

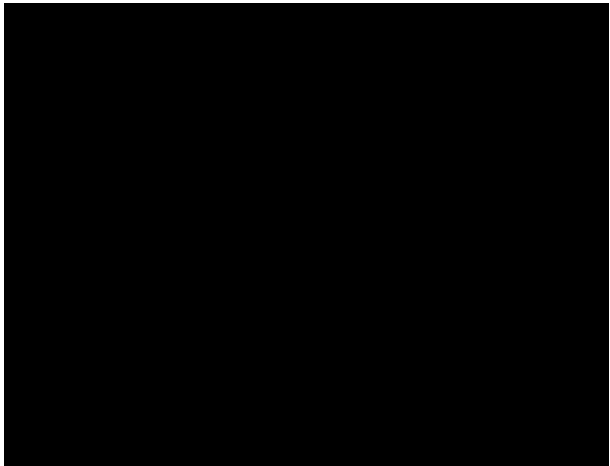


EAST HERTFORDSHIRE DISTRICT COUNCIL

**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>	Mr
<b>First name:</b>	William
<b>Last name:</b>	Ashley
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	23 <sup>rd</sup> December 2014

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

The following people may see this form:

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

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

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Please tell us which complainant type best describes you:

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

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

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### B. Making your complaint

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

Title	First name	Last name
Mr	Kenneth	Crofton

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

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

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

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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.

### Complaint:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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:

N/A

**(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.

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

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

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

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

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

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

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

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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.

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9. In line with the requirements of the Disability Discrimination Act 1995, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
  
10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

### **Monitoring Officer Contact details:**

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

# EAST HERTFORDSHIRE DISTRICT COUNCIL

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

### Working towards equal opportunities

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

#### White

White British  
White Irish  
Any other White  
background

#### Mixed

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

#### Asian

Indian  
Pakistani  
Bangladeshi  
Any other Asian  
background

#### Black

Caribbean  
African  
Any other Black  
background

#### Chinese or other ethnic group

Chinese  
Other

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

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

Yes

No