

Mutfords  
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10 March 2012

Mr Simon Drinkwater  
Director of Neighbourhood Services  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
Hertfordshire  
SG9 8EQ

Dear Mr Drinkwater

**Complaint of Failure to Observe the Code of Conduct**

As requested in your letter of 20 February 2012, I am responding to the preliminary issues raised. It is indicated you wish to deal with these by correspondence and receive the completed forms by 14 March 2012.

It is not possible to present the facts within the size of the forms, so the issues are sent in page format and labelled so they comply with the forms. I trust this response is acceptable.

If there is any clarification of points that you wish me to provide before 14th March please let me know and I will help as much as I can.

I would be grateful if you would acknowledge receipt of this letter and the attachments which I have sent by email and by post.

I will attend the hearing.

Yours sincerely

John D Kilby

**Form A**  
**Member's response form**

**A. Identification of any disputes of fact:**

Paragraph 3.2.

**I did not at any time accuse Colin Marks of personal fraud and dispute that in this respect there was a breach of the Code of Conduct.**

**Cllr David Ginn is the only councillor to suggest that Cllr Kilby repeatedly accused the Clerk of fraud - this is patently untrue because if this had actually happened then - as can be seen, substantiated and deduced from the background material - Cllr Kilby would be been challenged at the time. The parish councillors would have been delighted to have a provable complaint that they could make against Cllr Kilby.**

**The reports by individual parish councillors are so inconsistent that the only common theme is their personal dislike of Cllr Kilby in his capacity of Chairman of the Village Hall Management Committee Charity.**

The reasons I disagree with these findings follow. I have provided some background facts so the Standards Committee can consider the complaint in a more accurate light and with more background information than might have been available to them initially.

The two recent complaints to the Standards Committee from Hormead Parish Council (one from Cllr Kilby and one from the Clerk Colin Marks) are entirely the outcome of a planning permission granted for the rebuilding of Hormead Village Hall.

1. Until May 2011 the membership of the Parish Council consisted of seven councillors from different parts of the village, all with independent views. Following the May 2011 elections the membership of the Parish Council changed and now consists of only five councillors (instead of seven), three of whom live next door or opposite the Village Hall all of whom made strong organised objections to a planning application to rebuild the village hall. The remaining two are John Kilby (Chairman of the Village Hall Management Trustees) and the Chairman Robert Denham. There are currently two vacancies. There have been three resignations since Council was elected – the first one being the then Chairman, the second because of disagreements about the village hall and the third (an independent barrister) who resigned within 3 months of being co-opted mainly because of the current Parish Council's negative attitude towards the Village Hall Management Committee (of which she is a member).
2. From 1962 until 2007 the Parish Council worked with the Village Hall Management Committee in helping to provide a suitable village hall for the Parish. In May 2007 membership of the Parish Council changed (including Michael Johnson leaving and David Ginn coming onto Council). In 2009 the Parish Council was invited to comment and be part of designing the new Village Hall before any application was submitted for permission. The Parish Council refused to have any input or comment or help with the design and plans in any way because they said they wished to be independent. However the Parish Council contributed £1,000 towards the planning application. When the application was first submitted the Parish Council made no comment, and then did approve the later amendments to car parking on the neighbouring site. In May 2011 membership of the Parish Council changed again, including three next door neighbours of the Village Hall, with a fourth being the son of one of the neighbours and a fifth living within half a mile of the hall. In September 2011 the Parish Council resolved to object to the re-submitted planning application based on car parking concerns and that they considered the development was detrimental to neighbours.
3. Cllr John Kilby maintained that those parish councillors who were neighbours and who had vociferously objected to the planning application should have declared a personal and prejudicial interest in the application and taken no part in the discussion or voting, particularly remembering that 317 parishioners supported the application with only 15 writing to oppose. These parish councillors actively disagreed with Cllr Kilby and the

unpleasant atmosphere that already existed in the Council because of the disagreements on the application became extremely unprofessional.

4. Cllr Kilby made a complaint to the Standards Committee that the parish councillors should have declared and personal and prejudicial interest. The parish councillors concerned were extremely annoyed and adopted a policy of disagreeing in Council with anything said or proposed by Cllr Kilby. (As an outcome of this report, it was decided that this would not go to the Standards Committee to answer, but that the parish councillors should have training to help them understand personal and prejudicial interest. Simon Drinkwater later gave this training and informed the councillors that they were guilty of not declaring a personal and prejudicial interest and should not have taken part in the discussion or the vote on the Village Hall planning application).
5. At the October Parish Council meeting the subject of the Clerk arose, who had served his probation period and a decision on whether or not to confirm his appointment needed to be resolved. The Clerk left the hall while the discussion took place. The meeting was not closed to Press and Public which it should have been as an employee was being discussed.
6. Cllr Kilby expressed great concern about mounting expenditure in the current economic climate. He thought that the parish councillors were not doing enough in their capacity as councillors, or indeed doing anything, but were giving everything to the clerk to do, which was resulting in an increased number of hours and therefore increased expense to the parish over and above the approved budget. He particularly pointed out that the clerk had attended two meetings in his capacity as a Standon Parish Councillor (the East Herts Rural Conference and the EHAPTC meeting) that he had not been asked to attend on behalf of Hormead Parish Council and had claimed a total of 8 hours and 37 miles, which alone amounted to £100. The additional overtime claimed for September alone was 13 hours amounting to £132.60. If this overtime was continued then the cost to the Council would be over £1,500 per year. All of the overtime being asked of the Clerk could and should be carried out by parish councillors, and was unminuted and unauthorised. Cllr Kilby felt the parish council was very remiss in not having clear guidelines and not pulling their weight as councillors and generally being inefficient. The discussion was heated. The Clerk had withdrawn his claim for attending the East Herts Rural Conference but did not withdraw that relating to the EHAPTC meeting (East Herts Association of Parish and Town Councils) for which he was paid.
7. Cllr Kilby expressed further concern that the Clerk had been instructed to undertake work investigating Councillors personal concerns relating to the Village Hall land, the registry of such land with Land Registry, and the passing of Custodian Trusteeship to the Charity Commission. The Parish Council were very annoyed that the Charity Commission had taken over Custodian Trusteeship, even though this is the preferred management tool for village halls, and had instructed the Parish Clerk to undertake a great deal of additional work that Cllr Kilby asserted was unreasonable and not for the good of the parish but simply for the benefit of the parish councillors who were neighbours of the village hall and also the Chairman of the Parish Council who objected that the Charity Commission should take responsibility for the Charity. Cllr Kilby considered the additional hours were a misuse of parish council funds.
8. **The remark made by Cllr Kilby during this discussion was 'if this was an MP's expenses then he could have been accused of fraud'. It was an unwise remark, ill expressed and made during animated discussion, and in fact aimed more at protecting the position of clerk and to emphasise that councillors should specifically request any additional hours or attendance at meetings that should in fact be attended by parish councillors filling their elected roles rather than a clerk to a very small rural parish council.**
9. No councillor objected to the phrase at the time, the chairman did not even remember it, nor has any councillor remembered it word for word and it was part of the general discussion.
10. The subsequent statements made by the councillors were made in January, three months following the meeting. They were made in the knowledge that Cllr Kilby had

already reported councillors to the Monitoring Officer for not declaring a personal and prejudicial interest in the Village Hall. The statements reflect the animosity held against Cllr Kilby by the three neighbours of the Village Hall (Cllrs Elaine Harding, Cllr Geoff Abbey and Cllr David Ginn). The information about the matter given to the Clerk and from which he has made his complaint, is that given to him by Cllr David Ginn – it could not have been from the Chairman as the Chairman has said he heard nothing.

11. The subsequent amendments to the minutes were requested by Cllr David Ginn, but the resolution and vote taken to approve the changes of minutes was not clear that such change related to the statement relating to the clerk. The subsequent and main discussion had been about the SLAA Report which is why Cllr Ginn did not approve the amendments to the minutes and Cllr Kilby did, because they thought they were voting on the SLAA report. When Cllr Kilby realised this at the following meeting (December) he asked that his objection to the amendments to the minutes be recorded.
12. **The complaint is believed by Cllr Kilby to be entirely instigated because of fellow councillors' active animosity towards him in his capacity as Chairman of the Village Hall Management Committee and his wholehearted personal support for the new plans for rebuilding the village hall.**

**Form B**  
**Member's response form**

**Other Evidence to be taken into account at the hearing**

1. In December the Chairman of the Parish Council (Cllr Denham) sent a report to the Hornead and Hare Street Newsletter over his name in his capacity as Parish Council Chairman and the name of Colin Marks (Parish Clerk) in which he accused Marty Kilby and Cllr Kilby of wrongdoing. Although the Kilby's were not named, it was universally known and recognised in the parish that it was them to whom the Chairman of the Parish Council referred, and it was acknowledged by Cllr Denham in an email to Marty Kilby that they were the people to whom he was referring. Enclosed is a copy of the relative page. (Appendix 1)
2. The published statement is considered libellous and leaves the parish council open to legal proceedings and subsequent financial costs. This (January) newsletter came out before Christmas, and before the statements were taken from parish councillors.
3. At the January Parish Council meeting Cllr Elizabeth Collery (barrister) attempted to raise the matter, saying that public statements over the name of the Parish Council should be approved by council first and she did not agree with the published remarks. The Chairman and the Clerk refused to allow any question on the matter saying the item was not on the agenda. Attached is an email sent by Cllr Collery to Cllr Denham relating to this matter (Appendix 2). Cllr Collery, as Parish Council representative on the Village Hall Committee, then presented her report to the Parish Council (Attached – Appendix 3). Cllr Collery was told that she was not a suitable representative on the VHMC and the Parish Council wished to nominate a councillor to the Charity who would put the Parish Council first, before the Charity. Cllr Collery was removed as the parish council representative by a majority vote. The next day Cllr Collery resigned.
4. In the February newsletter (published in January) Marty Kilby refuted the allegations of wrongdoing made against her and Cllr John Kilby by the Parish Council. In the March newsletter the Clerk (Colin Marks) published a statement saying that the original report accusing Marty and Cllr Kilby of wrongdoing had been put above his name in error. The Chairman, Cllr Denham had sent in the report over the name of the Parish Council. At no time has the matter been discussed in Council.
5. This published statement by the Chairman of the Parish Council, over his name and that of the Parish Council, is against the Code of Conduct and is being forwarded to the Standards Committee for their information and attention.
6. In October the Chairman (Cllr Denham) sent two emails to Cllr Ginn, copied to all parish councillors and the clerk, accusing Cllr Ginn of personal paranoia about the Village Hall Committee and stating Cllr Ginn can only imagine a legal action with a settlement where the current committee is replaced. (Appendix 4) And also stating that Cllr Ginn has misused his status as a councillor to insist that matters outside the scope of the Council but for personal sensitivities are minuted so that allegations against another councillor can be publicised....Whilst you seem confident you should be respected as a Councillor and Vice-Chairman, you see no need yourself to respect your fellow councillors or the Clerk. (Appendix 5)
7. Attached is a leaflet from the Village Hall Committee inserted into the February newsletter to counter the misinformation by the village hall neighbours who are also parish councillors, and which has been given in previous village newsletters (Appendix 6)
8. Attached is the letter from Marty Kilby sent to the February Newsletter refuting the libellous statements made in the January newsletter over the names of Cllr Denham (Parish Council Chairman) and Colin Marks (Parish Clerk) (Appendix 7).
9. Attached is a letter from Marty Kilby to Simon Drinkwater dated 13 February 2012 (Appendix 8)

10. The Parish Councillor orchestrating this issue is Cllr David Ginn who has been consistent in discrediting the Village Hall Committee in any way possible since he took office in May 2007 - he has at every parish council meeting since then declared a personal interest in the Village Hall. He has become very much more active in the village and on the council since the planning application was submitted in 2010.

The suggestion that an accusation of fraud had been made against the clerk is just one more action from him to further his cause that he has stated in a public meeting that he supports demolition of the village hall and erection of housing on the site, with the village hall moving elsewhere in the parish.

The VHMC registered the Village Hall land with Land Registry in January 2010 in the name of the VHMC on the strict advice and instructions of Land Registry, Peterborough. However because of technicalities the Land Registry later admitted their advice was incorrect and the land should be registered with the Custodian Trustees (documentation is available on request). According the VHMC transferred Custodian Trusteeship to the Charity Commission (the preferred action for village halls) and the Charity Commission are now Custodian Trustees and the holder of the land in Land Registry.

Cllr Ginn accused the Village Hall Trustees of fraud and of trying to gain control of the Village Hall land and selling this for their personal financial gain. This has been acknowledged to be completely false but has simply increased the bad feeling between Cllr Ginn and the Village Hall Trustees.

11. The office premises of Cllr Kilby (who is a Chartered Accountant) have received calls from Cllr Ginn who has asked where the registered office of clients of John Kilby were situated, saying he was investigating a case of fraud and then replacing the receiver and not continuing with the enquiry.
12. Cllr David Ginn is the only councillor to suggest that Cllr Kilby repeatedly accused the Clerk of fraud - this is patently untrue because if this had actually happened then - as can be seen, substantiated, and deduced from the background material - Cllr Kilby would be been challenged at the time. The parish councillors would have been delighted to have a provable complaint that they could make against Cllr Kilby.

The reports by individual parish councillors are so inconsistent that the only common theme is their personal dislike of Cllr Kilby in his capacity of Chairman of the Village Hall Management Committee Charity.

**Form C**  
**Member's response form**

**C. Factors to take into Account**

1. The disputes within Hormead Parish Council are solely because the majority of parish councillors (4 to 1 of the current 5 councillors) are personally against the rebuilding of the village hall. Three of the four councillors live immediately next door or opposite the village hall.

This has resulted in personal animosity against Cllr Kilby - Chairman of the Village Hall Charity and led to a campaign of what can only be described as bullying by the majority of the Parish Council against one of their members. The recently co-opted councillor, an independent barrister, refused to stay on the parish council more than three months because she felt it was only a matter of time before she was reported to the Standards Committee because she supported and was on the Village Hall Committee.

2. The Parish Councillors have to accept that their job is to serve the community as a whole and they should be guided in this by the Parish Council Chairman and the Clerk;
3. Cllr David Ginn is the only councillor to suggest that Cllr Kilby repeatedly accused the Clerk of fraud - this is patently untrue because if this had actually happened then - as can be seen, substantiated, and deduced from the background material - Cllr Kilby would be been challenged at the time. The parish councillors would have been delighted to have a provable complaint that they could make against Cllr Kilby.
4. The reports by individual parish councillors are so inconsistent that the only common theme is their personal dislike of Cllr Kilby in his capacity of Chairman of the Village Hall Management Committee Charity.
5. Simon Drinkwater has recently given a training session to all parish councillors on pre-determination and declaration of personal and prejudicial interests. Since this session, where Mr Drinkwater made it very clear that those councillors living immediately next to the village hall were bound to declare a personal and prejudicial interest, the new Parish Council agendas have included the statement that:

**Declarations of Interests: Personal and Prejudicial**

Note: Under the Code of Conduct, if a councillor is appointed by the Council to represent them on another body (eg Village Hall Committee), that councillor does not have to declare an interest when the Village Hall is discussed because they are on the Committee representing the Council, not in their own right (ie personal). They may vote without making a declaration. (Appendix 9)

This appears to be in direct conflict with the recent session given by Mr. Drinkwater, and according to the Charity Commission does not comply with the Code of Conduct laid down by the Charity Commission under which the Village Hall Charity operations. This is a new insertion on the Agenda and at face value seems to have been incorporated simply to get round the difficult fact that there is not, at present, an eligible councillor to represent the Council on the Village Hall Charity so perhaps simply another attempt to cause problems between the Parish Council and the Village Hall Committee.

## PARISH COUNCIL NEWS

Hormead Parish Council owns the Village Hall land site in fee simple as it was purchased or was bequeathed for the community. I have to report that the VHMC has been partially successful in persuading the Charity Commission, by using the same tactics of unfounded disparagement of the Council and councillors, that the Official Custodian of Charities is a safer custodian of the title to the land on which the Village Hall sits. The Charity Commission has overridden the Land Registry without any real grounds to do so. The Council is in correspondence with the Commission on this issue.

The Council and all the councillors are fully accountable to our community; our new Village Hall is wholly at risk in the hands of two proven unscrupulous and untrustworthy members of the VHMC, who are not accountable to the community. We are at a crossroads here. The Council feels that there is great risk of a funding shortfall in the current economic climate, leading to the possibility of the whole site being sold for housing, and the demise of the Hall altogether. In the absence of a disaster recovery plan, we stand to lose the Hall and the site if fundraising does not materialise. VHMC will not be open with the community, for instance, the AGM has not been publicised. It does make one consider why they are so concerned and paranoid about the Council or any residents having any input; maybe they want to build somewhere else by backing more housing development as the quid pro quo.

For many years, income has been less than our expenses and we are presently reviewing such costs as are under contract and looking to increase income from Meads users. However, there is not much scope for major savings and we are therefore considering increasing the annual precept by a total of £2,500, less than £10 (20p a week) for each household. We will be discussing and deciding on this at our next meeting on 12th January.

Recent planning applications include a replacement borehole and kiosks at Worsted Lane Pumping Station; entrance gates, boundary fencing and hedging, an annex and swimming pool with enclosure at Great Hormead Bury; a detached open cart lodge at Elm Side, Horseshoe Lane. Permission was recently granted for a single storey extension at 1 The Cottage, Little Hormead; change of land use, stables and tennis court at Little Hormeadbury Farm; a detached car port at Great Hormead Bury.

Our next meeting will be on 12th January and on the third Thursday of each month following, apart from August.

*Robb Denham - Chairman, Colin Marks Clerk*

**Dear Editor,**

**I am responding to Simon Hossack's invitation in the December newsletter.**

I was reported to East Herts. Council Standards Committee by Councillor Kilby claiming that I had breached Hormead Parish Council's code of conduct stating that as I lived within a few yards of the village hall I should have declared a prejudicial interest prior to voting against the Village Hall Planning application. The same statements have appeared in the village newsletter and the Hertfordshire Mercury.

I live nowhere near the village hall and have no conflict of interest whatsoever. Indeed, East Herts Council decided that the case did not warrant investigation.

Cllr Kilby is well aware of their findings but has not as yet apologised to me. I voted against the planning application solely on the grounds of inadequate parking. This situation will be made even worse if in the future the adjacent barns are developed, when the part-time overflow parking for the hall will no longer be available. With or without this facility there will be cars parked on the road, or more likely on the pavement, on a dangerous bend. This will increase the likelihood of an accident involving cars, or even schoolchildren, parents and other pedestrians being forced to walk in the road, sometimes in darkness.

Do we want a repeat of the situation already occurring on the road outside the Meads at weekends and indeed everyday in Hare Street, as highlighted by Marty Kilby in the December newsletter?

The proposed new hall will cost in excess of £300,000. Why is this option being pursued when an alternative has been put forward, building on the same footprint, costing considerably less and enabling the car park to be retained and thereby avoiding all the related traffic problems? This makes no sense to me, particularly in the current economic climate.

*Brian Stone*

**Dear Editor,**

### **Village Hall Planning Application**

My motives for voting against the above were questioned in the November issue.

Firstly I must emphasise that I am responding as a parishioner and not as a councillor.

Since moving to the village 15 years ago I have been a supporter and user of the village hall and I think it essential that the village has a hall.

It is also clear that the current hall needs renovation or replacement.

However the applications submitted included a major reduction in parking spaces and in my opinion, as a very experienced Highway Engineer, would inevitably lead to a very dangerous traffic situation.

My comments and vote at the Parish Council were solely based on that aspect because I was sure the effect on the village and all its parishioners would be unacceptable.

I think enough has been said now and hope that the Newsletter can now move on with more constructive comments and articles.

*Geoff Abbe*

----- Forwarded message from elizabeth@collery.co.uk -----

Date: Sat, 31 Dec 2011 18:47:12 +0000

From: elizabeth@collery.co.uk

Reply-To: elizabeth@collery.co.uk

Subject: Comments in Newsletter

To: robbie.denha@virgin.net

Dear Robb,

I am dismayed and disappointed to see your comments in the "Parish Council News" section of the most recent Newsletter. I refer particularly to the second paragraph in which you cast a number of aspersions on the VHMC and Mr and Mrs Kilby in particular. You are entitled to your own view of course but you cannot speak for the entirety of the Council in this fashion without at least discussing the contents of such a report at a meeting and seeking a majority vote and, in any event, making it clear that you do not speak on behalf of all members of the Council. Your name appears at the bottom but you are reporting on Council matters generally and give the appearance of speaking for the whole Council.

It may be that others agree with you but I do not and I do not wish to be associated with inflammatory and potentially defamatory remarks about the Kilbys. I have seen no evidence, let alone proof, of unscrupulous and untrustworthy behaviour.

Please take it from me as a lawyer that without proof such comments are libelous and I think it was unwise to have written them and for the Newsletter to have printed them. Councillors are not protected by Parliamentary privilege.

I also completely refute your suggestion that the whole site may be sold for housing. This is a proposition without any basis. The land cannot be so sold, as the land MUST be used for charitable purposes.

There is no paranoia whatsoever about members of the public or the Council being kept informed or having input.

Let me be categorical there are no proposals or suggestions afoot by the VHMC to build the Village Hall anywhere else. The VHMC seek to see a new facility to replace the existing decrepit facility. They seek it to be on the same site. They seek it within no longer than the medium term because the existing facility cannot continue to be safely used much longer. They seek such facility solely in the interests of the community.

I am particularly cross that you would suggest that the VHMC is not being open when I have very recently sent a detailed, frank and prompt response to Cllr Ginn's request for information (to which you were copied in), which incidentally went unacknowledged and unanswered. I had already agreed to answer the oral questions he raised at the last PC meeting. In the light of that to suggest that the VHMC is being less than open is to ignore what I have said and to doubt my word.

It may be that you had not received my letter to Cllr Ginn until after your report to the Newsletter had gone to print, in which case so be it, but I trust there will be no further suggestions of secrecy. It is a nonsense not least because I sit on both the Council and the VHMC.

I would ask please that in the next Newsletter you make it clear that you were not speaking on behalf of all Council members when you made the comments in the current issue; that no such report had been discussed at any Parish Council meeting and that the Council are not ad idem as to its content

and the allegations made.

I am writing this letter to you personally in the hope that matters can be resolved amicably and straightforwardly without recourse to a general round robin e mail to all members of the Council and the VHMC who are both affected.

With many thanks

Elizabeth

----- End forwarded message -----

## REPORT FROM THE VILLAGE HALL REPRESENTATIVE

There is actually very little of substance to report about the Hall this month. There has not been a meeting, it having been the holiday season and any time that has been spent on Village Hall matters has been spent responding to allegations and what we (with my village hall hat on) would say are inaccuracies in the last newsletter. We hope to have laid many of those to rest in the next edition. I hope everyone will read it carefully to the end – it's quite long! – because there are so many misapprehensions about the VHMC at the moment and we have tried very hard to leave no stone unturned in setting the record straight.

However as far as matters of substance are concerned a meeting will be called shortly with the aim of moving on with the plans. Fundraising, applying for grants, seeking Building Regs approval. There is no update yet to report on the possible appeal against the planning condition that the village hall be complete before any house on the land is occupied. We are proposing to meet the Charity Commission with a view to asking for advice on updating the current management document which as it dates from 1962 is very out of date. We will also take that opportunity to ensure that we are doing everything required of a charitable trust in 2012. Finally just before Christmas the Land Registry sent the official registry form stating that the Village Hall land is now registered to the Official Custodian for charities to hold in trust for the village hall trusteeship. As the PC divested itself of all power over the land in 1962 when it was given in trust, being replaced as Custodian trustee makes no practical difference to the PC and the residents of this community. It puts an independent body in the purely technical position – which is all it was or is – of holding the title deeds which in my view in this climate of mistrust and allegations is a good thing. I know some members of the council do not agree with me but that is my considered opinion. There is no cosy relationship between the VHMC and the Charity Commission to be concerned about and they will undoubtedly treat us in exactly the same way as all other charities.

I told Cllr Ginn at the last PC meeting that I would answer certain questions he raised. As I said I would, I will deal with them briefly in a moment but please let me say this: the volley of questions now being asked of me is inappropriate in that in my view it amounts to an attempt by the PC to conduct an internal inquiry into the VHMC. Whether the PC is the custodian trustee OR NOT that is not the function of the PC and it does not have the remit to do so. It has no power or authority to investigate, manage or to supervise the VHMC itself but if there are complaints or suspicions of wrong doing or mismanagement then that can and should be raised with the Charity Commission who will investigate the matter. It is because the PC is usurping its function and not for reasons of inherent secrecy that the VHMC will not lay itself wide open to the PC especially now that it seems clear that members of the PC are seeking to discredit it.

However my answers to Cllr Ginn's questions – because I have already agreed to answer these – are that I do not know exactly what date my trusteeship was formally registered with the Charity Commission but I was voted onto the Committee in my absence at the AGM on 9<sup>th</sup> Nov 2011, which I think is the important date.

I was also asked about references that had been made to four trustees asking the chairman to resign. Yes they did but they later decided not to pursue it any further. There was never any question about the Chairman's integrity. No one resigned specifically as a result of the Chairman not standing down but more because they had had enough of being on the committee generally. As you all know the path to a new village hall does not run smoothly.

Since I joined the VHMC there has been no suggestion that the current committee wish to see a change in officers. In fact all are united in their determination to now move onwards and upwards and get the hall built. Further I have seen no evidence of wrong doing, dishonesty or anyone not acting in the interests of the community. The VHMC is a bunch of people working very hard to get a village hall built. There is no hidden agenda, there is no master plan to sell off the whole of this site, there is no absolutely no plan to run off with a penny of the funds and there is no plan to move the hall elsewhere.

I understand that there is a background of mistrust and personal animosity between members of this council and the VHMC. I do not come to either with that history and whilst I am sure everyone thinks they are in the right and hold legitimate grievances in my view the two sides need to now put the history behind them and find a way to build bridges and move on before both committees become dysfunctional and frankly a laughing stock. This in fighting and counter allegation after counter allegation is not serving the community.

Elizabeth Collery  
12.1.12

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**From:** robbied [<mailto:robbie.denha@virgin.net>]

**Sent:** 11 October 2011 20:46

**To:** David Ginn

**Cc:** Brian Stone; Colin Marks; Elaine Harding; Geoff Abbey; John Kilby

**Subject:** Recent agenda request

Hallo David

I have been in no doubt that Colin has acted in the best interests of the Council and it is in his purview to be able to reject agenda items if the wording of a proposed item is: (a) not clear in meaning or (b) unlawful or improper.

In the first case, the motion is rejected until it is clearly worded and resubmitted at least 3 clear days before the next meeting. By leaving it to the last minute to send in your motion, you have lost the chance to clarify the wording and meaning within the time frame. Your wording of "to consider and resolve employing a solicitor to look at our position and seek advise ,as to the parish council ownership of the land which the village hall and car park stands on. As the land has now been registered in the village hall committee in 2010." What do you mean by our position? We already know that the Council owns the land. The land is not registered to the Village Hall Committee, but to certain Trustee members of the Trust. We know that we need to reverse the situation. What else can you say at this time? We are not about to take anyone to court without the known facts.

In the second case, the Proper Officer shall consult with the Chairman of the forthcoming meeting to consider whether the motion should be included or rejected in the Agenda. I consider it improper to attempt to get a Council discussion or decision on an issue without knowing the facts beforehand. Colin has informed you that he is progressing the fact finding with Land Registry as all three of us agreed at our meeting on 27 September. It is his duty to make a decision on Agenda items and it is his decision to reject your motion at this time.

I do not know what qualifications you have to query how Colin, a trained Clerk, goes about his duties to our Council and advises us, perhaps you can tell us. As a Councillor of long standing, you should know that the Council objective should be to have any issue settled amicably and how it should be approached. Colin has told you that his progress to date will be reported to the Council and your extremely late night telephone calls are bullying, as are late submissions of agenda items which have no logical basis or indeed facts, merely contentious matter aimed at one particular person and organisation. You also consider that these issues (your version) should be publicised before serious decisions can be made. That is using the Council for your own ends.

Have you for instance seriously considered that the land registration was an error but made in good faith and which therefore could be corrected by the Council and the Village Hall Trustees acting together? I think not, even though, when you quite rightly brought the issue to our attention, this option was raised by me. You are so intent on your personal paranoia about the Village Hall Committee and its secrecy that you can only imagine a legal action with a settlement where the current committee is replaced. I know you said you should run the VHMC but even then you would only oversee, not get involved with the day to day running and responsibilities.

best regards

*Robb*

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-----Original Message-----

From: robbied [mailto:robbie.denha@virgin.net]  
Sent: 11 October 2011 22:01  
To: deg.1@tesco.net  
Cc: 'geoff abbey'; John Kilby; 'Elaine Harding'; 'Brian Stone'; colinmarks@gmail.com  
Subject: RE: agenda 13th oct DG response draft1

Hallo David

Clr Stone, initially a volunteer for liaison and reporting on the Village Hall matters for the benefit of Council, has resigned that position, perhaps you should take that over. You will then have an opportunity to discuss your issues directly with the whole committee.

The Meads special interest group needs a councillor who will take control of the various aspects of the Meads, not just to report to the Council from time to time. He or she needs to have a full and conscious oversight of all its aspects in order to properly inform the Council by report at our meetings of all that has transpired, is being planned, and that our users and suppliers are acting as we require. So far, you have made two reports.

The first was completely taken up with the Hares rejection of your attendance at their AGM. This as we know was not your fault. However it escalated beyond a misunderstanding to the point where the public and press were included on an email from you that should have been more carefully censored before sending. Somehow you managed to bring in extraneous comments purportedly made by another councillor. It took your attention away from the report to the Council down to hearing of only one incident, and that of a personal nature.

We had no information regarding the Meads itself. You omitted to inform us that you completely ignored a user's routine request for the keys for a cricket match, you had flatly refused to give a contact number to users, you did not know what issues were raised which would normally have been reported to Council and actually ignored requests from The Hares and me to deal with various matters, including reports of a wasps' nest that was potentially very dangerous to Meads users and the community. Furthermore you did not even tell anyone of receiving such requests so that they could be dealt with.

The second report you gave was merely a review of what anyone walking on the Meads could have seen, ie externals views only, and not all of them. Again, you did not bother even to ask whether issues had been raised and dealt with and you still consider that you were conscientiously carrying out, on behalf of the Council, sufficient checks to ensure your report was full and informative for the Council. You also denied that you had stated in an email to me that all issues except reporting was beneath you. Not in your job description was the phrase. Who did you think was covering for you or did you honestly think you would know enough to make a proper report?

You should have reported on the facts that car park gates had been left open, and on other matters that had been dealt with, eg lighting in the pavilion had to be repaired, mice droppings in the toilets were dealt with, and the inspection of the Play Area had been done. Additionally, I do not think we have had any reports on Police matters from you.

I feel that you are not competent to have these reporting responsibilities and that we need to have councillors interested in Council business rather than their own agenda.

You have misused your status as a councillor to insist that matters outside the scope of the Council but for personal sensitivities are minuted so that allegations against another councillor can be publicised, particularly when that councillor had no right of reply. While you seem confident that you should be

respected as a Councillor and Vice-Chairman, you see no need yourself to respect your fellow councillors or the Clerk. The latter of course has happened previously. You are not being a team player, which disrupts attention from the Council responsibilities and objectives for the benefit of the community.

Robb

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\*\*\*\*\*

-----Original Message-----

From: deg.1@tesco.net [mailto:deg.1@tesco.net]  
Sent: 09 October 2011 22:49  
To: colinmarks@gmail.com  
Cc: geoff abbey; John Kilby; Elaine Harding; RobbD; Brian Stone  
Subject: Re: agenda 13th oct

Hi Colin,

As per my agenda request for an item about the village hall on friday, this request still stands to be added to the agenda, I have shared information with yourself and the chairman on this matter. It is up to councillors to put forward items for the agenda and the clerk to lay the agenda out. It is also up full council if they wish to pursue this matter in any way(this is not the clerks decision). So i'm asking you again to add this on the agenda.

Secondly I have noticed you have also put on the agenda to allow public to speak early on in the meeting, this has not been approved by full council, councillor Harding sent you a request just to discuss and agree moving this. This does need to be agreed at full council and this is not the clerks decision.

I am disappointed that you will not share any information about the village hall before the meeting as i've shared information with yourself and the chairman already. It was not that long ago that our current chairman that was a councillor then, was complaining about the chairman(cllr Abbey) about not sharing information and releasing information before the meetings, so councillors could be prepared with information before the meeting.

Also my name is still missing as the meads representative. And also there needs to be appointed a representative for the village hall, this needs to be added to the agenda.

I hope we can resolve this matter as this parish council needs to work as one body.

Regards

DG



## From the Hormead Village Hall Management Committee (VHMC)

# Great Hormead Village Hall – the Facts

**1. Claim:** A village hall can be built for £60,000 proposed by Mr S Hossack, (his 'Option 3')

**Response: Unachievable as proposed.** First suggested in late 1990s and dismissed by the then VHMC (Chairman Bridget Gurney) and dismissed again October 2011. The authorities would insist on retaining trees at the front; want large vehicular entrance and exits; require a new hall to be both sustainable and 'green', and built by contractors to required building regulation standards. This cannot be achieved whilst retaining village hall in the present position or without cutting down all the trees at the front of the site and using unqualified helpers. The proposed hall is 100 sq.metres larger than the approved scheme, takes up a bigger footprint and will lose a number of car parking spaces. The proposer should seek advice on his suggestion from East Herts Council (with a charge to him of £350).

It is impossible to build 'Option 3' plan, to furnish the hall including toilets and kitchen equipment, to include planning fees and report requirements demanded, within his stated cost in October 2011 of £60,000. (in December 2011 he had increased this estimate to £100,000)

Any qualified Quantity Surveyor will confirm the minimum, basic standard, building estimate cost is £1,000 per sq. metre for 'new build'. With an increase in services and roofing over the larger footprint the build has to be in excess of £290,000. As a guideline, quality residential is currently £1500 - £2000 per sq metre depending on finishes, fittings etc. *The Option 3 plan is non-viable.*

**2. Claim:** The VHMC can sell the site and take the money to do what it wants and use the money for their own personal gain.

**Response: Not true.** The site was originally owned by the Diocese of St Albans. In 1962 the Diocese transferred the hall and the land by a Conveyance to the parish (in payment of £200 from the Parish Council) for use as a village assembly room. In this same Conveyance the Parish Council created a trust and passed effective control to the Ministry of Education (later the Charity Commission).

A Village Hall Management Committee was given the role of managing the trust for the parish under the rules of the Charity Commission. The hall and land can only be used in accordance with Charity Commission rules and, if sold, the proceeds must be put towards a similar charity within the parish (i.e. a village hall in another location), or a charity within the parish decided by the Charity Commission, or used for a similar charity named by the Charity Commission. So, in 1962 the Parish Council and the Diocese effectively relinquished ownership of the land by vesting it into a trust under the auspices of the Charity Commission, retaining only the token position of custodian trustee.

**3. Claim:** The VHMC want to build housing on the entire village hall site.

**Response: Not true.** For the past 50 years discussions have taken place on the viability and

situation of the village hall. Recently it was, in fact, the Parish Council that led investigations into possibilities of selling the village hall site and investing the proceeds in a village hall site elsewhere in the parish. The current VHMC have not since researched any sale or reinvestment of the charity money in a village hall elsewhere in the parish.

**4. Claim:** Custodian Trusteeship and all Trusteeship Matters - the VHMC have tried to take over ownership of the land.

**Response: Not true and not possible.** In 1962 the land and hall (the subject of the Trust) were given by the Parish Council to be held in a charitable trust. Because it is preferable for a corporate body to hold legal title (visit the Charity Commission website for full details) the Parish Council was nominated as Custodian Trustee to hold the title deeds. This is a nominal position. The managing trustees (i.e the VHMC) have since 1962 held full responsibility for the management of the trust under the supervision and ultimate control of the Charity Commission. In 2011 the title of Custodian Trustee was transferred to the Official Custodian for Charities in the name of the Charity Commission as is normal for most village halls and legally preferable.

**5. Claim:** The Parish Council were not involved in the present application.

**Response: True, because it was their choice not to be so involved.** From 1962 to 2007 the Parish Council and the VHMC have worked together in helping provide a suitable village hall for the Parish.

In 2007 the Parish Council agreed with the VHMC that the PC wanted to be very much involved in all the plans and designs for the new Hall.

May 2007 membership of the Parish Council changed, (changes included Michael Johnson leaving and David Ginn coming in). Throughout 2008 the Parish Council gradually moved away from any discussion of the plans, requesting not to be consulted.

In 2009 the Parish Council was invited to comment and be part of the design before any drawings were finalised. The Parish Council refused to be involved at the sketch plan stage; refused to have the ideas presented to them; and refused to be involved in any way because they said they wanted to be impartial and not to be involved in the Village Hall. The Parish Council did, however contribute £1,000 towards the cost of the planning application (Parish Council minutes refer). The Parish Council later made no comment to EHDC on the application and then approved the VHMC change to parking arrangements.

In May 2011 membership of the Parish Council changed again (including Elaine Harding - VH neighbour, David Ginn - VH neighbour, Geoff Abbey - VH neighbour, Russell Abbey, and Brian Stone).

September 2011 Parish Council resolved to object to the re-submitted planning application for a new hall, mainly based on car parking concerns, and also that they consider the development is detrimental to neighbours.

6. **Claim:** *The parishioners were not involved in the present application - the VHMC worked in secrecy.*

**Response: Not true.** The rebuilding of the Village Hall has been at the front of all the VHMC meetings since 1962 - when the very first meeting discussed refurbishment and redecorating of the 1905 building. In 2008 the VHMC held its AGM with no conclusion reached. On 19th May 2009 at the VH AGM, Chairman Heather Moore addressed the meeting. This meeting had been widely advertised, particularly in the Newsletter, stressing that the future of the village hall was to be discussed, including the possible sale of some land. This was necessary to comply with the terms of the conveyance and the Charity Commission regulations. *Apart from the committee no-one came.* Following is an extract from the minutes of this meeting which clearly set out the ideas and the way forward the VH Committee thought best. The full report was then published in the next edition of the newsletter and again, no response of any kind was given by parishioners or by the Parish Council. (Original minutes and newsletter available). The Chairman's statement (also published in full in the Newsletter) clearly indicates land would be sold for a house to fund the development and car parking space reduced. The statement included:

*'Plans going forward: a plan has been created with a way forward to improve the Village Hall on behalf of everyone in the community. In straightforward terms this involves obtaining planning permission to build an extension on the northern side of the hall, which will form the new body of the main hall. The newer part of the hall (which incidentally has weathered far worse than the original hall) will be totally refurbished, and eventually the original part of the hall will be demolished and a new entrance created for the hall. The top part of the car park will be sectioned off, and sold with full planning permission to build a single house. A project plan has been created - and the committee are following this plan, point by point, in order to achieve this goal. Considering various committees over the years have worked so hard in order to achieve a better hall for the benefit of everyone - this is an enormous step forward, and one which we hope the community will approve.'*

7. **Claim:** *The on site car parking has been reduced from 50 spaces to less than half.*

**Response: Not true.** In the past guesswork suggested that 50 spaces were available in the car park. East Herts Officers visited the site in 2010 and stated that if the car park was laid out in accordance with proper regulations then only 25-30 legal car parking spaces were available. Highways Authority stated on 15 July 2010 to EHDC Planning that 'up to 11 vehicles could comfortably be accommodated on-street' and concluded 'with the provision of the overspill car park arrangement and the safeguard of a financial payment to secure future parking restrictions, this proposal to provide an improved facility for the village is now acceptable in a highway context'. The current permission includes 15 spaces within the site, a further 10 spaces on an adjacent site and 11 spaces comfortably accommodated on-street. **This means a technical increase of 6 spaces over the current available** but if people parked randomly on both areas, as is the present practice, then this might allow more spaces.

=====

### **Village Hall Time Line** (Not all events listed)

1905 Diocese of St Albans built Church Hall  
1962 Hall sold to parish and Parish Council gives it as registered charity as village hall for the parish. At later dates more land given to the Charity and used as car park (permission given to build Quinn House as quid pro quo). Parish Council has no control of hall this rests with VHMC and Charity Commission.  
1962-1997 Numerous repairs and extensions (toilets, kitchen, porch), and much unpaid volunteer work carried out.  
1997 Village questionnaire (result huge majority wanted refurbishment but not move hall to another site)  
2001 Village questionnaire (result huge majority wanted refurbishment but not move hall to another site)  
2001 Public meeting 2 October when architect present to discuss plans. Planning application submitted (Mr Hossack proposal considered impractical)  
2002 Permission granted for larger new hall on present site, losing good deal of car park. Lottery funding sought but no funding obtained. Scheme not built.  
1997-2007 Parish Council and VHMC work together to explore ways of rebuilding hall. All suggestions fail for either inability to obtain planning, non-support from parishioners to move hall to different site in parish, and/or lack of funding.  
2007 After May elections the Parish Council take position of leaving VHMC to try and find solution.  
2008 Parish Council ask to continue to be updated.  
2009 VHMC call public meeting so plans suggesting selling part of the car park can be discussed (necessary under Charity Commission conveyance).  
2009 All households, through Newsletter, receive details of proposals that include selling of part of car park. Not one single comment received.  
2009 VHMC ask Parish Council to take part in scheme before drawings finalised and application submitted. Parish Council refuse. Parish Council donate £1000 to VHMC to use towards planning cost.  
2010 Planning permission sought. Parish Council make no comment to East Herts Council.  
2010 February and March - two open meetings held to explain plans. Architect present. Vocal objections made by neighbours.  
2011 Plans refused. Appeal dismissed because of lack of formal Highways Traffic Regulation Order. VHMC amendments to parking plans approved by outgoing Parish Council.  
2011 May - Council elections held. New Parish Council take office.  
2011 Plans resubmitted with highway concerns addressed. New Parish Council object expressing parking and neighbour concerns. 15 letters opposing plans, 317 letters in support.  
2011 East Herts Council approve planning application.

### **Summary**

We hope we've covered all the major concerns. Background papers are available - most of them with the Parish Council. All the volunteers who have been part of the Village Hall Committee over the past 60 years have done their best to keep the hall in good repair and to try and rebuild it. Let's make 2012 the year we take that one extra step.

Village Hall Committee  
January 2012



**Dear Editor**

Over the Christmas period of goodwill to all mankind, the frenzy of abuse directed through recent Newsletters at me, my family, and all the unsung heroic volunteers who have worked hard, now and in the past, to keep a new village hall a viable option for the parish reached jihad proportions. The current Parish Council chairman and the current Parish Clerk have accused me, over their official titles, of being a 'proven unscrupulous and untrustworthy' member of the Village Hall Management Committee (VHMC). I am waiting to be told of any such charge of where and of what I was accused, who gave a 'proven' verdict, and why it was thought appropriate to put such personal accusations in the Newsletter, given that the Parish Council have not met to discuss anything that relates to such a statement. This is personal opinion that needs to be discussed between the people concerned, not printed in a village newsletter and not done by parish councillors using their Council titles. May I ask that all personal abuse now ceases? It was hoped that, once planning permission had been granted, the whole village could work together to raise enough funding to allow the new hall to be built without the need to sell any land. The actions of some parish councillors who, (as neighbours of the Village Hall and objectors to the plans), have conducted a campaign of objection, and disinformation about the proposals mean that no resident wants to be involved in any way with village hall fundraising, thus leaving no option but for some land to be sold off to help with any planned refurbishment.

Incidentally, the Simon Hossack scheme will not gain planning permission - for one reason because it depends on removing the trees on the site which EHDC will not allow. His sketch plan has a larger footprint than the approved plans, will take up more of the car park and will cost over £250,000 to build. I suggest Simon Hossack meets the EIIC planners for pre-planning advice - it will cost him about £350 but he will find out at first hand exactly what hoops have to be jumped through to fulfill planning demands.

Please can the parish council (which is split on this issue) work with the VHMC and the rest of the parish towards continuing to provide a viable meeting place for the village both now and in the future. But this has to be done with old fashioned good manners and by accepting that much of what the objectors on the parish council say is simply untrue - perhaps because they *personally* oppose the village hall plans (which is their right) and because of this cannot accept any way forward except denial.

Let's make 2012 a year of hope, not of shouting down and bullying people doing their best for the parish.

**Marty Kilby**

The Newsletter has devoted much space over the past few months to the activities of the Parish Council and Village Hall Management Committee, as well as the views of individual residents.

I have this month received letters from six individuals on the subject amounting to over **ten A4 pages of copy**. The newsletter has seven pages for copy and five for advertising.

I have therefore taken the decision to give Mrs. Marty Kilby the opportunity to reply to the letters in the January issue but regrettfully cannot include any of the other correspondence. Two individuals have decided to issue a flyer at their personal expense and the Village Hall Management Committee has also produced a flyer with this issue.

From now on personal views regarding the rebuilding of the Village Hall should be sent directly to the Village Hall Management Committee and the Parish Council. The Newsletter will continue to welcome reports from the Parish Council and Village Hall Management Committee meetings and looks forward to the day when we can report a definite plan for the Village Hall.

**Editor**

**Dear Editor,**

I wonder if through your Newsletter, I could make two requests. The first one is hoping that whoever keeps parking his car directly across the public footpath and therefore blocking access onto the field behind where the Hormead Hares play football, reads this, and would kindly park in a more considerate place. It is as it states a public footpath and should be easily accessible for all users.

Secondly, I don't think anyone objects to having dogs running off the lead on the field behind Fayland Cottages, however, please ensure that should it be necessary you can recall your dog/s. I have dogs, which I keep on the lead whilst walking around public areas, as I know the youngest one has not yet learnt to always recall.

One weekend, we were approached by 2 large dogs, whom the owner obviously had no control over, and who were terrorising my dogs (all of which being ex-refugee dogs, have therefore not had a good start to their lives). One in particular became very stressed, and agitated. The dog's owner could not recall any of them, as was in particular apparent as when he reached the road, he then put on their leads. Can we all please be a bit considerate whilst walking dogs, and ensure that if you cannot control them you keep them on the lead in public places.

**Name supplied**

**Digital Changeover**

The following information is provided by a new advertiser **D.I.S.H** on page 11

On 4 April 2012 the analogue television signal will be switched off and television services in the UK will become digital. If your television does not have a built in freeview receiver or you do not subscribe to a provider such as Sky or Virgin Media your existing television will require a digital freeview box in order to receive the digital signal. A digital box will normally cost between £20 and £30 and is widely available from most electrical retailers. It may be that an aerial upgrade will be needed or the installation of a freesat dish depending on the reception received in your area. There is a special help scheme for people over 75 or for people with certain disabilities. Details of this scheme can be found on the website for digital changeover.

**Steve Sutherland**



13 February 2012

Simon Drinkwater  
Monitoring Officer  
East Herts District Council  
The Causeway  
Bishop's Stortford  
Hertfordshire  
CM23 2EN

Dear Simon Drinkwater

**Hormead Parish Council - Parish Councillors and Parish Clerk**

Please can I ask that you pass this letter to all members of the Standards Committee. On the EHDC website there are no members listed for 2011/2012, simply an archive list for 2010 of 4 seats, but naming 11 councillors. Therefore I would be grateful if you could forward this to all members of the current Standards Committee. Please could you confirm that this has been done.

**To all members of the Standards Committee**

As members of the Standards Committee you will be aware of the dysfunctionality of the current Hormead Parish Council.

There has been a complaint by a parish councillor (John Kilby) against another parish councillor (David Ginn) regarding disclosing personal and prejudicial interest relating to a very contentious planning application relating to the Village Hall. John Kilby is the Chairman of the Village Hall Management Committee and David Ginn lives immediately opposite the Village Hall and has orchestrated a three year campaign of objection to the planning application for the rebuilding of the village hall. After investigation it was decided not to refer this complaint to the Standards Committee and that David Ginn did not need to disclose a personal and prejudicial interest relating to the village hall.

There has been a further complaint by the Parish Clerk (Colin Marks - also a member of the Standards Committee) against John Kilby (a parish councillor) regarding an alleged statement not heard by Colin Marks or the parish council chairman (Robert Denham) but following prompting by a further parish councillor (David Ginn, the subject of the original complaint by John Kilby) at a subsequent parish council meeting, it was decided that the original minutes of the council meeting be changed to reflect that John Kilby made a remark relating to the Parish Clerk whilst the Parish Clerk was not in the meeting room. Colin Marks has now, after a consideration of several weeks, decided to lodge a complaint against John Kilby with the Standards Committee. This complaint is now the subject of an investigation by the Standards Committee.

Colin Marks (Clerk to Hormead Parish Council and a member of the EH Standards Committee) and Robert Denham (Chairman of Hormead Parish Council) have now, in the January edition of Hormead and Hare Street Parish Newsletter, published over their own names and their titles of Hormead Parish Clerk and Hormead Parish Council Chairman, libellous and defamatory remarks against two parishioners who are also the Chairman and Secretary of the Village Hall Committee, and a member of the parish council and a previous parish council clerk. Neither Colin Marks or Robert Denham have denied these remarks, or stated that they were published inaccurately, or withdrawn them in any way. As a member of the EH Standards Committee Colin Marks appears to condone the publication of possibly libellous statements over his name and his working title in a widely distributed parish newsletter. A copy of the newsletter page is attached.

**The Standards Committee should be aware of the background in Hormead Parish which is reflected by this animosity within Hormead Parish Council. I apologise for the length of my following explanation.**

For over 50 years the century old Village Hall (1905) has needed rebuilding and many parish councils and village hall committees have tried to find a viable solution. Several planning applications have been approved, the stumbling block has always been finance. In 2009 a scheme was devised that could be financed by the selling off of part of the village hall grounds for a residential plot. The parish was asked to attend meetings to discuss and approve this (necessary under the Charity Commission and trust deeds). There were no objections whatsoever.

The Parish Council approved. Move on a couple of years. The parish councillors changed, and the parish council (from May 2011) now consists of 3 parish councillors who live immediately opposite or adjacent to the village hall, the Parish Council Chairman, and John Kilby, Chairman of the Village Hall Management Committee (VHMC). 5 Parish Councillors. Three of the parish councillors have been vociferous objectors to the proposals, and among other things have organised a 'parking' blockade widely reported in the Hertfordshire Mercury, and by their presence on the parish council have changed the attitude of the council from one of support and involvement to one of objection. They are all entitled to do this as parishioners but none have, as parish councillors, declared a prejudicial interest and all have taken part in every vote of the parish council relating to the village hall.

With certain conditions, East Herts Council have approved the planning application to rebuild the village hall and finance this by the sale of part of the land. Since this decision four of the parish councillors (now a majority on council) have conducted what can only be described as a personal vendetta against members of the Village Hall Management Committee (VHMC), particularly directed towards John Kilby (who is also a parish councillor) and his wife, Marty Kilby (a previous parish clerk and a Secretary of the VHMC).

This has resulted in the prevalent disharmony between the Parish Council, now only 5 members, 3 of whom are neighbours of the village hall and object to the approved rebuilding plans, one Chairman of the VHMC and the last is chairman of the parish council. Since the May 2011 elections 3 other parish councillors have resigned. A parishioner was co-opted on, (an immediate neighbour to the village hall and a strong objector to the rebuilding). Another parishioner was co-opted (a qualified barrister and fraud prosecutor). After the Parish Council objected to her report on the VHMC where it was indicated that no wrong doing by the VHMC had taken place, the Parish Council removed her as the PC representative on the VHMC and she has subsequently resigned. These two occurrences are not necessarily related. This leaves the Parish Council with no eligible representative on the Village Hall Management Committee. The Parish Council is at the moment 2 members short of a full quota.

In the January parish newsletter (Hormeads & Hare Street Newsletter) the Parish Council Chairman (Robert Denham) and the Parish Council Clerk, Colin Marks (also a member of the EH Standards Committee) published over their names a report where they said "... our new Village Hall is wholly at risk in the hands of two proven unscrupulous and untrustworthy members of the VHMC, who are not accountable to the community." This is a statement made by a member of EHDC Standards Committee who is also the new Hormead Parish Clerk, and who has raised concerns with the Standards Committee about remarks made by one of the people he is calling 'proven unscrupulous and untrustworthy'. The Parish Council Chairman (Robert Denham) has written to Marty Kilby, one of the people called unscrupulous and untrustworthy, saying he realises that Marty Kilby is a 'victim' (his words). It is acknowledged in the parish that the two people referred to by Colin Marks and Robert Denham are Mr John Kilby and Marty Kilby.

In his statement relating to his complaint against John Kilby, Colin Marks makes a number of statements. I, Marty Kilby, as a 'victim' (according to Robert Denham) of public statements made over Colin Marks' name, would like to apply them to my own case:

Colin Marks has stated: (30 November 2011) "I have been accused of fraud by a councillor and the parish clerk, an accusation that was unwarranted, totally unjustifiable, unacceptable, and is a stain upon my character. In the intervening time since the remark was made, or recorded, Cllr Kilby has made no attempt at an apology or expressed any indication of regret."

I would like to apply this response to Colin Marks (Standards Committee Member) and Robert Denham (Parish Council Chairman) and put it in my own name as a response regarding the published remarks by Colin Marks:

"I have been accused of being proven unscrupulous and untrustworthy by a parish clerk and member of the EH Standards Committee, and the Hormead Parish Council Chairman. This is an accusation that was unwarranted, totally unjustifiable, unacceptable, and is a stain upon my character. In the intervening time since the remark was made and published in the Newsletter neither Colin Marks or Robert Denham have made any attempt at an apology or expressed any indication of regret."

I have taken legal advice and am being urged to take action to gain financial recompense against the Parish Council itself as well as individuals as these remarks were published over the names of Robert Denham and Colin Marks in their capacity of Parish Council Chairman and Parish Council Clerk. I attach a copy of the newsletter page and report.

Now this could go on ad nauseum and the only result will be that Hormead Parish suffers, the new village hall is not built and probably a number of people will be out of pocket financially, including the Parish Council. The reason I am writing such a lengthy report - and there are a great many incidents and childlike actions that have taken place since the planning application was submitted, is that it is the root problem that needs to be addressed.

The Parish Council is having training by Simon Drinkwater relating to understanding personal and prejudicial interests. The Standards Committee intends to investigate the complaint against John Kilby. I have not at this

moment made a formal complaint against Colin Marks (Standards Committee member) and Robert Denham (Parish Council Chairman) because I am more interested in going forward but I could do and this would be yet another unnecessary hearing because the root problem is being ignored.

I suggest that what is needed is to start from the beginning - the problems with the Parish Council are because of the membership majority of 4 to 1 who are *personally* against the village hall rebuilding - which has been approved. This personal animosity should have been kept in check or diffused by the Parish Council Chairman. The Parish Council Chairman needs advice, support and training on how to conduct parish business correctly, including instituting sensible email communication. The Parish Clerk (who is new to the job of Parish Clerk), needs to be aware of the problems of taking sides with any particular section of the Parish Council, however tempting it might be, and needs to be more aware of finance and that parish clerk expenses are agreed, authorised and minuted in a different way from that of councillor expenses (which is what he would have been used to as a Standon Parish Councillor).

The Parish Councillors themselves need to accept that their own personal views are not of importance, their job is to serve the community. So when 317 parishioners support the Village Hall and only 15 object, then despite the fact that they are among the 15, they have to have regard to the parochial view.

What I am suggesting is a major training session, not just from Simon Drinkwater but perhaps with input from people like William Ashley, Jane Pitman, and some East Herts or Hertford County councillors who understand from experience the problems that come with difficult situations.

The other option is to let the situation get worse, with solicitors getting involved and parish councillors and clerks being sacrificed along the way. With the parish suffering in the end.

Please can you, as Monitoring Officer, together with the Standards Committee, take an overall view of this unfortunate situation and agree to abandon individual Standard Committee reports in this particular case, but instead put in place a complete training/update meeting involving advisors and East Herts Councillors so that a productive outcome is achieved.

I await your comments and hope that Hormead Parish Council can start to work for the parishioners they represent, and not for their own personal objections to the Village Hall. I hope I do not have to formally report the actions of a member of the Standards Committee to the Standards Committee.

Sincerely,

Marty Kilby  
Secretary, Village Hall Management Committee

# To: Members of Hormead Parish Council

You are hereby summoned to attend the **Meeting of Hormead Parish Council** on **Thursday 15 March 2012 at 8pm** at the **Meads Pavilion** for the purpose of transacting the following business. Public and press are welcome to attend.

Signed: Colin Marks, Clerk to Hormead Parish Council

Dated: 9 March 2012

## AGENDA

**12.042 Apologies for absence**

1. Councillors
2. Other Councillor absences
3. Other apologies

**12.043 Simon Drinkwater's seminar: Feedback**

**12.044 Charity Commission: Code of conduct**

**12.045 Declarations of Interests: Personal and Prejudicial**

Note: Under the Code of Conduct, if a councillor is appointed by the Council to represent them on another body (eg Village Hall Committee), that councillor does not have to declare an interest when the Village Hall is discussed because they are on the Committee representing the Council, not in their own right (ie personal). They may vote without making a declaration.

Note: Under the Code of Conduct, councillors serving on other bodies are reminded that the Code still applies to them.

**12.046 To approve Minutes of Parish Council Meeting, 16 February 2012**

**12.047 Chairman's Announcements**

**12.048 PCSO Report:** To receive report from PCSO Amanda Higham

*To consider the Meeting be suspended for Adjournment for Public Comments: limited to 15 minutes, and one question only per person.  
Meeting to be resumed*

**12.049 Internal administration:**

1. Standing Orders update
2. Internal Auditor
3. Register of Members' Interests: to be updated

**12.050 Planning:** (Details previously emailed to Members)

**1. Planning applications**

<b>3/12/0250/FP</b>	<b>Willow Close, Great Hormead</b> Demolish garage block and replace with social housing accommodation	Comments by 29/3/12
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**2. Decision Notices**

<b>3/11/2122/FP</b>	<b>2 Bradbury Farm Barns</b> Stable block and associated hard standing	Granted subject 15/2/12

**3. Other planning matters**

1. 11/02146/1CM: Nuthampstead Shooting Range update: Development Control meeting postponed pending submission of further information. The meeting, when held, will be at County Hall.
2. To consider any planning applications made since the agenda was issued.

**12.051 Finance**

1. Report on the Council's finances: current account. (Appendix A)
2. Authorise signing of orders for payment at the end of the meeting. (Appendices B1 and B2)

**12.052 Correspondence:** To receive report of correspondence (Appendix C)

**12.053 Special Interest Groups Reports.** To receive reports for:

1. Village Hall
2. Highways
3. Footpaths and byways
4. Website
5. School

**12.054 Meads:** To consider the following matters:

1. Update on Play Area repairs and grant
2. Update on Pavilion electrics
3. Disabled access: update on making the access regulation compliant  
Broadmead Leisure estimate (Appendix D)
4. Car parking on the B1038 and B1368
5. Disclaimer and signage
6. To consider contract renewals

**12.055 Hornead Hares Football Club:** Update

**12.056 Queen's Diamond Jubilee recognition**

1. Update on possibility of joint event with VHMC
2. Update on Beacon event, hog-roast and sponsorship
3. Update: commemorative mugs for pupils of the school
4. Update QEII Field Award
5. HertsU3A: Request for use of Meads car park, mid morning to mid afternoon, for sponsored walks along Hertfordshire Way, Thurs 7 June and 14 June
6. Grant availability

**12.057 Councillor Training evening**

Carina Helmn, HAPTC: Date to be agreed  
HAPTC: Accounts and Year End Finance Workshop, 21 March

**12.058 Casual Vacancies:** Update

**12.059 Parish Council Meetings**

To consider what is the most appropriate date and venue

**12.060 Annual Parish Meeting:** Update

**12.061 Items for future agendas:**

1. To consider producing a Neighbourhood Plan
2. To consider subscribing to the new Standards regime once details are known
3. Insurance: To be reviewed following submission of Risk Assessments
4. To receive other items for future consideration

**12.062 Date of next meeting**

**Form D****Arrangements for the Standards Committee Hearing****Please tick the relevant boxes**

<b>1. Are you planning to attend the standards committee hearing on the proposed date in the accompanying letter?</b>  <b>If 'No', please explain why.</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	Reason:
<b>2. Are you going present your own case?</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>	
<b>3. If you are not presenting your own case, will a representative present it for you?</b>  <b>If 'Yes', please state the name of your representative</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	Name:  <i>MARTY KILBY (SPOUSE)</i>
<b>4. Is your representative a practising solicitor or barrister?</b>  <b>If "Yes", please give details of legal qualifications. Then go to question 6.</b>  <b>If "No" go to question 5.</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>	Qualifications:  
<b>5. Does your representative have any connection with the case?</b>  <b>If "Yes", please give details.</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	Details:  <i>VILLAGE HALL SECRETARY &amp; PREVIOUS CLERK TO HORMEAD PARISH COUNCIL</i>

<p>6. Are you going to call any witnesses?</p> <p>If "Yes", please fill in Form E</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	
<p>7. Do you, your representative or your witnesses have any access difficulties (for example is wheelchair access needed)?</p> <p>If "Yes", please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>Details:</p>
<p>8. Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?</p> <p>If "Yes", please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>Details:</p>
<p>9. Do you want any part of the hearing to be held in private?</p> <p>If "Yes", please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>Reasons:</p>
<p>10. Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>Reasons:</p>