

## 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: 27<sup>th</sup> 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.

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

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.

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: Mrs 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~~ <sup>ATTEND THE MEETING, SO WAS NOT IN A POSITION</sup> 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.~~ <sup>MEETING ON 6TH JANUARY</sup>

He had been made aware by Councillor Mrs Sawyer that the residents in Lancaster Close <sup>WERE</sup> ~~had~~ <sup>TO THE</sup> ~~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~~ <sup>THE</sup> 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~~ Councillor Bull <sup>BELIEVING H</sup> 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, <sup>✓</sup> He believed Councillor Mrs Bussetil had attended the meeting in good faith. He questioned Councillor Bull's reasons for being a Parish Councillor.

TO WHICH COUNCILLOR BULL REPLIED THAT HE HAD NO FINANCIAL INTEREST.

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. <sup>COUNCILLOR BULL DID NOT LEAVE THE ROOM.</sup>

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. <sup>COUNCILLOR HUTCHCRAFT DID NOT ATTEND THE MEETING.</sup>

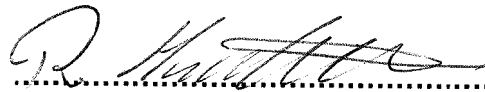
4. Councillor Hutchcraft referred to a meeting of the Parish Council held on 17th March and an item relating to a request for the grant of funds by the Parish Council to the Village Hall Management Committee. <sup>PRIOR TO THE MEETING, COUNCILLOR NEWMAN ADVISED COUNCILLOR HUTCHCRAFT THAT ANY PARISH COUNCILLOR THAT WAS ON A VILLAGE HALL COMMITTEE SHOULD LEAVE ANY MEETING THAT CONCERNED VILLAGE HALL FUNDING.</sup> ~~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.  
item. Councillor Bull left 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:

  
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Dated:

23/5/2005  
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## 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 <sup>because the village is small</sup> 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

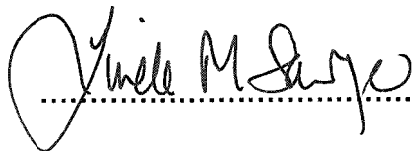
↓  
because the declaration of interest is a matter for each individual Councillor to decide for himself or herself, and both Mr. Bull and Mrs. Bussetil had signed to accept the Code of Conduct

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 11<sup>th</sup> 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 1<sup>st</sup> 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  
1<sup>st</sup> 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.

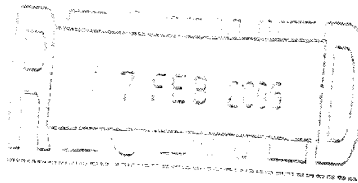
Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. J. Bull', written in a cursive style.

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

1<sup>st</sup> Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

Enquiries: 0845 078 8181  
Fax: 020 7378 5155

[enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://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](http://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](mailto: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](mailto:referrals@standardsboard.co.uk)

13 JAN 2005

RECEIVED

RECEIVED  
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.

## 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



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. BUSETIL

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.  
Cams.  
PE28 3AB

01487 823185  
rdhutchcraft@aol.com

8<sup>th</sup> 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 6<sup>th</sup> 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.

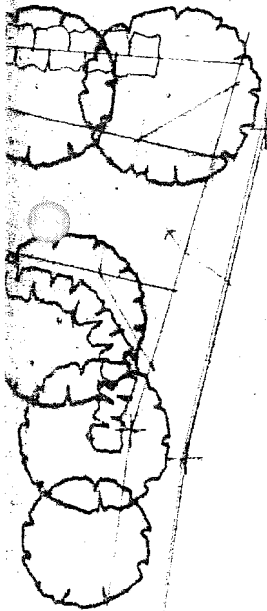
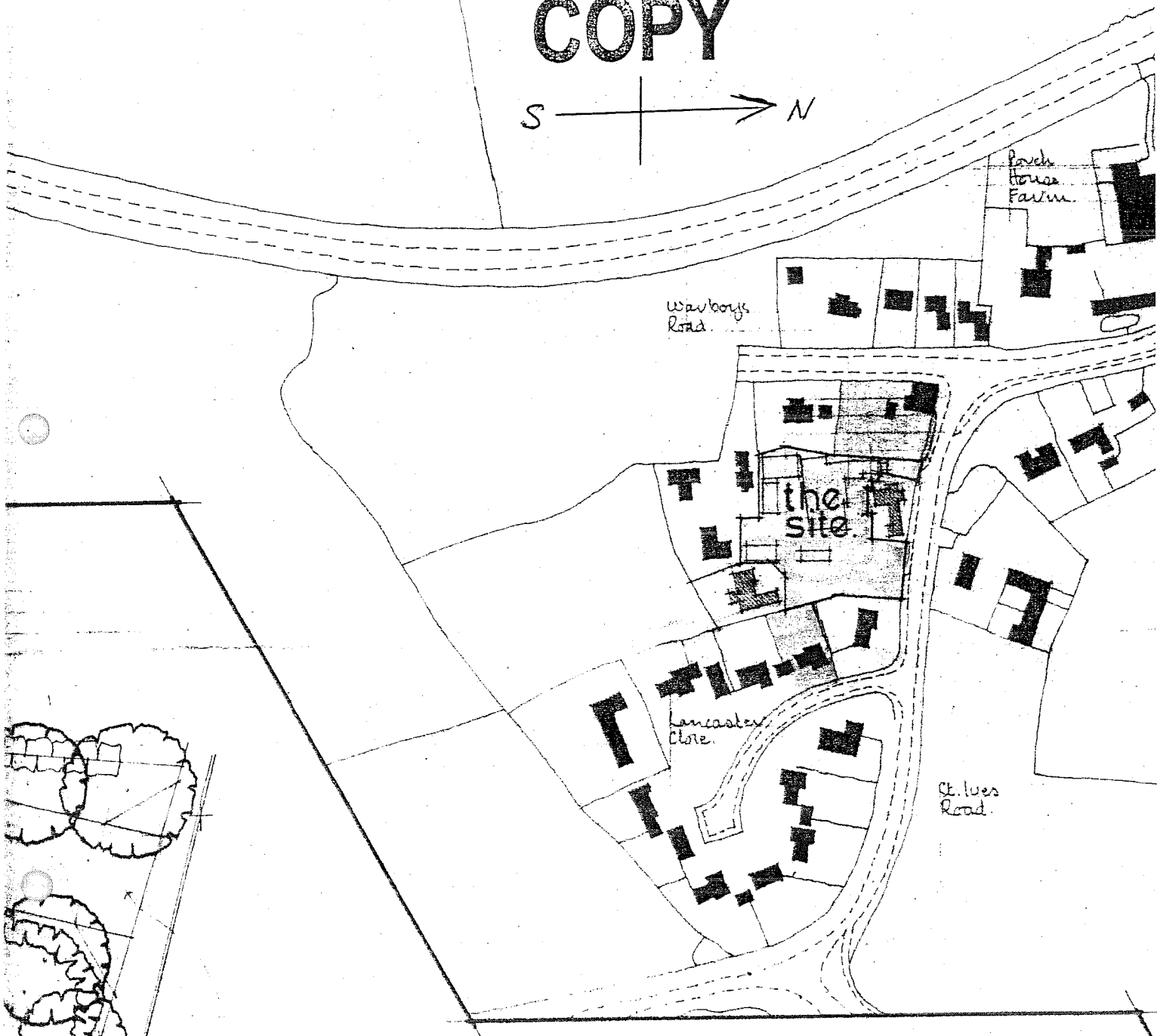
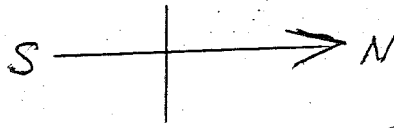
I will be away on holiday from the 1<sup>st</sup> February 2005 to the 13<sup>th</sup> February 2005. I look forward to your reply in the earliest possible instance.

Yours Sincerely.



R. D. Hutchcraft

COPY



vehicular access allowed  
to farm & 602 wide access  
downway with 2 500 x 2 500  
pedestrian usability plays

2 no dwellings  
existing

Old Hurst.  
Cambridgeshire.

LOCATION  
PLAN.

THE SITE  
HOMEFIELD  
OLD STAG & HOUNE  
19 LANCASTER CLOSE