

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 25 AUGUST 2005** at **10AM** and you are requested to attend for the transaction of the following business:-

For appointed Members only
*(Cllrs T D Sanderson, Messrs D H Bristow,
D L Hall and D MacPherson)*

APOLOGIES

1. PRELIMINARY PROCEDURAL ISSUES

To consider the following preliminary procedural matters – in the light of the agreed procedure for the hearing of cases -

- ◆ Quorum
- ◆ Introduction of the Panel
- ◆ Disclosures of interest
- ◆ Proceeding in the absence of the Member
- ◆ Exclusion of the Press and Public

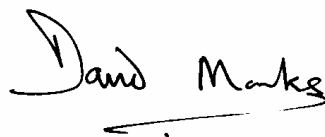
2. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003 (Pages 1 - 4)

To note the proposed procedure for the hearing of cases.

3. OLDHURST PARISH COUNCIL - ALLEGED BREACH OF CODE OF CONDUCT (Pages 5 - 40)

To note the pre-hearing summary and consider the report of the Investigating Officer.

Dated this 16th day of August 2005



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, a partner, relatives or close friends;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mr A Roberts, Democratic Services Officer, Tel No 01480 388009/e-mail: Anthony.Roberts@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.

HUNTINGDONSHIRE DISTRICT COUNCIL

LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

General

Up to five Members should take part in a determination hearing.

The hearing should be convened by the Director of Central Services and Monitoring Officer after consultation with the Chairman of the Standards Committee.

The Director of Central Services and Monitoring Officer is authorised to administer the pre hearing process and to appoint Members to hearings as necessary.

AGREED PROCEDURE FOR THE HEARING OF CASES

Attendance

1. The Councillor against whom an allegation has been made may arrange to be accompanied at the hearing at his/her own expense by a solicitor, counsel or friend.
2. If the Councillor is not present at the start of the hearing the Panel must decide whether to adjourn to enable the Councillor to attend, or to proceed in the absence of the Councillor. Where the Panel proceeds in the absence of the Councillor, the procedure for the meeting shall be adapted as necessary giving any representative of the Councillor who is present such rights as would otherwise be accorded to the Councillor.

Order of Business

3. The order of business at the meeting will be as follows:
 - (i) Quorum: the Monitoring Officer or his/her representative must confirm that the hearing is quorate;
 - (ii) Introduction of the Panel: the Chairman must introduce the Panel, the Monitoring Officer (or his/her representative), the Investigating Officer (from the Standards Board for England), the Councillor and any representative of the Councillor;
 - (iii) Disclosures of interest: any disclosable interests will be made at this point in the proceedings;

August 2005

- (iv) The Panel will receive representations from the Investigating Officer and the Councillor as to reasons why the hearing should exclude the press and public. The Panel shall determine whether to exclude the press and public (where the hearing decides that it will not exclude press and public, the Democratic Services Manager shall at this point provide copies of the agenda and reports to any members of the press and public who are present);
- (v) Presentation by the Investigating Officer of his/her report: the Investigating Officer will at this stage address only the issue of whether the Councillor has acted in breach of the Code of Conduct or local protocol. The Investigating Officer may introduce any witnesses required to substantiate any matter contained in that report which the Councillor has disputed in his/her written statement in response. Members of the Panel may question the Investigating Officer and any witnesses on their evidence. There will be no cross-examination by the Councillor, but the Councillor may request the Chairman of the meeting to direct appropriate questions to the Investigating Officer or to any witness whom he/she has introduced;
- (vi) Presentation by the Councillor: the Councillor will at this stage address only the issue of whether he/she has acted in breach of the Code of Conduct or local protocol. The Councillor may introduce witnesses required to substantiate any matter containing his/her written statement in response. Members of the Panel may question the Councillor and any witness on their evidence. There shall be no cross-examination by the Investigating Officer, but the Investigating Officer may request the Chairman of the meeting to direct appropriate questions to the Councillor or to any witness whom he/she has introduced;
- (vii) Where the Councillor seeks to dispute any matter in the Investigating Officer's report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer will draw this to the attention of the hearing. The hearing may then decide –
- ◆ not to admit such dispute but to proceed to a decision on the basis of the information contained in the Investigating Officer's report;
 - ◆ to admit the dispute, but invite the Investigating Officer to respond thereto, recalling any witness as necessary; or
 - ◆ to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information;
- (viii) At the conclusion of representations by the Councillor, the Chairman will ask the Investigating Officer whether there was any matter raised during the course of that presentation which was not raised on the Councillor's written statement in response. The Investigating Officer may then respond to any new such matter, or may request the hearing to adjourn to enable him/her to investigate and report on that new

matter and/or to secure the attendance of witnesses as to the new matter;

- (ix) The Panel is required to come to a decision as to whether the Councillor acted in breach of the Code of Conduct or local protocol. Accordingly, it has to satisfy itself that it has sufficient information upon which to take that decision and Members of the Panel may question the Investigating Officer, the Councillor and any witness in order to obtain sufficient information to enable the hearing to come to a decision on this issue;
- (x) At the conclusion of the presentations of the Investigating Officer and of the Councillor and any questions from the Members of the Panel, the Members of the Panel will adjourn to another room with the Monitoring Officer or his representative where they will consider in private session whether the Member has acted in breach of the Code of Conduct or local protocol. At any stage in their consideration they may return to ask any further questions of the Investigating Officer or the Councillor or to seek legal advice;
- (xi) The Panel may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the investigating officer and the Councillor.

The Findings

- (xii) At the conclusion of their consideration, the Panel will return and the Chairman will advise the Monitoring Officer and the Councillor of the decision as to whether the Councillor has acted in breach of the Code of Conduct or local protocol and the reasons for that decision;
- (xiii) If the Panel conclude that the Councillor has acted in breach of the Code of Conduct or local protocol, the Panel will then hear representations from the Investigating Officer and then the Councillor as to whether the Panel should take any action against the Councillor and what form any action should take. Members of the Panel may ask questions of the Investigating Officer and the Councillor and seek legal advice if they require it in order to satisfy themselves that they have the information upon which to take a proper decision;
- (xiv) The Committee will then adjourn into another room together with the Monitoring Officer or his representative where they will consider in private session whether to take any action against the Councillor and what form such action should take. The Panel will then return and the Chairman will advise the Investigating Officer and the Councillor of their decision, whether they have decided to take any action against the Councillor and what action they have decided to take and the reasons for those decisions;
- (xv) For District Councillors: the Panel will then consider in open session whether there are any recommendations which the Panel should make arising from their consideration of the allegation, eg providing recompense to any person who has suffered detriment as a result of the breach of the Code of Conduct or local protocol or related matters, for reviewing or reconsidering any decision which was the subject of

the breach of the Code of Conduct, for rectifying any deficiency in the authority's decision-making procedures or for preventing or deterring any breach of the Code of Conduct;

- (xvi) For Town or Parish Councillors: the Panel will then consider in open session whether there are any recommendations which it should make to the Council of which the Councillor is a Member arising from their consideration of the allegation in the same circumstances as set out in paragraph (xv) ante.

The Written Decision

- (xvii) As soon as practicable after the Panel has completed its consideration and decision in respect of the allegation, the Monitoring Officer shall:
 - (i) send to the Councillor a written notice of the decision of the Panel which statement shall include a statement of any rights of appeal against that decision;
 - (ii) send a written report of the decision of the Panel to the next convenient meeting of the Council;
 - (iii) where the allegation relates to a Councillor in his/her capacity as a Member of a Parish/Town Council, send a written notice of the decision of the Panel to the Clerk to the Parish or Town Council;
 - (iv) take reasonable steps to inform the person(s) who made the allegation which gave rise to the investigation of the outcome of the hearing.
- (xviii) As soon as possible after the time limit for any appeal by the Councillor against the decision of the Panel has expired and provided that no such appeal has been lodged by the Councillor, the Monitoring Officer will send a report of the outcome of the investigation and the Panel's decision to the Standards Board for England.

PRE-HEARING SUMMARY REPORT
(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 Guidance published by the Standards Board for England recommends that a summary of the main aspects of the case to be heard should be prepared by the Monitoring Officer for inclusion in the papers to be sent to all Members of the Standards Committee who are to conduct the determination hearing, the Councillors involved, the person who made the allegation and the Investigating Officer.
- 1.2 The pre-hearing process summary should set out details relating to the allegation and investigation and highlight any issues which the Committee might need to address.
- 1.3 For ease, the pre-hearing process is presented in tabular form in the Appendix to this report.

2. CONCLUSION

- 2.1 The Committee are requested to note the pre-hearing summary report.

BACKGROUND PAPERS

Standards Committee Determinations Guidance for Monitoring Officers and Standards Committee.

Contact Officer: Peter Watkins – Director of Central Services and Monitoring Officer (01480) 388002

HUNTINGDONSHIRE DISTRICT COUNCIL

PRE-HEARING PROCESS SUMMARY

NAME OF AUTHORITY: HUNTINGDONSHIRE DISTRICT COUNCIL	
Name of Member who the allegation has been made about	Councillor G J Bull Councillor Mrs C Bussetil
Name of person who made the original allegation	Councillor R D Hutchcraft
Case Reference Nos. Standards Board for England	SBE 9683.05 SBE 9684.05
Name of Chairman of Hearing	Mr D H Bristow
Name of Monitoring Officer	Mr P Watkins
Name of the Ethical Standards Officer who referred the matter	Mr N Marcar (Mr Marcar will not be in attendance)
Name of Investigating Officer	Christine Deller
Name of Clerk to the Hearing	Mr T Roberts
Date, time, place of hearing	Thursday 25th August 2005 at 10.00 am and 11.00 am, Meeting Room 1, Pathfinder House, St. Mary's Street, Huntingdon
Summary of the allegation and relevant section(s) of the Code of Conduct	That the named Members failed to disclose a personal interest and failed to withdraw from a meeting of Oldhurst Parish Council when a matter in which they had a prejudicial interest was discussed and voted on contrary to paragraphs 9 and 10(a) of the Parish Council's Code of Conduct
Findings of fact in the ESO's report that are agreed/not agreed	Correspondence received from Councillors Bull and Bussetil and Councillor Hutchcraft are appended to the report of the Investigating Officer. Notes of interviews undertaken with the parties concerned (as amended and agreed by the Councillors) are enclosed. There are no major areas of disagreement of fact. No response has been received from Councillors Bull and Mrs Bussetil in relation to the pre-hearing procedure
Names of Witnesses	Councillor R D Hutchcraft and Mr R C Lapwood, Parish Clerk have been invited to make themselves available for the hearing
Outline of proposed procedure	Enclosed at Agenda Item No. 2

FINAL REPORT - CONFIDENTIAL

SBE CASE NOS: SBE 9683.05 AND SBE 9684.05
MEMBER: Councillors G J Bull and Mrs C Bussetil

AUTHORITY: Oldhurst Parish Council

ALLEGATION: It is alleged that the above named Members failed to disclose a personal interest and failed to withdraw from a meeting of Oldhurst Parish Council when a matter in which they had a prejudicial interest was discussed and voted on contrary to Paragraphs 9 and 10 (a) of the Parish Council's Code of Conduct.

DATE REFERRED TO DISTRICT COUNCIL'S MONITORING OFFICER: In accordance with Section 60 (2) of the Local Government Act 2000, the case was referred to the Monitoring Officer, Huntingdonshire District Council for investigation on 4th February 2005.

DATE OF FINAL REPORT: 26th May 2005

SUMMARY

The complainant, Councillor R D Hutchcraft, Chairman of Old Hurst Parish Council had alleged in a letter to the Standards Board for England dated 8th January 2005, that Councillors G J Bull and Mrs C Bussetil failed to declare a prejudicial interest and withdraw from the meeting of the Parish Council on 6th January 2005 when the Council discussed a planning application, submitted on behalf of the Hutchcraft family, for proposed development at Marsh Farm and Marsh Farm Cottage, St. Ives Road, Old Hurst. Properties owned and occupied by Councillors Bull and Mrs Bussetil about the land which is the subject of the planning application. [It was further alleged during the investigation that Councillor Bull had fettered his discretion by formally objecting to the planning application to the District Council and had by his contributions to the Parish Council meeting on 6th January sought to influence the Members present. Subsequent to the interviews held with the complainant, he has alleged that Councillor Bull had further fettered his discretion by participating in a lobby group formed by local residents against proposed development at Marsh Farm and Marsh Farm Cottages. Neither allegations formed part of the original complaint.]

As a result of these omissions, it has been alleged that Councillors G J Bull and Mrs C Bussetil failed to comply with Sections 9 and 10 of the Parish Council's Code of Conduct adopted by the Council at its meeting held on 16th May 2002 which requires –

“9. Subject to sub-paragraph (2) below, a Member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member's judgement of the public interest.

10. A Member with a prejudicial interest in any matter must –

- (a) withdraw from the room or chamber where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the Standards Committee of the responsible Authority; and
- (b) not seek improperly to influence the decision about that matter.”

RESPONSES TO ALLEGATIONS

In a letter from the Standards Board for England dated 4th February 2005 the allegations were referred for investigation to the Monitoring Officer, Huntingdonshire District Council in accordance with Section 60 (2) of the Local Government Act 2000.

In accordance with the procedure for the local investigation of allegations both Councillors Bull and Mrs Bussetil submitted written statements in which both denied that they knowingly breached the Code of Conduct and that neither were challenged nor advised that they had a prejudicial interest in the matter under consideration by those whom they would have expected to have offered guidance. Both Councillors withdrew from later meetings of the Parish Council at which the planning application was to be discussed once it became apparent that they had personal and prejudicial interests and both have questioned the motives and conduct of the complainant given his association with the planning application.

INVESTIGATION

Procedure

Interviews were conducted by the Investigating Officer at Old Hurst Village Hall on Wednesday 20th April 2005 with the Parish Clerk – Mr R C Lapwood, the complainant, Councillor R D Hutchcraft and with Councillors G J Bull and Mrs C Bussetil against whom the allegations had been made.

Following the interviews, the Investigating Officer was of the view that it was also necessary to interview the Vice-Chairman of the Parish Council, Councillor Mrs L Sawyer and this meeting took place on Monday 25th April 2005 at Pathfinder House, Huntingdon.

A written note of the material points of the interviews was sent to each party together with a request that one copy be returned signed as a correct record with such corrections or amendments as the interviewee felt were necessary.

Copies of the interview notes are appended together with other documents that are relevant to the investigation –

- ◆ a location map of Old Hurst Village identifying the site of the proposed development at Marsh Farm and Marsh Farm Cottages and the properties owned by Councillors Mrs Bussetil and Bull;
- ◆ the Minutes of the meetings of Old Hurst Parish Council held on 6th, 20th and 26th January 2005 (at which the planning application for Marsh Farm and Marsh Farm Cottages was discussed and various details regarding attendance and interests declared were recorded: copies of these details are not appended but have been verified on inspection by the Investigating Officer);
- ◆ initial correspondence sent by Councillors Bull and Mrs Bussetil in response to the allegation;
- ◆ Councillor Bull's comments on the report of the Investigation Officer received on 26th May 2005; and
- ◆ the original letter of complaint submitted to the Standards Board for England by Councillor Hutchcraft.

RELEVANT INFORMATION

It was confirmed that Councillors Bull and Mrs Bussetil had been co-opted to the Parish Council and had signed their declaration of acceptance of office and agreed to observe the Parish Council's Code of Conduct. Despite a suggestion by the Parish Clerk that all new Councillors received a copy of the Code of Conduct on their election/co-option, Councillors Bull and Mrs Bussetil indicated that they had received their copies in February and March 2005 respectively having been Councillors for five months and four years respectively.

Councillor Bull had not been offered or received any training on the Code of Conduct and whilst Councillor Mrs Bussetil was in office and indeed was recorded as being in attendance when the Parish Council received a presentation on ethical standards she had no recall of that event.

The Minutes of the Parish Council confirm that Councillors Bull and Mrs Bussetil did not declare interests in the item on Marsh Farm and Marsh Farm Cottages at the meeting held on 6th January 2005. At the subsequent meetings on 20th January – Councillor Bull did not declare a personal and prejudicial interest and remained in the meeting; Mrs Bussetil was absent and at the meeting held on 26th January 2005 – at which the Parish Council agreed to recommend to the District Council approval of the planning application, both Councillors were absent.

It is, perhaps, significant to note that at the meeting of the Parish Council held on 6th January 2005, at which both Councillors were present, the Vice-Chairman invited the Parish Council to indicate individually their views on the application although no formal vote was taken.

As a general rule, it appears that the Parish Clerk or Chairman of the Parish Council give advice on Council procedure and in the event of doubt raise any issues with District Councillor M F Newman either in advance of or at Parish Council meetings at which he is present.

In confirming their ownership of No. 2 Lancaster Close, Old Hurst and the Old Stag and Hounds, Old Hurst, Councillor Bull and Mrs Bussetil agreed that their properties abutted the land that was the subject of the planning application and owned by the Hutchcraft family.

From my interview with him, Councillor Bull appeared to have little or no knowledge of the requirements of the Code of Conduct. Because of his previous experience with another authority in the 1980's he was aware of the concept of pecuniary interests as provided for in the former National Code of Local Government Conduct and, in that light, had taken steps to establish whether the value of his property would be affected by the proposed new development. Following professional advice that there would be no diminution in its value, Councillor Bull understood that he would have no pecuniary interest in the planning application and, therefore, would be able to comment on it without restriction. It appeared that Councillor Mrs Bussetil had no knowledge of the definition of the terms "personal and prejudicial interests" and the requirements of the Code of Conduct in that context.

In terms of the complaint, it is necessary only to examine the circumstances of the special meeting of the Parish Council held on 6th January 2005. This was called specifically by the Vice-Chairman, Councillor Mrs L Sawyer to consider one item of business relating to the planning application for Marsh Farm and Marsh Farm Cottages, Old Hurst. All those interviewed have suggested that the meeting attracted a high degree of interest in the village and indeed 27 members of the public were present at the meeting.

There is no suggestion that the meeting was convened or conducted improperly. There is an issue however about the advice given before and at the meeting by the Vice-Chairman, Councillor Mrs L Sawyer, the Parish Clerk and District Councillor Newman.

Councillor Mrs Bussetil had expressed some misgivings at having to attend the meeting because of her position as neighbour to the site of the planning application. The lack of understanding as to what were and when to declare personal and prejudicial issues contributed to the events leading to the submission of the complaint and led to some confusion as to whether the Parish Council meeting would be quorate if Councillor Mrs Bussetil had not been present. This misunderstanding left Councillor Mrs Bussetil with the impression that she was under an obligation to attend the meeting when she had doubts about doing so.

During the course of the Parish Council meeting, it is understood that Councillor Bull referred to the fact that he had sent a letter of objection on the planning application to the District Council. Councillor Bull contends that despite making this known, he received no advice about having to declare a prejudicial interest and leave the meeting. Councillor Mrs Bussetil has also commented that she was not challenged to declare her interests by anyone present at the meeting. Both accept that the onus to declare interests rests with the individual Councillor and ignorance of the Code of Conduct cannot be used as a defence, but both contended that no advice was forthcoming from those from whom they would have expected to offer guidance.

Councillor Hutchcraft did not attend the meeting on 6th January and was therefore unavailable to offer advice. However, he was of the view that it was not appropriate for him as Chairman of the Parish Council to advise Members of the possibility that they might have an interest in matters under discussion.

Both Councillors Bull and Mrs Bussetil contributed to discussion at the meeting and it has been suggested that Councillor Bull spoke at length on the application by reference to a number of documents and prepared statements and that the views he expressed at the meeting were prejudiced. Councillor Bull contended that his objections were based on purely material planning considerations.

No formal vote was taken at the conclusion of the discussion as the Parish Council requested further information on the application from the District Council.

The Parish Council agreed to recommend approval of the application at their meeting held on 26th January 2005. Having received a telephone call from the Vice-Chairman, Councillor Mrs Sawyer, who suggested that they might have a prejudicial interest in the business to be conducted, Councillors Bull and Mrs Bussetil absented themselves from the meeting.

This interest was subsequently confirmed by Mr R Reeves the District Council's Head of Administration, in a telephone call made to him by Councillor Bull. It should be noted that the joint applicant, Councillor R D Hutchcraft chose not to attend the meetings of the Parish Council on 6th and 26th January 2005, requested the Vice-Chairman Councillor Mrs Sawyer to chair the meetings: he had declared a personal and prejudicial interest at the meeting of the Parish Council held on 20th January and left the room.

Councillor Bull also considers it material that at a meeting of the Parish Council held on 17th March, 2005 Councillor Hutchcraft, in his capacity as Chairman chose to advise him (Councillor Bull) that it would be prudent if he declared an interest as Secretary to the Village Hall Committee on an item requesting grant aid which was under discussion. [Councillor Hutchcraft has suggested subsequently that he gave general advice to the Parish Council rather than specific advice to Councillor Bull.]

FINDINGS OF FACT

It is clear that Councillors Bull and Mrs Bussetil had a personal and prejudicial interest in the item of business relating to the planning application for Marsh Farm and Marsh Farm Cottages, Oldhurst, which was considered by the Special Meeting of Oldhurst Parish Council, held on 6th January 2005. There is no record that these interests were declared and Councillors Bull and Mrs Bussetil continued to participate in the meeting when they should have left the room. [It has subsequently been suggested by Councillor Mrs Bussetil that both she and Councillor Bull had declared that they were neighbours to the applicant but that this had not been recorded in the Minutes.]

Whilst not condoning these failures, there appears, with the exception of the Chairman of the Parish Council, to be little understanding of the Code of Conduct and the concept of personal and prejudicial interests by the Parish Clerk, the Vice-Chairman (Councillor Mrs Sawyer) Councillor Bull and Councillor Mrs Bussetil: indeed it has also been suggested that other Parish Councillors should have declared personal interests as longstanding friends of Councillor Hutchcraft.

Notwithstanding the statement to the contrary by the Parish Clerk, Councillors Bull and Mrs Bussetil were adamant that they had not received a copy of the Parish Council's Code of Conduct until after the complaint had been submitted to the Standards Board for England although it may be pertinent to note that both agreed to abide by the Code of Conduct when making their declaration of acceptance of office.

Given it was regarded as "custom and practice" at the Parish Council, it is not unreasonable to acknowledge the Councillors' expectation that advice on their position might have been forthcoming from the Parish Clerk, the Chairman or the Vice-Chairman.

The material decision of the Parish Council in respect of the planning application was taken at the meeting at which Councillors Bull and Mrs Bussetil had absented themselves. The Parish Clerk has indicated that there was support by a majority in favour of the application at the meeting of the Council on 6th January, which suggests that the views of the Parish were not influenced by Councillors Bull's presentation. No formal vote was taken.

I have not found sufficient evidence to suggest that Councillor Bull used his position to improperly influence the decision about the planning application nor that he or Councillor Mrs Bussetil actually participated in a formal vote on the application. However, and taking the factors into account I have to conclude that both Councillors G J Bull and Mrs C Bussetil failed to comply with paragraphs 9 and 10 of the Parish Council's Code of Conduct.

RECOMMENDATIONS

Because the basis of the case rests upon the lack of understanding of the Code of Conduct by the parties involved, the Investigating Officer recommends that

- (a) arrangements be made by the Monitoring Officer for all Oldhurst Parish Councillors to receive training on Ethical Standards and the Code of Conduct;
- (b) that Councillors Bull and Mrs Bussetil be ordered to participate in the training specified by the Standards Committee and to submit to the complainant a written apology in a form satisfactory to the Committee; and
- (c) that whilst not suggesting that the evidence presented by allegations in Oldhurst could occur elsewhere in the District, the Committee may wish to consider how to improve communications with Parish Councils to ensure, as far as possible, a better understanding of the ethical standards regime and Code of Conduct.

Christine Deller
Investigating Officer
26th May 2005

Received
26th May 05.

2 Lancaster Close
Old Hurst
Huntingdon
PE28 3BB

Your ref: CenS/CD/EC/POL/46/1

25 May 2005

Dear Ms Deller

**Old Hurst Parish Council's Code of Conduct
Alleged Breach**

Thank you for your letter dated 11 May 2005 and the draft report. My comments on the draft report are as follows.

Voting

The original allegation as set out in the Standard Board's letter dated 25 January 2005 included the words "that....Councillor Bull....[discussed] the allegation and voted on it". The reference to voting is omitted from the allegation as set out in the report, although I note that later the report specifically mentions that no vote took place at the meeting of 6 January 2005, nor at any other meeting where either Mrs Bussetil or I were present, regarding the planning application for Marsh Farm. This positively disproves one part of the original allegation and I would be grateful if this point could be made explicitly.

Assuming that the allegation about voting still stands, I suggest the words "and voted on that matter" are inserted in the allegation as set out in the report. This reflects the wording in the "Notification" I received from the Standards Board in the letter dated 25 January 2005. In addition, I think the report needs to conclude on that part of the allegation, and I suggest that words such as "which disposes of one part of the allegation" are added to the end of the fourth paragraph under the heading "Relevant Information". Reference to this "disposal" could also be made in the fifth paragraph under "Draft Findings of Fact".

If, however, the allegation about voting has been withdrawn, I would expect the report to say so very clearly.

New allegation

There appears to be an entirely new allegation made against me, which is set out in the first paragraph of the summary of the report. It states that I "..had fettered [my] discretion by formally objecting...".

I do not understand the nature of this allegation. Is it one where I am supposed to have breached some procedural rules? If so, then I need to be given the opportunity of formally rebutting the charge. If it is not such an allegation then why is it in the draft report? As the report will be a public document I feel that the retention of this allegation is potentially very damaging to me. If it is to stay in the final report, then there must be reference to how it is to be investigated and concluded.

I suggest that the most appropriate method of dealing with this allegation is to delete it from the final report.

Correction

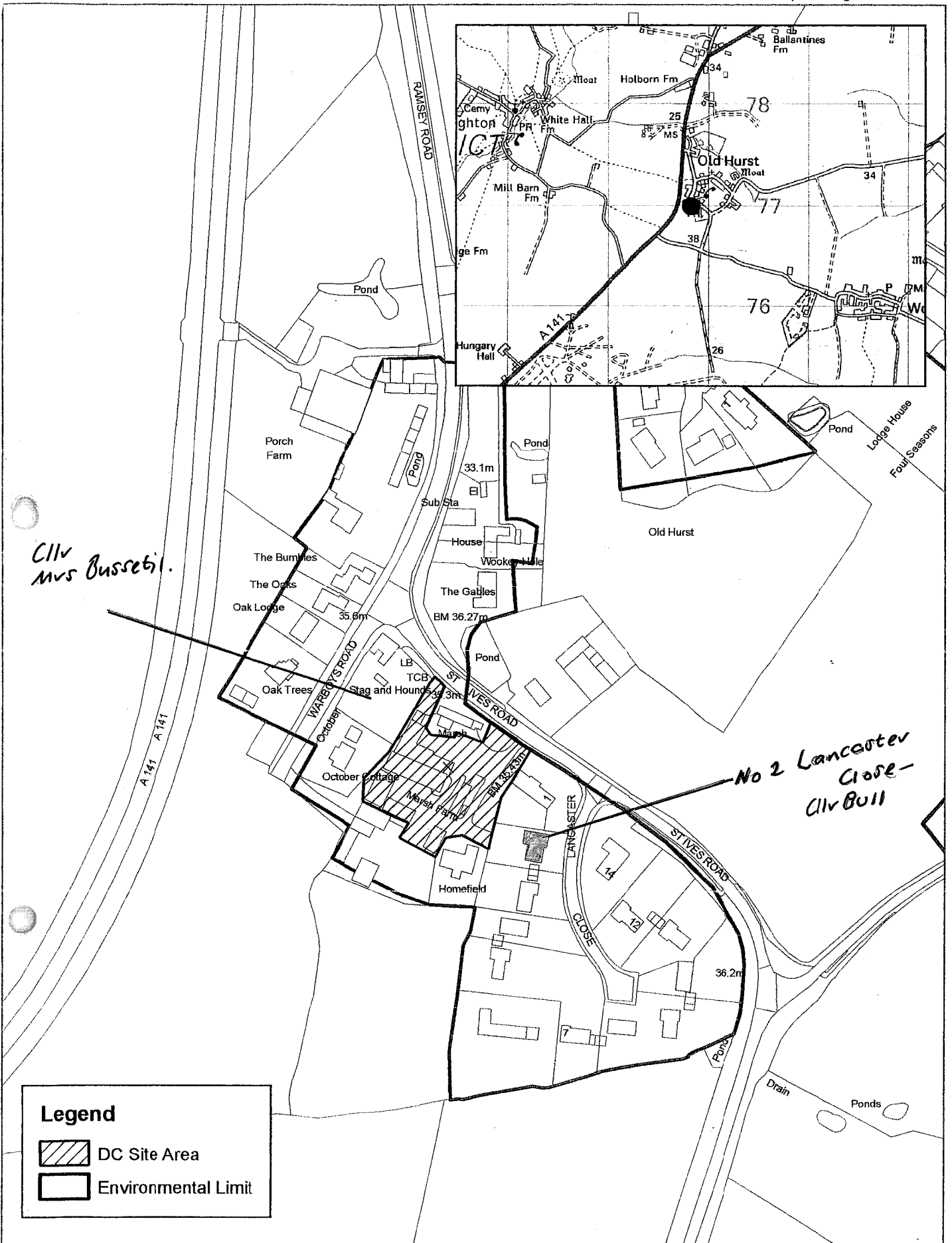
In the second paragraph of the final page I am described as Chairman of the Village Hall Committee, but in fact I am the Secretary. Mr Lapwood holds the office of Chairman.

Yours sincerely,




G J Bull

Ms C Deller
Democratic Services Manager
Administration Division
Huntingdonshire District Council
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Scale: 1:2500

	Huntingdonshire	Development Control Panel 21st March 2005
	district council	Parish: Oldhurst Agenda Item No.:

CONFIDENTIAL

NOTES of an interview with Mr R Lapwood, Parish Clerk, Old Hurst Parish Council and Christine Deller, Investigating Officer in respect of an alleged breach of Old Hurst Parish Council's Code of Conduct held on Wednesday 20th April 2005 commencing at 5.50 pm.

1. The Investigating Officer explained the proposed format of the interview adding that questions to Mr Lapwood would be directed towards establishing factual information.

2. The Investigating Officer inspected the Declaration of Acceptance of Office forms held by Mr Lapwood in a loose-leaf form in respect of Councillors G J Bull, Mrs C Bussetil, R D Hutchcraft and Mrs L Sawyer. Each had been signed and dated and committed each Councillor to observe the Code of Conduct.

(At this stage it was suggested that Councillors Mrs L Sawyer and G Johnson as "lifelong friends" of Councillor R D Hutchcraft should have declared a personal interest at meetings of the Parish Council when the application for Marsh Farm had been considered but that the Parish Council had mistakenly believed that their declarations would require them to leave the meeting which would then be inquorate and unable to conduct the business).

3. The Investigating Officer inspected the Minutes of the Parish Council meetings held on 6th, 20th and 26th January 2005, verified the attendance or otherwise of Councillors Bull, Mrs Bussetil and Hutchcraft at each of the meetings and the declaration of interests made in each case.

Mr Lapwood confirmed that no vote was taken by the Parish Council at the conclusion of the meeting held on 6th January which had been chaired by Councillor Mrs L Sawyer but that Councillors had been requested individually to indicate their views on the application. The Parish Council requested further information on the application from the District Council. Councillor Hutchcraft was absent from the meeting but Councillors G J Bull and Mrs C Bussetil were in attendance and contributed to discussion.

Mr Lapwood explained that he had updated the Parish Council on 20th January on the progress of the planning application and had announced that there would be a Special Meeting of the Council to reconsider the application on 26th January. Councillor Hutchcraft declared a personal and prejudicial interest and left the meeting for this item and the Vice-Chairman, Councillor Mrs L Sawyer had taken the Chair. Councillor Bull had remained in the meeting and Councillor Mrs Bussetil was absent.

At the meeting of the Parish Council held on 26th January, the Council approved the application. Councillors Bull, Mrs Bussetil and Hutchcraft were absent.

4. The Investigating Officer inspected the Minutes dated 21st March 2002 and 16th May 2002 to confirm that the Parish Council had adopted the Model Code of Conduct.
5. The Minutes recorded Mr R Reeves, Head of Administration at the District Council had attended the Parish Council meeting on 16th May 2002 to give a presentation on Ethical Standards.

6. Mr Lapwood reported that Councillor Hutchcraft had attended training on the Code of Conduct on behalf of the Parish Council in March 2002 but that there had been no interest in subsequent training despite details being presented to the Parish Council by Mr Lapwood.
7. Mr Lapwood confirmed that on the election or appointment of new Councillors he would ensure they signed their Declaration of Acceptance of Office, received a copy of the Model Code of Conduct and were nominated for training.
8. Mr Lapwood confirmed that, as a general rule, either Councillor Hutchcraft or himself gave advice on Council procedure and that if an issue was raised at a meeting, District Councillor M F Newman was asked to advise.
9. Mr Lapwood confirmed that agenda for Parish Council meetings were hand delivered and sent out with three days clear notice.
10. Mr Lapwood added that the meeting held on 6th January 2005 had been called specifically at the request of Councillor Mrs Sawyer to deal with the planning application at Marsh Farm. Twenty-seven members of the public had been present and feelings had run high.

The discussion concluded at 6.20 pm.

Signed: 

Dated: ⁴ 27 April 05

CONFIDENTIAL

NOTES of an interview with Councillor G J Bull, Old Hurst Parish Council and Christine Deller, Investigating Officer in respect of an alleged breach of Old Hurst Parish Council's Code of Conduct held on Wednesday 20th April 2005 commencing at 6.27 pm.

1. The Investigating Officer explained the proposed format of the discussion. The Investigating Officer acknowledged the written statement submitted by Councillor Bull. Councillor Bull confirmed that he had signed his Declaration of Acceptance of Office when co-opted to the Parish Council in September 2004 but had not received a copy of the Parish Council's Code of Conduct until February 2005. Councillor Bull could not recall being offered training on the Code of Conduct since his appointment. In normal circumstances, Councillor Bull would ask Mr Lapwood, the Parish Clerk for advice on procedure. Councillor Bull confirmed that his registration form was up to date, that he was the owner of No. 2 Lancaster Close, Old Hurst and he identified the situation of his property on a location map.

*and this was
as a result of
his request.*

2. Regarding the Parish Council meeting held on 6th January 2005 – Councillor Bull reported that an invitation to the Special Meeting had been sent out on 29th December and that all Members had been encouraged to attend because of the importance of the business to be considered. Mention was made as to whether there would be sufficient Members at the meeting to constitute a quorum. Councillor Bull stated that there was a “lot of feeling” in the village. Because of his previous experience, Councillor Bull, was only aware of the concept of a pecuniary interest as provided in the former National Code of Local Government Conduct. In that light, Councillor Bull had arranged for a re-evaluation of his property by the estate agent Peter Lane to establish whether its value would be adversely

affected by the proposed development at Marsh Farm. When the estate agent had confirmed that there would be no diminution in the value of the property, Councillor Bull understood that he did not have a pecuniary interest. It was not suggested by anyone at this stage that Councillor Bull had a personal and prejudicial interest in the application. Councillor Bull, confirmed that he had sent a letter of objection to the District Council on the application having been consulted as a neighbour.

At the meeting of the Parish Council, a member of the public questioned whether Councillor Bull had an interest in the planning application. No advice in this respect was received from the Clerk, Vice-Chairman or District Councillors that were present. In the absence of any other comment, Councillor Bull remained in the meeting. Councillor Bull pointed out that his objection to the application was based on various planning reasons. On the advice of District Councillor Steve Criswell there was no formal vote taken at the end of the debate on the application but the Vice-Chairman, Councillor Mrs Sawyer had invited Members to indicate their support or otherwise and all but Councillor Bull had indicated in favour of the application.

The vice chairman did state that the matter of interest was complicated & it could be argued that most members of the Parish Council had some form of interest in the matter.

Regarding the Parish Council meeting held on 20th January 2005 – Councillor Bull confirmed that he had attended the meeting and had not received any advice regarding the necessity to declare a personal or prejudicial interest but had not participated in discussion on the item in respect of Marsh Farm.

Regarding the Parish Council meeting on 26th January 2005 – Councillor Bull received a 'phone call from Councillor Mrs Sawyer, Vice-Chairman of the Parish Council to suggest that he might have a personal and prejudicial

interest. Councillor Bull rang Mr R Reeves, Head of Administration at the District Council for advice on receipt of which he decided not to attend the meeting.

3. (At this stage, Councillor Bull referred to a meeting of the Parish Council held on 17th March 2005 at which he was advised by the Chairman – Councillor Hutchcraft to declare an interest as Chairman of the Village Hall Management Committee when an item appeared on the Agenda relating to the award of a grant by the Parish Council to the Management Committee).

4. Councillor Bull felt disappointed that the Chairman of the Parish Council had not offered guidance to him as a newly appointed Member. Councillor Bull accepted that ignorance of the Code of Conduct was not an excuse but he had been outraged by the accusations made and considered himself to be a man of integrity.

5. The Investigating Officer advised Councillor Bull of the next steps in the procedure for dealing with the complaint.

The discussion ended at 7.05 pm.

Signed: G. J. Bone

Dated: 7 May 2005

CONFIDENTIAL

NOTES of an interview with Councillor Mrs C Bussetil, Old Hurst Parish Council and Christine Deller, Investigating Officer in respect of an alleged breach of Old Hurst Parish Council's Code of Conduct held on Wednesday 20th April 2005 commencing at 7.05 pm.

Councillor Mrs Bussetil was accompanied by her friend Pat Jones.

1. The Investigating Officer explained the proposed format of the discussion. The Investigating Officer acknowledged the written statement submitted by Councillor Mrs C Bussetil.
2. Councillor Mrs Bussetil confirmed that she had first been co-opted as a Parish Councillor in November 2001, recalled agreeing to abide by the Parish Council's Code of Conduct but had not received a copy until the meeting of the Parish Council held on 17th March 2005. Councillor Mrs Bussetil could not recall whether she was present at the meeting at which Mr R Reeves gave a presentation on ethical standards nor could she recall being offered training on the Code. Councillor Mrs Bussetil confirmed that she was not aware of the meaning of personal or prejudicial interest but would in normal circumstances ask Mr Lapwood, the Clerk for advice. Mrs Bussetil confirmed that her registration form was up to date, that she was the owner of the Old Stag and Hounds, Warboys Road, Old Hurst and identified the situation of the property on a location map.
3. Regarding the Parish Council meeting held on 6th January 2005 - Councillor Mrs Bussetil stated that she had received a copy of a letter delivered by hand, calling a Special Meeting of the Parish Council. She

had subsequently received a telephone call from Councillor Mrs Sawyer, which was not normal practice, reminding her of the details of the meeting and urging her to attend. Councillor Mrs Bussetil reported that she had queried with Councillor Mrs Sawyer whether she had an interest as her land abutted that owned by Councillor Hutchcraft, the applicant. It was suggested by Councillor Mrs Sawyer that if Councillor Mrs Bussetil was not present the Parish Council would not be quorate and that in any event everybody had an interest of sorts given the size of the village.

Councillor Mrs Bussetil confirmed that no vote was taken at the conclusion of the debate on the application but that the Parish Councillors had been invited to give their views individually. At no stage was it suggested that Councillor Mrs Bussetil had an interest in the application but it was suggested by the body of the meeting that Councillor Bull should not have been present. Councillor Mrs Bussetil acknowledged that she had misunderstood the concept of interests and even when disclosing that she was a neighbour of Councillor Hutchcraft she was not challenged to declare an interest by anyone present at the meeting. Councillor Mrs Bussetil confirmed that District Councillor M F Newman had contributed to the debate on the nature of interests.

Councillor Mrs Bussetil was not present at the meeting of the Parish Council held on 20th January 2005.

Regarding the Parish Council meeting held on 26th January 2005 – Councillor Mrs Bussetil reported that she had received a 'phone call from Councillor Mrs Sawyer advising her not to attend the meeting as she was aware that Councillor Hutchcraft had reported her to the Standards Board for England. Councillor Mrs Bussetil confirmed that she was advised not to

attend because she was subject to a complaint not because she had any interest in the matter that was to be discussed.

4. Councillor Mrs Bussetil could not understand why she had not received any guidance from the Chairman of the Parish Council, Councillor Hutchcraft and suggested that circumstances might have been different if the application had been approved by the Parish Council on 6th January 2005.

5. Councillor Mrs Bussetil felt hurt by the events as they had unfolded, would have expected the Chairman to advise "others" of the possibility of the interest that might arise and that the situation had "split the village".
*Her honesty and integrity was in question **

6. The Investigating Officer advised Councillor Mrs Bussetil of the next steps in the procedure for dealing with the complaint.

The discussion ended at 7.45 pm.

Signed: M. Bussetil

Dated: 17/05/05

CONFIDENTIAL

NOTES of an interview with Councillor R D Hutchcraft, Old Hurst Parish Council and Christine Deller, Investigating Officer in respect of an alleged breach of Old Hurst Parish Council's Code of Conduct held on Wednesday 20th April 2005 commencing at 7.55 pm.

Mrs Sue Hutchcraft was also in attendance.

1. The Investigating Officer explained the proposed format of the discussion. The Investigating Officer acknowledged the content of the letter written by Councillor Hutchcraft to the Standards Board for England.
2. Councillor Hutchcraft recalled that he had not been able to attend training on ethical standards organised by the District Council in March 2002 but had requested Mr R Reeves, Head of Administration to give a presentation on the same subject to the Parish Council at their meeting on May 16th 2002. Councillor Hutchcraft could not recall any training being offered to the Parish Council since 2002. Councillor Hutchcraft was of the view that the Members of the Parish Council had a better understanding of the Code of Conduct now than they had in January but that he understood that the onus was placed on the individual Councillor to decide whether they needed to declare a personal or prejudicial interest in an item under discussion at a Parish Council meeting. In practice, should he need assistance in the interpretation of the Code, Councillor Hutchcraft was inclined to contact District Councillor M F Newman by telephone prior to meetings or ask his advice at meetings. In the absence of Councillor Newman, Councillor Hutchcraft would consult the Parish Clerk and subsequently Roy Reeves at the District Council.

3. Regarding the Parish Council meeting held on 6th January 2005 – Councillor Hutchcraft stated that he had chosen not to attend the meeting because of the public interest in the application at Marsh Farm and his wish not to “intimidate” others attending the meeting. He had requested that Councillor Mrs L Sawyer, Vice-Chairman of the Parish Council should chair the meeting. Councillor Hutchcraft had understood from a member of the public that at the meeting there had been a vote taken at the end of the debate and not just an expression of support or otherwise of the application.

Councillor Hutchcraft reported that he had rung Roy Reeves on 7th January 2005 and had been advised that he had an obligation to report to the Standards Board for England the failure by both Councillors Bull and Mrs Bussetil to declare prejudicial interests. It was not something that he had done lightly.

Councillor Hutchcraft did not ~~feel it was appropriate for him as Chairman of the Parish Council~~ ^{ATTEND THE MEETING, SO WAS NOT IN A POSITION} to advise Members of the possibility that they might have interest in matters under discussion. He added that he felt ~~the Councillor Bull attempted to prejudice the Parish Council meeting of the Parish Council on 6th January was seriously prejudiced by those present.~~ ^{MEETING ON 6TH JANUARY}

He had been made aware by Councillor Mrs Sawyer that the residents in Lancaster Close ^{WERE} ~~had~~ ^{TO THE} ~~his~~ opposed his planning application. In the conduct of the debate at the Parish Council meeting, the Vice-Chairman had asked Councillor Coleby to open discussion. Councillor Coleby had referred the opportunity to Councillor Bull. Councillor Hutchcraft understood that Councillor Bull spoke at length at the meeting and had to hand prepared

statements and other documentation and that the Vice-Chairman had found it necessary to ask Councillor Bull to conclude his address.

Councillor Hutchcraft understood that members, particularly when dealing with planning matters, should attend meetings with an open mind. If Councillor Bull had not been in attendance, he suggested that consideration of ~~his~~ ^{THE} planning application would have been straightforward. This was a feeling that had been endorsed by members of the public present. He was cross with ~~the outcome believing that~~ ^{BELIEVING H} Councillor Bull had carried prejudice into the meeting.

Councillor Hutchcraft suggested that Councillor Newman had asked Councillor Bull whether he thought it was prudent for him to be in attendance at the meeting, ^{TO WHICH COUNCILLOR BULL REPLIED THAT HE HAD NO FINANCIAL INTEREST.} He believed Councillor Mrs Bussetil had attended the meeting in good faith. He questioned Councillor Bull's reasons for being a Parish Councillor.

Regarding the Parish Council meeting held on 20th January 2005 – Councillor Hutchcraft declared a prejudicial interest and left the room during the discussion on the Agenda item relating to Marsh Farm. ^{COUNCILLOR BULL DID NOT LEAVE THE ROOM.}

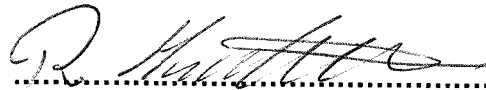
Regarding the Parish Council meeting held on 26th January 2005 – in view of his prejudicial interest, Councillor Hutchcraft requested Councillor Mrs Sawyer to Chair the meeting in his place. ^{COUNCILLOR HUTCHCRAFT DID NOT ATTEND THE MEETING.}

4. Councillor Hutchcraft referred to a meeting of the Parish Council held on 17th March and an item relating to a request for the grant of funds by the Parish Council to the Village Hall Management Committee. ^{PRIOR TO THE MEETING, COUNCILLOR NEWMAN ADVISED COUNCILLOR HUTCHCRAFT THAT ANY PARISH COUNCILLOR THAT WAS ON A VILLAGE HALL COMMITTEE SHOULD LEAVE ANY MEETING THAT CONCERNED VILLAGE HALL FUNDING.} ~~The letter had been written by Councillor Bull. In this instance, Councillor Hutchcraft as~~

IN THIS INSTANCE COUNCILLOR HUTCHCRAFT AS
Chairman, chose to advise Councillor Bull that he had an interest in the THE MEMBERS
GENERALLY THAT IF THEY WERE INVOLVED IN THE VILLAGE HALL COMMITTEE, THEY
SHOULD CONSIDER THEIR INTEREST. COUNCILLOR BULL SAID, 'THAT'S ME THEN'.
COUNCILLOR BULL LEFT THE MEETING. AT NO TIME DID COUNCILLOR HUTCHCRAFT
ADVISE COUNCILLOR BULL DIRECTLY TO LEAVE THE MEETING.

5. Councillor Hutchcraft pointed out that Councillor Bull had objected formally to the District Council on the planning application for Marsh Farm prior to the meeting of the Parish Council held on 6th January.
6. Councillor Hutchcraft was also aware that Mr R Reeves had advised Councillors Bull and Mrs Bussetil to write letters of apology.
7. The Investigating Officer advised Councillor Hutchcraft of the next steps in the procedure for dealing with the complaint.

The discussion ended at 8.35 pm.

Signed: 

Dated: 23/5/2005

CONFIDENTIAL

NOTES of an interview with Councillor Mrs L Sawyer, Old Hurst Parish Council and Christine Deller, Investigating Officer in respect of an alleged breach of Old Hurst Parish Council's Code of Conduct held on Monday 25th April 2005 commencing at 10.25 pm.

1. The Investigating Officer explained the proposed format of the discussion.
2. Councillor Mrs Sawyer confirmed that she had been a Parish Councillor for approximately five years and that she had recalled a presentation being given to the Parish Council on the Code of Conduct by Mr R Reeves, Head of Administration on 16th May 2002. However she did not recall having received any training ~~since~~.
3. Councillor Mrs Sawyer was of the view that the Parish Councillors at Old Hurst had a good understanding of the Code of Conduct but that ^{because the village is small} it was rare for the Parish Council to have to consider business when it became necessary for interests to be declared.
4. Councillor Mrs Sawyer ~~was of the view that she~~ did not ~~expressly~~ invite Councillor Mrs Bussetil to attend the Parish Council meeting on 6th January. She did recall a discussion regarding the difficulty in convening a meeting with a fair representation of Councillors given the interests that might have to be declared.
5. Councillor Mrs Sawyer stated that she had not advised either Councillors Bull nor Mrs Bussetil of the need to declare personal and prejudicial interests at the meeting of the Parish Council on 6th January ~~although~~ She

did recall that Councillor Bull's interest in the planning application was

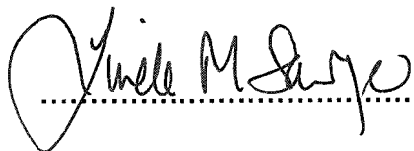
because the declaration of interest is a matter for each individual Councillor to decide for himself or herself, and both Mr. Bull and Mrs. Bussetil had signed to accept the Code of Conduct

challenged by a Member of the public at the meeting. This challenge had arisen because Councillor Bull had informed the Parish Council that he had already formally objected to the planning application to the District Council.

6. Councillor Mrs Sawyer confirmed that on the advice of the District Councillor S Criswell, no vote was taken on the planning application at the meeting of the Parish Council held on 6th January but that the Parish Council had requested further information on the application from the District Council. Councillor Mrs Sawyer also confirmed that she had asked Councillors for their views on the application individually at the conclusion of the discussion on the item.
7. Councillor Mrs Sawyer was given the opportunity to draw any other matters to the attention of the Investigating Officer but felt that she had nothing further to add.
8. The Investigating Officer advised Councillor Mrs Sawyer of the next steps in the procedure for dealing with the complaint.

The discussion ended at 10.35 am.

Signed:


.....

Dated:

23/5/2005
.....

Received 24/2

Old Stag & Hounds
Warboys Road
Old Hurst
Huntingdon
PE28 3AA

24th February 2005

Ms Christine Deller
Democratic Services Manager.
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN.

Dear Ms Deller

REFERENCE: cen/pw/elb/mo/9683-9684

In reply to Mr Peter Watkins letter of the 11th February 2005 please note:-

1) With regards to the alleged breach of the code of Conduct.

I did not deliberately breach this code nor would I deliberately do so. I was not advised by our Chairman who was well aware of the code as he did not attend the meeting. Also on the occasion prior to the meeting when I sought advice I was not only wrongly advised by the deputy chairperson Cllr Linda Sawyer but was personally invited to attend this special single item parish council meeting.

2) Supportive documentation of circumstance.

See enclosed copy of letter dated 1st February 2005 to Mr James Elliot.

3) Contact details of persons to substantiate my statement of the facts

Cllr Linda Sawyer tel 01487 823406
Little House .. Warboys Road OldHurst PE28 3AA

Parish Clerk Mr Robert Lapwood tel 01487 822046
Farm Side Church st OldHurst PE28 3AF

Yours sincerely,



Councillor Carolyn Bussetil

Old Stag & Hounds
Warboys Road
Old Hurst
Huntingdon
PE28 3AA

01 February 2005

Mr James Elliot
Investigations Manager
The Standards Board for England
1st Floor, Cottons Centre
Cottons Lane
LONDON SE1 2QG

Dear Mr Elliot

REFERENCE: SBE9684.05

Thank you for your letter of 28 January 2005 regarding an allegation that I may have failed to comply with the Old Hurst Parish Council's Code of Conduct. You state that this matter has been referred to the Ethical Standards Officer for investigation but it is not clear when I may have an opportunity to state my case on this matter. I feel it is important for me to provide details, which I would like you to ensure, are passed to the Ethical Standards Officer at the same time as he/she receives all other related paperwork. My detailed account is set out below.

1. Huntingdonshire District Council sought the views and any objections to a planning application submitted for development to land abutting my property, in a letter dated 22 December 2004, with responses required by 12 January 2005. This letter informed local residents that the Old Hurst Parish Council had also been requested to submit its views by the same date.
2. The Clerk to the Parish Council notified local Parish Councillors, including Councillor Graham Bull and me, that a special, single item meeting would be held to discuss this planning application on Thursday 6 January 2005.
3. The Vice-Chairman of the Parish Council, Councillor Linda Sawyer contacted me to check whether I had received the notification and whether I proposed to attend. I explained my uncertainty about who should attend and we discussed the matter of declaration of interests. She responded that as we are a small rural village, it would be difficult to achieve a quorum at the meeting as most Parish Councillors may be deemed to have a personal interest and requested that I should make every effort to attend and contribute to the debate.
4. At the meeting, Councillor Sawyer acted as Chairman due to Councillor Hutchcroft not being in attendance as he is one of the three partners submitting this planning application to Huntingdonshire District Council to develop Marsh Farm, Old Hurst.

5. Members of the public were asked to contribute to the discussion and then the Vice-Chairman asked each Councillor in turn to give their views.
6. My opening statement to the meeting was to declare a personal interest, as the land which is the subject of the planning application abuts my property. I then confirmed that I was not opposed to the redevelopment of the site in question but concurred with the reservations expressed by others in relation to drainage/potential flooding, number of houses (10 on a small plot of land), highway access and street lighting, community facilities and the proposed removal of established trees.
7. I also supported the meeting's views that the timing of Huntingdonshire District Council's consultation period was inappropriate in that this period was mainly taken up with the Christmas holiday break, therefore not allowing sufficient time to seek further information as the District Council offices were closed over the whole Christmas period.
8. The conclusion of the meeting was to request the Clerk to write to the District Council to request an extension to the consultation period and to seek "unqualified answers" to a number of points requiring clarification.

In summary, I would state categorically that, to the best of my knowledge I have acted properly and in accordance with the Parish Council's Code of Conduct, making the necessary declarations of interest and responding to the direction of the Vice-Chairman and the Clerk of the Parish Council at this meeting. I am appalled that the Chairman of the Parish Council, Councillor Hutchcroft, did not at any time advise me or any other Councillor that it may be inappropriate or against the Parish Council's Code of Conduct to attend and take part in this meeting. He did, however, lodge this allegation with the Standards Board of England and I am at best disappointed in his conduct and strongly abhor his actions. Given his personal and prejudicial interest in this matter, I am sure you will consider his motives.

I should be grateful if you would respond to my letter without undue delay, and fully inform me of what I might expect to happen and the timescale within which you will complete any further investigation. I trust that you will also confirm that you have submitted this letter with all other papers to the Ethical Standards Officer.

I look forward to receiving your response within seven days of the date of this letter.

Yours sincerely,

Councillor Carolyn Bussetil

cc Councillor Linda Sawyer
Councillor Graham Bull
Bob Lapwood, Clerk to Old Hurst Parish Council

2 Lancaster Close
Old Hurst
Huntingdon
PE28 3BB

Your ref: cen/pw/elb/mo/9683-9684

25 February 2005

Dear Ms Deller

Old Hurst Parish Council's Code of Conduct: Alleged Breach

Councillor Mrs Bussetil has already written to you about this matter and I do not intend to rehearse the points that she has made so well. I would like, however, to add the following points.

Code of Conduct

1. I am a recently co-opted Parish Councillor and while I saw the Code of Conduct (the Code) at the time I was co-opted I was not given a copy. I received a copy on the evening of Friday 18 February as the result of a request to the Clerk on Saturday 12 February.
2. My understanding of the concept of interest was previously based on the idea of a pecuniary interest. I was not aware of the concept of prejudicial interest until the Vice Chairman of the Parish Council, Mrs Sawyer informed me of it (see paragraph 9 below). This concept was explained to me by Mr Roy Reeves (see also paragraph 9 below) and I have now had the chance to consider its definition as set out in the Code.
3. My remarks below are as a result of this consideration and are my response to the complaint.

Special Parish Council Meeting: January 6

4. Mrs Sawyer, the Chair of the Special Parish Council meeting held on January 6 to consider the planning application for Marsh Farm, opened the proceedings by making the comment that Parish Councillors were there to consider the planning application on its merits and on its impact on the village wide community and not on personal issues. I publicly concurred with this statement. I made it perfectly clear that my property was contiguous with the site under discussion but that I was only interested in considering the application against the planning guidelines set out by the District Council; I was the only member of the Parish Council with a copy of those guidelines. I was not challenged by anyone present as having an interest in the planning application.
5. At one point, later on in the proceedings, and in order to make my personal position clear, I stated that I had written a personal objection to the application

and sent it to the District Council. At this point a member of the public asked the Chair if this constituted an interest. Mrs Sawyer responded that it was difficult in a small village to find anyone who was not interested in some way in the application. She said that she herself and Cllr George Johnson as examples had known the applicant all his life. District Councillor Michael Newman commented about interests directly to the person who had raised the query; and as a result of these comments the question was not pursued.

6. I would like to make it clear that if, before the meeting, I had been informed or if I believed that I had an interest in the matter under discussion which would disqualify me from participating in the meeting I would not have attended. If, during the meeting it had been determined that I had an interest I would have left immediately.

7. No vote was taken at this meeting, as the minutes (copy enclosed) make clear. So although I participated in the discussion I was not party to the Parish Council's decision as to whether to support the application or not. The vote on the matter was taken at the special meeting held on 26 January which I did not attend (copy of the minutes enclosed). This fact undermines a substantial part of Mr Hutchcraft's allegation.

Ordinary Parish Council Meeting: 20 January

8. The next ordinary meeting of the Parish Council was held on the 20 January by which time, I assume, Mr Hutchcraft had made his complaint to the Standards Board. Mrs Bussetil was not present at the meeting for personal reasons. The planning application for Marsh Farm was on the agenda. Mr Hutchcraft absented himself from the meeting at the point when that agenda item was raised. At no time before, during or after the meeting did he, or anyone else, suggest to me that I should absent myself nor did he, or anyone else, make any reference to a perception that I had an interest in the matter. In fact the matter was dealt with quickly through a verbal report by the Clerk which required no discussion. Mr Hutchcraft made no mention of his action in sending a complaint. Again if I had believed that I had an interest in the matter under discussion that made me ineligible to participate I would have absented myself from that part of the meeting.

Second Special Parish Council Meeting: 26 January

9. The evening before the next special meeting, which was to be held on 26 January, Mrs Sawyer telephoned me to let me know that she had been advised that I might have a prejudicial interest in the Marsh Farm planning application and therefore should not attend the meeting. On her advice to check the position, the following day I spoke, by telephone, to Mr Roy Reeves at the District Council. I understood from Mr Reeves that a prejudicial interest can only exist if a third party raises the possibility that it might and that the test for its existence is open to interpretation. He told me that Mr Hutchcraft had spoken to him about this. As a result of this conversation I decided that it was prudent not to attend the meeting.

Corroboration

10. I believe that Mrs Sawyer, Little House, Warboys Road, Old Hurst tel. 01487 823406 can corroborate the statements of fact in letter down to the end of the first sentence in paragraph 9. Cllr Newman, Mrs Val Edwards, Mulfield House, The Lane, Old Hurst, tel. 01487 824749, and Mrs Adrienne Haward 1 Lancaster Close, Old Hurst tel.01487 823722 can corroborate my comments about the events at the first special meeting; and Cllr Newman should also be able to corroborate my comments about the ordinary meeting. I believe that Mr Reeves can corroborate my conversation with him mentioned in paragraph 9 above.

Role of the Chair

11. I believe that, as Chairman of the Council Mr Hutchcraft has not acted in accordance with the spirit of the role over this matter. For example, as a new Councillor I would have expected the Chair to offer advice and guidance in the conduct of business. This has not been forthcoming. Instead this complaint has been lodged which I regard as a totally unnecessary and excessive response to the possibility of the existence of a prejudicial interest. Indeed he could have dealt with this issue quickly by speaking to Mrs Bussetil and me before January 6 explaining the implications of the Code. If he did not believe that we had an interest before the meeting, how were we expected to be aware of one? If he did believe such an interest existed at that time, why did he wait before acting on this belief? The complaint itself has made no difference to my behaviour because, as explained in paragraph 9 above, I absented myself from the second Special Meeting before I was aware of the existence of the complaint.

Conclusions

12. I believe that you should consider the following questions during your investigations:

- i. Did Mrs Bussetil and I knowingly breach the Code?
- ii. Were we challenged either before or during the meetings which we attended about having a prejudicial interest?
- iii. Did we act in accordance with the Code when we were informed of a retrospective challenge?
- iv. What are Mr Hutchcraft's motives in lodging the complaint? They cannot be from a principled defence of the Code as explained in paragraph 11 above.
- v. Does Mr Hutchcraft's action in bringing the complaint under these circumstances contravene the paragraphs 2b and/or 4 of the Code?

13. My answers to these questions are as follows:

- | | |
|-----------|---------------------------------|
| i and ii. | No |
| iii. | Yes |
| iv. | Don't know |
| v. | I will leave for you to decide. |

I am unclear as to what the process is for the investigation and adjudication of this allegation and should be grateful if you would let me know as soon as possible. Please do not hesitate to contact me if you require any more information. I look forward to hearing from you in the near future.

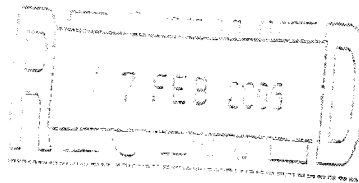
Yours sincerely,



G J Bull

Ms C Deller
Democratic Services Manager
Huntingdonshire District
Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

04 February 2005



the
Standards Board
for England

PRIVATE & CONFIDENTIAL

Mr Peter Watkins, Monitoring Officer
Huntingdonshire District Council
Pathfinder House, St Mary's Street
Huntington
Cambridgeshire PE18 6TN

1st Floor
Cottons Centre
Cottons Lane
London SE1 2QG

Enquiries: 0845 078 8181
Fax: 020 7378 5155

enquiries@standardsboard.co.uk
www.standardsboard.co.uk

Dear Mr Watkins

REFERENCE: SBE 9683.05 & SBE9684.05

I refer to John Williams' letter dated 25 January 2005 with regard to Mr R Hutchcraft's allegation that Councillors G Bull and C Bussetil may have failed to comply with Old Hurst Parish Council's Code of Conduct.

Subject to section 60(2) of the Local Government Act 2000, I have decided to refer the matter to you for investigation. Please find enclosed a copy of the allegation and all corresponding documents that have been collated by the Standards Board For England. The allegation has had information removed that is not relevant to the investigation and/or for reasons of data protection. I also enclose a copy of our local investigation guidance for monitoring officers (which is also available on our website www.standardsboard.co.uk). As noted on page 7 of this guidance, once you have completed your investigation, a copy of your final report should be sent to me.

I am writing to Councillors Bull and Bussetil and Mr Hutchcraft to let them know of this referral. I have not sent the member a copy of the allegation. The matter is now within your jurisdiction and Councillors Bull, Bussetil and Mr Hutchcraft have been informed that you will be in touch with them shortly.

If you have any queries please contact Nick Parkin on 020 7378 5193 or email nick.parkin@standardsboard.co.uk who will be able to assist you throughout your investigation.

Yours sincerely

Nick Marcar
Ethical Standards Officer

Enc.

complaint form

If you have any questions or difficulties filling this form in, for example, if English is not your first language or you have a disability, please contact the Referrals Unit on **0800 107 2001**.

You can also e-mail them at referrals@standardsboard.co.uk

13 JAN 2005

Please note

- > we can only accept complaints in writing;
- > one of our officers may contact you personally to go through the details of your complaint;
- > we are unlikely to be able to keep your identity confidential if you make a complaint.

RECEIVED

RECEIVED
13 JAN 2005

ABOUT YOU

title Mr Ms Mrs Miss Councillor other (please specify)

first name **ROGER. DACRE** surname **HUTCHCRAFT**

address **HOMEFIELD MARSH FARM, OLD HURST**

HUNTINGDON CAMBS postcode **PE28 3AB**

daytime telephone **07860 765920**

evening telephone **01487 823185**

e-mail **RDHUTCHCRAFT@AOL.COM.**

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

R. D. Hutchcraft

date

08/01/2005

YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

name of their authority/ies

MR. G. BULL

OLD HURST PARISH COUNCIL.

MRS. C. BUSSETT

OLD HURST PARISH COUNCIL.

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

complaint form

WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the complaint. We can only investigate complaints that a member has broken the Code of Conduct (see section 3 of the information leaflet 'How to make a complaint about a councillor'). Continue on a separate sheet if there is not enough space on this form.

SEE LETTER ATTACHED

EVIDENCE (if this applies)

Please attach to this form copies of correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

Please send this form to:

The Standards Board for England
First Floor
Cottons Centre
Cottons Lane
London SE1 2QG

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

Your answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

your ethnic origin

White	Irish	black African	black Caribbean	black other
Indian	Pakistani	Bangladeshi	Chinese	other (please specify)

ORIGINAL COMPLAINT TO
THE STANDARDS BOARD

Homefield
Marsh Farm.
Old Hurst.
Huntingdon.
Cambs.
PE28 3AB

01487 823185
rdhutchcraft@aol.com

8th January 2005

Dear Sir.

I am currently chairman of Old Hurst parish council in the Huntingdon District. My family partners and myself have recently submitted an application to Huntingdonshire District Council outlining an application to build houses on ground within the village envelope currently occupied by redundant farm buildings.

The parish council called a meeting for Thursday 6th January to discuss the application and allow residents to present their views. I declared my interest in the application and arranged for the vice chairman Mrs. L. Sawyer to chair the meeting. I did not attend the meeting.

The site for the proposed development is surrounded on three sides by established dwellings. I live in Homefield in the southeast corner of the site and two other parish councillors live in properties adjoining the site. They are Mrs. C. Bussetil who lives with her husband in 'The Old Stag and Hounds' on the north west corner and Mr. G. Bull who lives with his wife on the east side of the site. I have enclosed a brief map to indicate the proximity of these properties.

I had expected the two parish councillor's afore mentioned to declare a prejudicial interest in the matters to be discussed at the meeting but I have been told they did not, and remained in the meeting to discuss the application and vote on it. It was approved by a vote of five for and one against.

I have taken advice from my district council and they too feel that a prejudicial interest is involved in both cases because they occupy dwellings immediately adjacent to the site. I have been advised that I have an obligation to inform the standards board in this case.

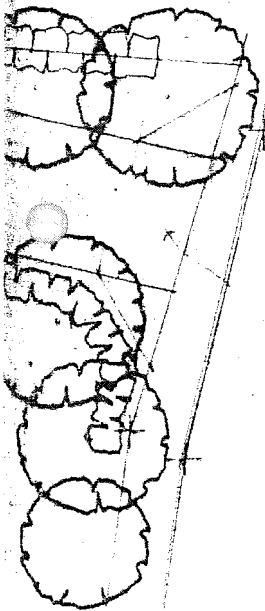
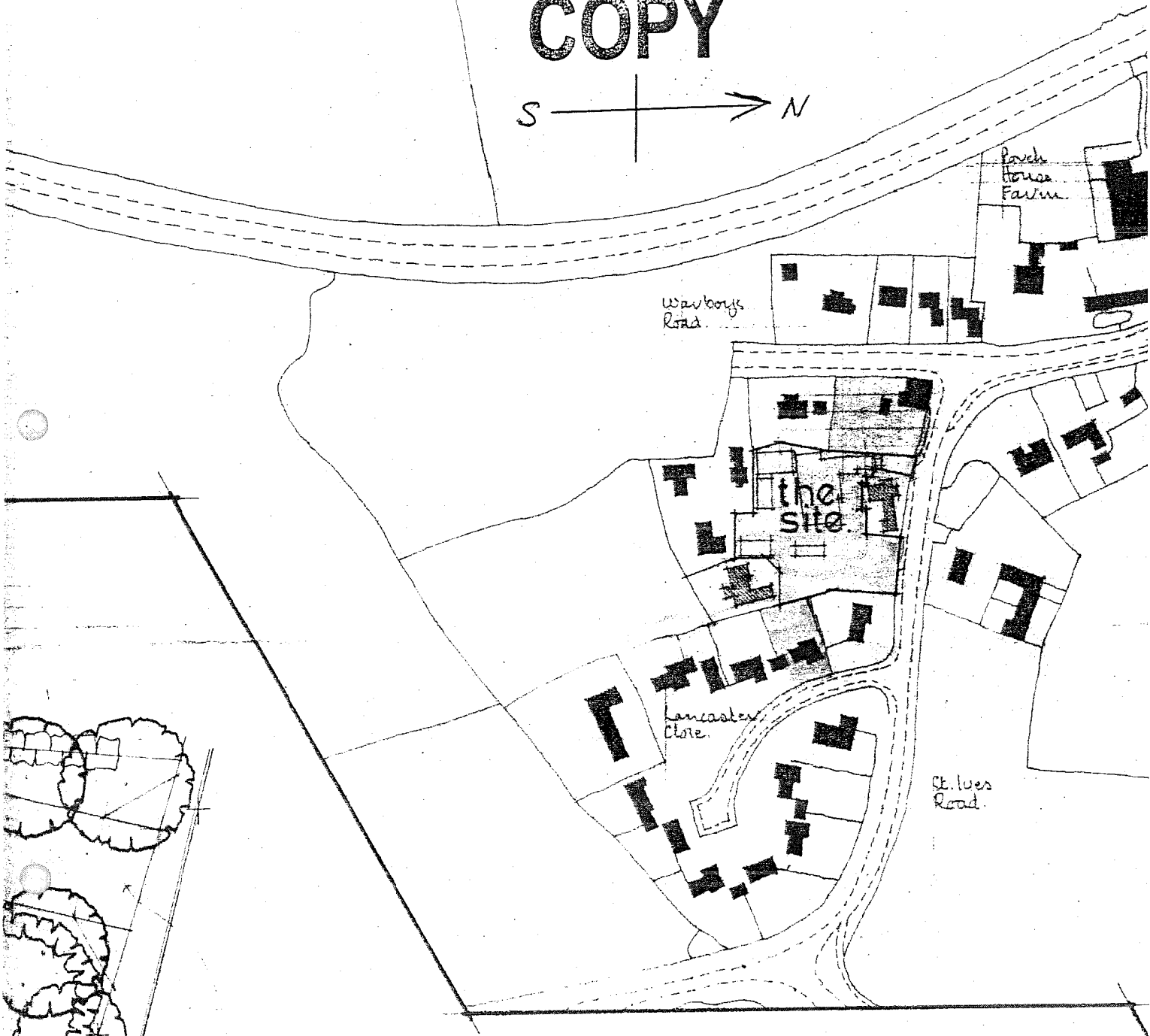
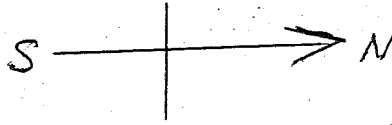
I will be away on holiday from the 1st February 2005 to the 13th February 2005. I look forward to your reply in the earliest possible instance.

Yours Sincerely.



R. D. Hutchcraft

COPY



vehicular access allowed to farm & 602 wide access driveway with 2 550 x 2500 pedestrian accessibility steps

2 no dwellings existing

Old Hurst.
Cambridgeshire.

LOCATION
PLAN.

THE SITE
HOMEFIELD
OLD STAG & HOUNE
12 LANCASTER CLOSE