

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

HUNSDON PARISH COUNCIL

CODE OF CONDUCT

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

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1.

- (1) This Code applies to **you** as a member of Hunsdon Parish Council.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State. *See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).*
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code -
 - "meeting" means any meeting of -
 - (a) Hunsdon Parish Council;
 - (b) any of the Parish Council's committees or sub-committees;
 - "member" includes a co-opted member and an appointed member.
- (5) In relation to Hunsdon Parish Council, references to the monitoring officer and the standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of East Herts Council which has functions in relation to the Parish Council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -
 - (a) conduct the business of the Parish Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Parish Council and references to your official capacity are construed accordingly.

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

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

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

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

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

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

General obligations

3.

(1) You must treat others with respect.

(2) You must not -

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

(b) bully any person;

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

(i) a complainant,

(ii) a witness, or

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

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

4. You must not -

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

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

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

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

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

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

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

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

6. You -

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

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

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

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

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

7.

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

(a) the Clerk to Hunsdon Parish Council; or

(b) East Herts Council's monitoring officer.

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

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

PART 2

INTERESTS

Personal interests

8.

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

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

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

(ii) any body -

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

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

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

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

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

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

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paragraph (vi);

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

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

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

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

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

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

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

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

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

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

Disclosure of personal interests

9.

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

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

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

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

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

Prejudicial interest generally

10.

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

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

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

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

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

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

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

(iii) any ceremonial honour given to members; and

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

Prejudicial interests arising in relation to overview and scrutiny committees

11.

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

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

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

Effect of prejudicial interests on participation

12.

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

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

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

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

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

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

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

13.

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

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

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

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

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

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

Sensitive information

14.

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

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

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

EXPLANATORY NOTE

(This note is not part of the Order)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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COMPLAINT FORM : CODE OF CONDUCT FOR MEMBERS

A. Your details

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

| | |
|---------------------------|------------|
| Title: | Councillor |
| First name: | Michael |
| Last name: | Newman |
| Address: | [REDACTED] |
| Contact telephone: | |
| Email address: | |
| Signature: | |
| Date of complaint: | |

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

The following people may see this form:

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

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

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Please tell us which complainant type best describes you:

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

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

B. Making your complaint

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

| Title | First name | Last name |
|------------------------------------|------------|-----------|
| Cllr | David | Gibbs |
| (Chairman, Hunsdon Parish Council) | | |
| | | |
| | | |

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

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

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

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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.

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

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

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

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

My complaint is threefold:

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

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

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

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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:

(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.

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

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

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

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

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

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

E. Additional information

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

Monitoring Officer Contact details:

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

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

Working towards equal opportunities

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

| White | Mixed | Asian | Black | Chinese or other ethnic group |
|-------------------------------------|--|--|-------------------------------|--|
| White British | White and Black | Indian | Caribbean | Chinese |
| White Irish | Caribbean | Pakistani | African | Other |
| Any other White background | White and Black African | Bangladeshi | Any other Black background | |
| <input checked="" type="checkbox"/> | Any other mixed background <input type="checkbox"/> | Any other Asian background <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Do you have a physical or mental impairment which has a substantial and long term adverse effect on your ability that you wish to declare under the Disability Discrimination Act?

Yes No

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

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

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

Councillor Newman (Michael)

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

Joy

Apologies for not responding.

I understand that David Kitching will be speaking at the meeting so presumably will be putting these views. I will have the opportunity to speak as Ward Councillor and will probably do so. What I say will depend on everything I, personally, have read and heard leading up to the meeting and at the meeting.

Best regards

Mike

Cllr Michael Newman

East Herts Council, Member for Hunsdon Ward

[REDACTED]

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

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

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

Mike,

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

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

Joy

Joy Robinette
Hunsdon Parish Clerk

[REDACTED]

EAST HERTFORDSHIRE DISTRICT COUNCIL

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

Councillor Newman (Michael)

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

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

Kevin

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

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

ALSO PRESENT:

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

OFFICERS IN ATTENDANCE:

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

388 CHAIRMAN'S ANNOUNCEMENTS

The Chairman urged Members to attend an important

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

389 DECLARATIONS OF INTEREST

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

390 MINUTES – 10 OCTOBER 2012

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

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

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

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

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

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

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

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

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

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

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

Councillor Mrs R Cheswright invited Officers to respond to

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

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

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

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

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

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

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

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

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

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

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

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

Kevin Gregory addressed the Committee in support of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor M Newman, as the local ward Member, stated

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor P Moore proposed and Councillor M Alexander

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

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

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

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

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

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

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

EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 26 JUNE 2013

REPORT BY THE DEPUTY MONITORING OFFICER

COMPLAINT IN RESPECT OF HUNSDON PARISH COUNCILLOR
D GIBBS

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

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

1.0 **Background**

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

2.0 **The Report**

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

3.0 **The Complaint**

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

4.0 **Procedure**

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

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

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

5.0 Implications/Consultations

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

Background Papers

None

Contact Officer: Simon Drinkwater- Director of Neighbourhood Services - 01992 531405
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Report Author: Jeff Hughes – Deputy Monitoring Officer – ext. 2170.