



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.

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

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

The following people may see this form:

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

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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	David	Andrews

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

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

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

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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.

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

Please note the following:

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

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

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

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

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

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

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

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

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

You can review this dialogue here: [http://www.eastherts.public-i.tv/core/portal/webcast\\_interactive/127130](http://www.eastherts.public-i.tv/core/portal/webcast_interactive/127130)

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

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

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

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### C. Confidentiality of complainant and the complaint details

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

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

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

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

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

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



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

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### D. Remedy sought

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

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

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

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### E. Additional information

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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.

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### **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

White British  
White Irish  
Any other White  
background

#### Mixed

White and Black  
Caribbean  
White and Black  
African  
Any other mixed  
background

#### Asian

Indian  
Pakistani  
Bangladeshi  
Any other Asian  
background

#### Black

Caribbean  
African  
Any other Black  
background

#### Chinese or other ethnic group

Chinese  
Other

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

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

Yes

No



27<sup>th</sup> July 2015

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

Dear Mr Hughes,

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

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

**My points of contention applied to the Code of Conduct**

**Selflessness**

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

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

**Integrity**

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

**Objectivity**

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

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

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

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

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

### **Openess**

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

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

### **Register of Interests**

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

### **Other**

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

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

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

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

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

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

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

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

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

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

6. Code of Conduct point 11

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

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

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

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

Regards

