



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:		20.11.12

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	Michael	Newman

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

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

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

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

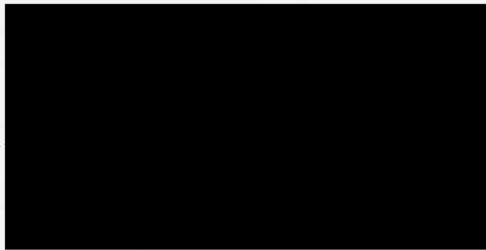
Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

See attached document.

The evidence is in the webcast of the Planning Control Meeting of the 7th November 2012.

I would intend calling members of Hunsdon Parish Council at any hearing. Names and addresses will be provided.

I would also call:



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C. Confidentiality of complainant and the complaint details

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

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

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

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

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

I do not want my identity protected.

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

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D. Remedy sought

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

1. Councillor Newman to have no further involvement in the matter of any conditions associated with the Chapel at Hunsdon.
2. Councillor Newman to resign.

(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

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EHDC STANDARDS FOR COUNCILLORS

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

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

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

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

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

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

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

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

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

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

See above

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS:

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

