Committee, at its meeting held on 30 June 2015, considered a complaint alleging that District Councillor K Crofton had breached the Council's Code of Conduct.

1.2 The Sub-Committee agreed that consideration of the complaint be deferred to allow the Monitoring Officer to invite the complainant to particularise an element of the allegation. The complainant was requested to particularise their "...previous relationship (with Councillor Crofton) and that which he has had with an immediate family member..." In order for the Sub-Committee to form a view on its relevance to the complaint.

1.3 In addition, the complainant requested the Sub-Committee's attention be drawn to the web cast of the meeting:

http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127123

2.0 Report

2.1 Council has agreed a procedure for considering a complaint.

2.2 The Sub-Committee will consider the complaint and decide what action to take.

2.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Again, having consulted the Independent Person, it is not considered that the complaint can be resolved informally.

- 2.4 Complaints are considered in accordance with the Standards Complaints assessment criteria set out in Appendix 2 of the Complaints Procedure (**Essential Reference Paper 'B'**)
- 3.0 The Complaint
- 3.1 The complaint is set out in the complaints form and accompanying documents that form **Essential Reference Paper 'C'**.
- 4.0 Procedure
- 4.1 A copy of the Council's complaints procedure is contained in **Essential Reference Paper 'B'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Contact Officer: Jeff Hughes- Monitoring Officer
01279 502170
jeff.hughes@eastherts.gov.uk

Report Author: Jeff Hughes - Monitoring Officer

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

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

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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 needs to 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

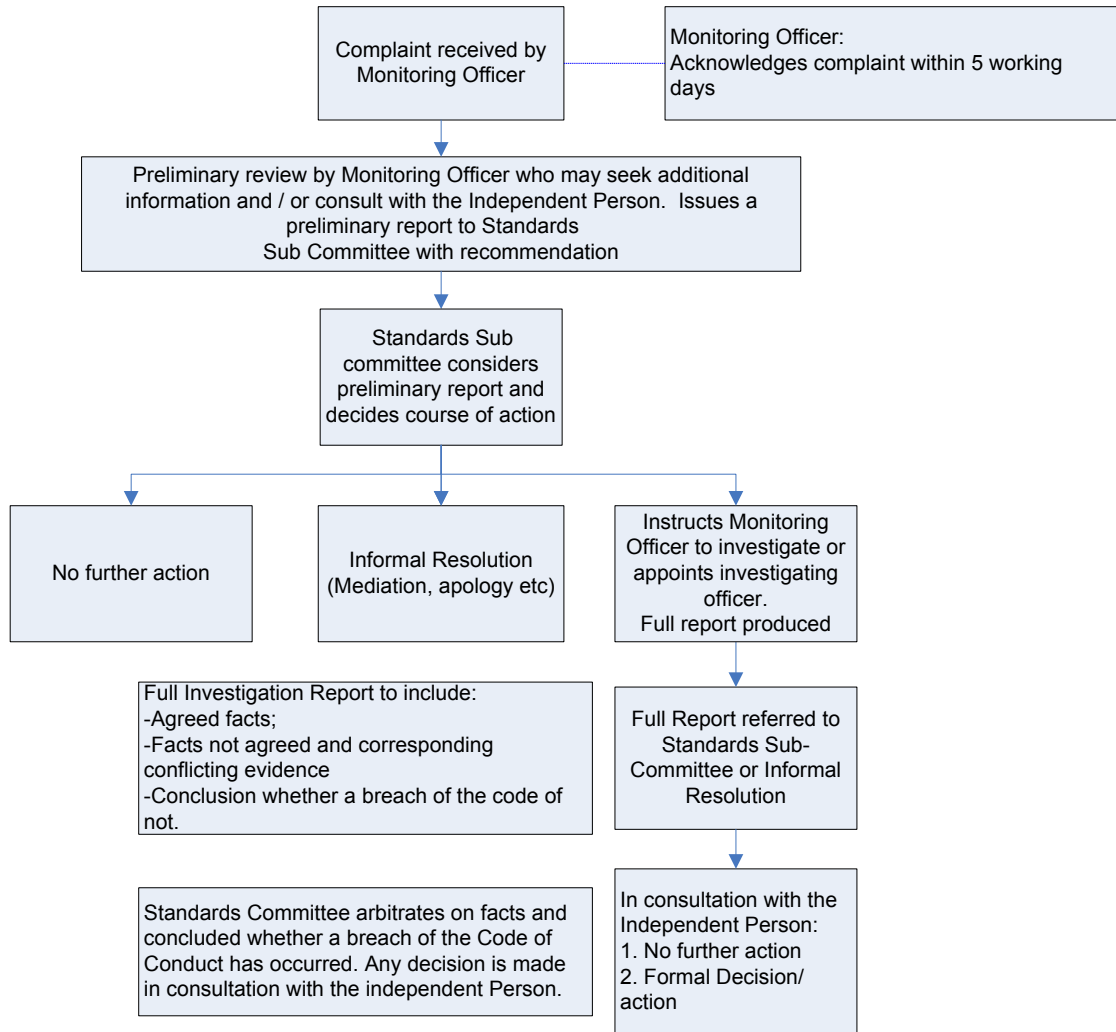
The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

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

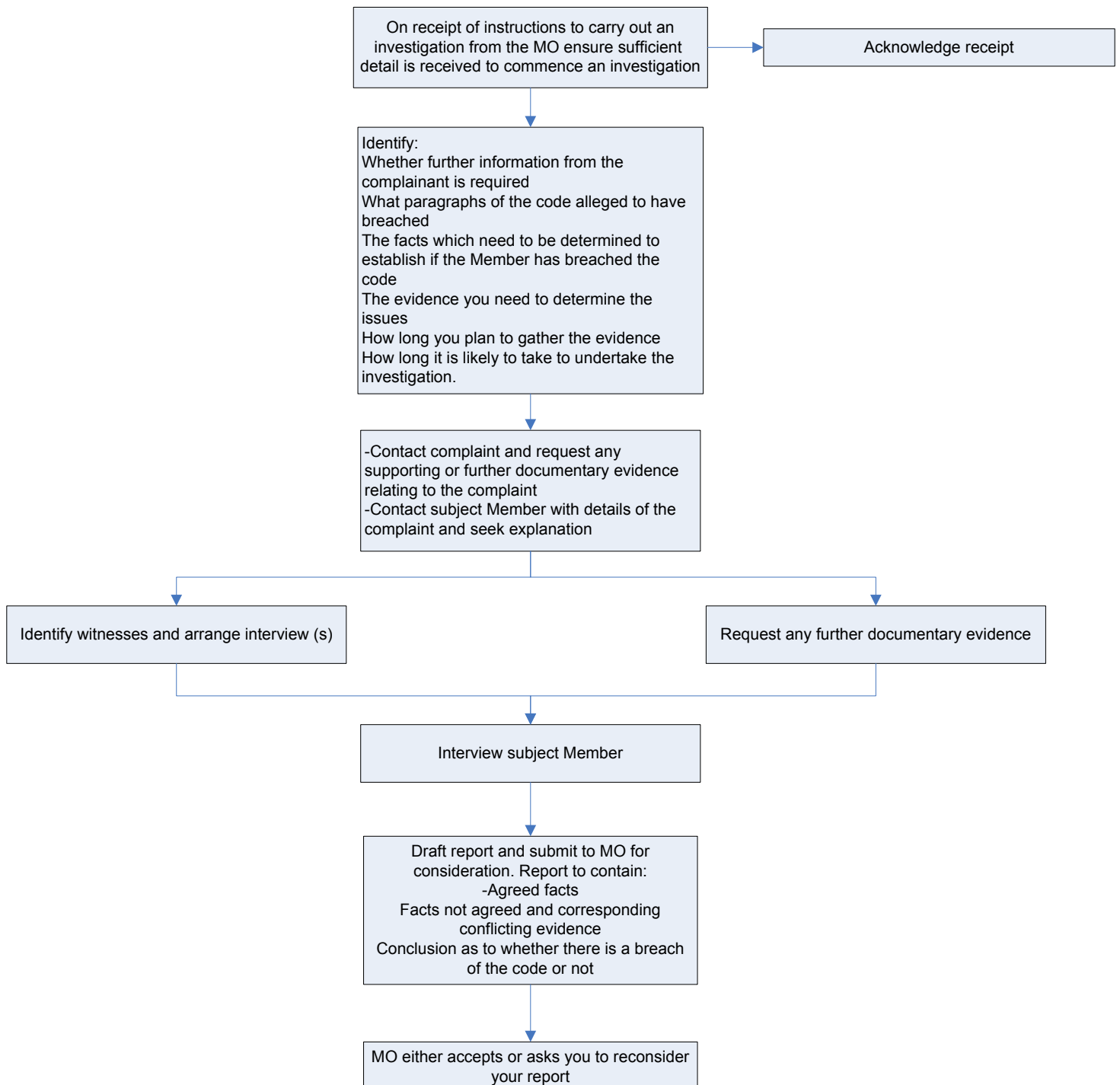
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, 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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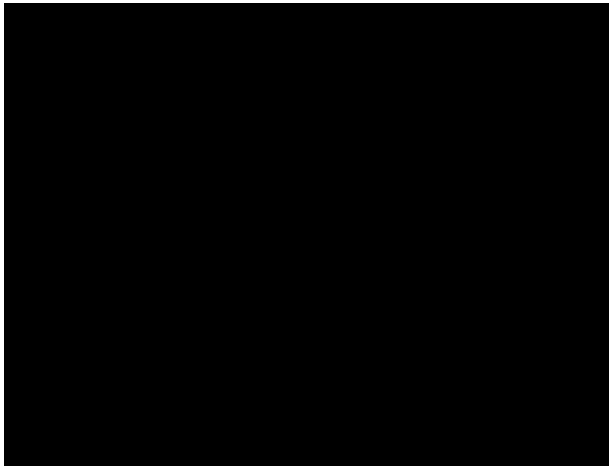


EAST HERTFORDSHIRE DISTRICT COUNCIL

**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:	William
Last name:	Ashley
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	23 rd December 2014

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

The following people may see this form:

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

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

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Please tell us which complainant type best describes you:

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

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

B. Making your complaint

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

Title	First name	Last name
Mr	Kenneth	Crofton

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.

Complaint:

The following submission identifies areas of concern in relation to the conduct of Councillor Crofton in his capacity as a District Councillor who serves on the Development Management Committee. As a member of this committee Councillor Crofton has been party in the discussions and decision making process of the Committee where I have submitted planning applications.

The first issue relates to the Development Management Committee of 6th November 2013. Albeit that this refers to an incident in late 2013, it is significant to the issues which has since taken place and it is an important factor that is required in order to obtain a full picture of this complaint.

During this meeting a discussion was held by Members of DM Committee prior to reaching a decision. Cllr Crofton contributed to this discussion which was subsequently influential to the decision which was made. It is considered that applications that are presented before this committee should be considered on planning merits and not personal opinions of individuals or individuals who are influenced by third parties.

The following are comments made by Cllr Crofton and were publicly viewed on web cast extract of DM committee meeting of 6th November 2013, web cast number 337.

Councillor Crofton stated 'let's not make any bones about it, it's a retrospective planning application made by a Cllr from EHC and it is imperative we are transparent with our dealings with it.'. He continued to say that he 'believes there are other issues there at the farm that have to be looked or concluded.' He continued 'I believe we do not have the full picture as to what's been going on there. And that he would like officers to carry out a full investigation of the entire operation and present us with the facts. He didn't believe member had the facts. He continues 'there is enough interest in the public and press to consider a thorough investigation.'

Further to this DM Committee meeting, a complaint was submitted to the Council alleging that I had breached the Members Code of Conduct. This followed an investigation action and subsequently a report. This is simply raised in order to provide background and not to dwell on the allegation or its conclusion. The complainant has written numerous letters to the DM Committee of which the content is publicly available and was received by the committee prior to the DM Meeting of

EAST HERTFORDSHIRE DISTRICT COUNCIL

6th November. Cllr Crofton was a recipient and makes reference to this correspondence in his address to the committee.

With this in mind, Cllr Crofton's choice of words (detailed above) 'there is enough public interest and the press', are considered not to be planning merits.

Cllr Crofton's request for an investigation of the entire operation is clearly stated and is supported in saying that it is his belief that he does not have the full picture as to the goings on. He did not provide an explanation to his request of a full investigation and no planning reasons were provided which is the purpose of the DM committee.

Following the conclusion of this committee and in the Council receiving the complaint alleging my breach, Cllr Crofton sat on the Standards Sub Committee as a Member of that Committee which were assigned to consider the complainants allegation which resulted in an investigation of my conduct. Cllr Crofton not only served as a Member on this Sub Committee, he also requested that he chaired the committee.

The Sub committee's conclusion was for an external investigation to take place. Cllr Crofton has also been quoted in the media following that decision.

Cllr Crofton himself became part of this investigation and was interviewed by the investigating officer, providing comments which were detrimental and bias to the investigation. Without quoting his interview, he has intimated that I have not declared interests, I have taken advantage of the planning department and not paid pre application fees.

In addition to the above Cllr Crofton should have recognised that our previous relationship and that which he has had with an immediate family member, should be considered when openly debating planning applications and ultimately influencing the decision.

Councillor Crofton was also part of the Stop Bennington Wind Farm Group at the time I was Vice Chairman of DC Committee. This active group was a group who then reported me to the standards sub Committee where it was found that there was no case to answer.

Councillor Crofton has served on the magistrate bench alongside me and he has also been an acquaintance of my father at social functions.

The issues presented above identifies the direct link Cllr Crofton has from the DM Committee of 6th November 2013 in requesting an investigation, to the Standards Sub Committee of 4th June 2014, to chairing the Sub Committee which in turn concluded that an investigation was to take place. His involvement continued with him playing an active part in that investigation by being party to an interview which took place on 17th July 2014.

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Cllr Crofton has attempted to influence the process, not taking into account that his membership of the DM Committee is one of planning and not of personal opinion.

No tangible reasons have been provided by Cllr Crofton as to why an investigation should take place, he has not based his decision making process on receipt of a letter and a complaint made by an individual. He has used his position to influence a decision on a planning committee and on again on the Standards Sub Committee. It is the responsibility of individual Members of that Sub Committee to consider their position and not put their own interests and reasons before those that they should be clearly aware. Decisions are to be made on planning issues and should not include other issues. Cllr Crofton is a Senior Member and should have withdrawn from the relevant committees when confronted with a situation as this.

INTEGRITY: Councillor Crofton allowed himself to be influenced by an outside individual which affected his duty as a Member of the DM Committee during the meeting held on 6th November 2013. In chairing the standards sub committee of 4th June, Councillor Crofton had previously provided his personal view and did not enter the meeting with an open mind.

OBJECTIVITY: Councillor Crofton did not make a judgement on the planning merits of the planning application set out before him at the DM Committee of 6th November 2013. Councillor Crofton introduced other issues which were inappropriate and influenced the debate and ultimately the decision.

ACCOUNTABILITY: Councillor Crofton is accountable to the DM Committee and not an individual who objected to the planning application which was presented at the committee on 6th November. Accepting a position as a Councillor, this Member should be accountable for their decisions and actions.

OPENNESS: Councillor Crofton did not but should have provided reasons for his decision at DM Committee of 6th November. His comments on the planning application were not based on the application presented before him.

HONESTY: Councillor Crofton had a duty to advise on the personal relationship he had with me and my family. Councillor Crofton had three opportunities to so. At the DM Committee of 6th November, when chairing the Standards Sub on 4th June and when interviewed by the investigating officer on 17th July 2014.

LEADERSHIP: Councillor Crofton installed himself as the Chairman of the Standards Sub Committee of 4th June following his statement at the DM Committee of 6th November as discussed earlier in this submission. It was inappropriate for Councillor Crofton to chair this meeting as he did not enter this with an open mind and his view was not impartial.

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(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:

N/A

(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.

For the monitoring officer to present this complaint to the Standards Sub Committee and to consider the evidence provided and to view the DM Committee web cast as identified within the submission.

That the Member who is subject to this complaint is provided with opportunities to re visit the Members code of conduct through training and/or awareness sessions with appropriate officer of the Council.

Consideration be given as to the Committees that this Member is assigned to and to ensure that the Member is aware of the role required of him when serving on committees.

That the Member is aware of his remarks made in a public arena and that these are available on the public web cast. Its is the responsibility of individual Members to conduct themselves in an appropriate manner and contain personal opinions which have been damaging. An apology is required on the three areas:

1. Comments made at DM Committee on 6th November 2013.
2. Allowing himself to be guided by his personal views and installing himself as chair of the standards sub committee.
3. Allowing himself to be interviewed by an investigating officer on the allegation made against me, and providing information which is unsubstantiated.

It is also the responsibility of a chairman to provide guidance and control of a meeting. It should be considered that the chairman of the committee (DM) is provided training on the role of a chairing a planning committee in order to guide Councillors on when inappropriate remarks are made which are not relevant to planning matters.

(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.

EAST HERTFORDSHIRE DISTRICT COUNCIL

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.

<p>White White British White Irish Any other White background</p>	<p>Mixed White and Black Caribbean White and Black African Any other mixed background</p>	<p>Asian Indian Pakistani Bangladeshi Any other Asian background</p>	<p>Black Caribbean African Any other Black background</p>	<p>Chinese or other ethnic group Chinese Other</p>
<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 No

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