

COMPLAINT FORM

Code of Conduct – Borough, Parish/Town Councillors and Co-opted Member(s). Please see attached explanatory notes.

Your details-

1. Please provide us with your name and contact details. (See *Explanatory Notes attached*)

Title:	MRS.
First name:	ALEX
Last name:	STUBBS
Address:	10 COPPERFIELDS TARPORLEY CHESHIRE CW6 0UP
Daytime telephone:	01829 733252
Evening telephone:	01829 733252
Mobile telephone:	
Email address:	bunburydesk@aol.com.

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

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
☐ An elected or co-opted Member(s) of an Authority
☐ An independent Member(s) of the standards committee
☐ Member(s) of Parliament
☐ Local Authority Monitoring Officer
☐ Other Council Officer or employee of the Council
☒ Other - please specify (PARISH CLERK)

3. **Making your complaint** (See *Explanatory Notes attached*.)

Please submit to -

The Monitoring Officer, Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ.

How to make a complaint

You must make your complaint in writing (either typed or hand-written). This complaint form has been produced in order to help you make your complaint but you do not have to use it. Once you have made your complaint, you will be told in writing what will happen to it.

Timeframe

Unless there are exceptional circumstances, events which took place more than 12 months prior to the complaint being submitted, will not normally be investigated.

4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their Authority:

Title	First name	Last name	Council or Authority name
MS	GILL	WAITS	BUNBURY PC.
MR	GARY	MCCORMACK	" "
MR	DAVID	ELLIS	" "
MS	SALLY	BEARD	" "

5. Please explain in this section (or on separate sheets) what the Member(s) has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done which you believe breaches the Code of Conduct. (See *Explanatory Notes attached.*)

Please provide us with details of your complaint. Continue on a separate sheet if there is not enough space on this form.

PLEASE SEE ATTACHED NOTES
+ EMAILS.

6. Only complete this section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, the Council believes that Member(s) who are complained about have a right to know who has made the complaint. The Council also believes they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason. (*See Explanatory Notes attached.*)

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

7. Additional Help

As noted in paragraph 3 above (Making Your Complaint), complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please contact Diane Moulson (Tel: 01270 686476).

Neil and Alex Stubbs

From: "Partridges" <ep.partridges@btinternet.com>
To: "Alex Stubbs" <bunburyclerk@aol.com>
Sent: 04 January 2012 22:35
Attach: Councillor Jill Waits emails re declarations of interest.doc; Councillor Sally Beard emails re declaration of interests.doc; Councillor David Ellis Emails.doc; Councillor Gary McCormack emails.doc; Muir Land various interests plan.pdf; Ivy Cottage objection to planning application 11 2423 N S 73 application.pdf; Edinbane James Walton letter to Muir re S73 application 2423N.pdf; Edinbane Cottage objection to planning application 11 2423N S73 Application.pdf; D Ellis Objection Letter 07.08.110001.pdf; James Walton example emails.doc; Jill Waits emails regarding other councillors.doc; Councillor Jill Waits confirmation of appointment letter.doc; Bunbury Parish Council Query to Monitoring Officer Parish Councillors.doc
Subject: Query to Monitoring Officer re Non Compliance with the Code of Conduct 4 January 2012
Dear Alex

Paragraph 30 of the Bunbury Parish Council Standing Orders require that I notify you of any breaches in the Code of Conduct.

Please see the attached documents explaining where there may be breaches of the Code of Conduct by Councillors Waits, Ellis, Beard and McCormack. If you agree it would be appreciated if you could forward these to the Monitoring Officer at Cheshire East Council.

I have copied various relevant emails into word documents and coloured them up to mark breaks in the links. I am happy to provide any further information which is requested.

As you know the Parish Council have now introduced standing orders that correspondence must be sent by post to the clerks address and reply will be by post to limitemail access but it would be appreciated if the Monitoring Officer could also be requested, when replying, to provide any advice which may assist on how to manage this very unpleasant and complicated situation.

Yours sincerely

Erica Partridge
Chairman, Bunbury Parish Council

09/01/2012

Query to Monitoring Officer re Bunbury Parish Councillors and Potential Breach of Code of Conduct

I am writing to express my concerns regarding the actions of a number of Parish Councillors as it appears that they may be in breach of the Code Of Conduct and the decision of the Monitoring Officer is requested on this matter.

I have set out the background to the issues below with a separate page relating to each of the Parish Councillors concerned as there are different issues relating to each person.

Background

1. The issues arise in relation to the development of some land at Wyche Lane, Bunbury by Muir Group Housing Association. Muir have planning permission to build 10 affordable homes on the land edged red which included a gate into the field (edged blue) at the rear of the housing land with a restriction that the access point is to be used for maintenance only. At a public meeting some years ago prior to the original planning approval Muir offered to transfer the land edged blue to the Parish Council (this was not a condition of the planning consent). Muir secured funding for the development and, in Autumn 2010, they began pre commencement discussions with the owners of the land coloured yellow and the Parish Council in relation to the transfer of the blue land.
2. I have attached a plan which shows the following :
 - the Muir housing land edged red (the houses have not been built yet)
 - the land offered to the Parish Council edged blue
 - the land owned by Cllr Gary McCormack coloured yellow with one field also edged purple
 - the land owned by Cllrs David Ellis, Sally Beard and Dennis Burrows coloured orange (Cllr Burrow has recently retired so this query does not relate to him)
 - the home of Cllr Waits coloured orange (she shares this property with her partner, James Walton) as their home but she is not an owner
 - whether those houses neighbouring the land have objected to planning application 11/2423N (explained in 5 below) 'O' or not objected 'N'.
3. James Walton is Secretary of the Local Conservative Club and Cllrs Waits and McCormack are active members of the club and are close associates and friends as well as neighbours. This also brings them into association with Michael Jones, our Borough Councillor. It is clear from numerous comments to me by Cllr Waits that she regularly discusses Parish Council matters with Michael Jones. At recent Parish Council meetings Michael Jones has made his apologies and sent his report via Cllr Waits without contacting the Clerk and he asked Cllr Waits to represent him to lay a wreath at the armistice day service in Bunbury.
4. Cllr Mc Cormack has acquired the land edged yellow in a number of tranches. He lives in the house called 'Fairview' as his home and over recent years has acquired the other land holdings now all coloured yellow. Both Muir and Cllr McCormack have confirmed that Cllr McCormack had offered to acquire the blue land from Muir at a price of £6000 with a proposal that Muir transfer the £6000 to the Parish Council and not the land. Muir have stated to me that Cllr McCormack also expressed interest in buying the red land off them. The previous owners of the yellow/purple field sold the red and blue land to Muir, including covenants for Muir to construct an accessway across the blue land to adoptable standard, or to the satisfaction of the planning authority on construction of the houses on the red land (the Muir cul de sac will not be adopted). The covenants in this contract potentially impact on the blue land in a number of ways and the Parish Council have commissioned legal advice on this matter and our negotiations in relation to the transfer of the blue land consequently involve Cllr McCormack as well as Muir. These are not finalised yet, but following discussions over this period terms have been

provisionally agreed for the Parish Council to have a ten year legal option for a transfer of the blue land for a peppercorn and solicitors are dealing with these contracts. Cllr McCormack has openly stated that his solicitors will serve an injunction on Muir to prevent the start of construction if the terms of his contract are not met. Failure to reach agreement on this matter could potentially result in the houses not being constructed. Muir also have a legal option to acquire the yellow/purple field if they obtain planning permission to construct houses on it. This can only be withdrawn with Cllr McCormack's consent which has not been forthcoming. The presence of the option is a contributing factor to the opposition to the S73 variation application referred to below.

The accessway coloured green therefore impacts not only on the blue land it crosses but also the the red land (as refusal or non compliance with Cllr McCormacks contract may result in the houses not proceeding) and the yellow/purple land it gives access to (as opposers of the houses are claiming the access will open this field to development).

5. Muir submitted a S73 planning application No. 11/2423N in August 2011 for a variation of the original conditions to construct the accessway required by Cllr McCormack's contract in the position shown by the green line and to remove the condition restricting access to the blue land to maintenance only as this would effectively prevent a transfer of that land to the Parish Council who would need to use it for community purposes. The proposal is for the green accessway to have a 'Toptrek' agricultural type surface and to be 4.5m wide to ensure compliance with planning and contract standards. This application has still not been to Cheshire East Planning Committee.
6. Cllr Ellis and James Walton (Cllr Waits' partner) have both objected to application 11/2423N. Cllrs Beard, Waits, Burrows and McCormack have not. Cllr McCormack purchased the yellow/purple field subject to the existing option agreement referred to in point 5 above and that contract requires the owners of the field to support any planning application made by Muir and so prevent him from making a formal objection.

Declaration of Interests and Code of Conduct

7. It has been necessary for the Parish Councillors who live in Wyche Lane to consider whether they have a personal and/or prejudicial interest to declare in relation to the above matters. The sequence of relevant events are set out below. Copies of relevant correspondence and emails are in separate attachments. Initially the discussions dealt with just the offer by Muir to transfer the land as the necessity for a further planning application did not arise until the summer of 2011. It could be that the decision may be different in relation to each aspect by individual councillors.
8. Prior to October 2010 the Muir matters had been dealt with on the basis that :
 - Cllr McCormack declared a personal and prejudicial interest in anything relating to the contracts and planning application 11/2423N and was not present when these were discussed. He did not declare any interest for purely factual matters relating to the development eg information on the development programme/allocation of the houses. He has continued on this basis to date and there is no query on this point in relation to Cllr McCormack;
 - the other Cllrs neighbouring the land did not declare any interest
 - I discussed this with the Clerk as I wondered whether this was correct, particularly as Cllr Burrows made statements such as 'we don't want allotments behind us as they look untidy' 'we don't want an orchard as kids will throw apples at our windows' 'Gary will maintain the land in good condition if it is sold to him'. As the matters are so complicated she agreed to consider it;
9. On 18th November 2010 Cllr Waits sent the attached email (pages 14/15 of JWs emails), stating that she was '**potentially affected**' by the transfer/use of the blue land as were the Cllrs Ellis, Burrows and Beard, effectively declaring an interest herself and

querying whether her neighbours should also declare an interest. Due to the complications I agreed with the Clerk that she would request the advice of the Monitoring Officer. She later confirmed to me that she had described various applicable locations in relation to the blue land to Julie Openshaw who considered the situation and sent the email reply dated 22nd November 2010 (page 10 of JWs emails) which is attached.

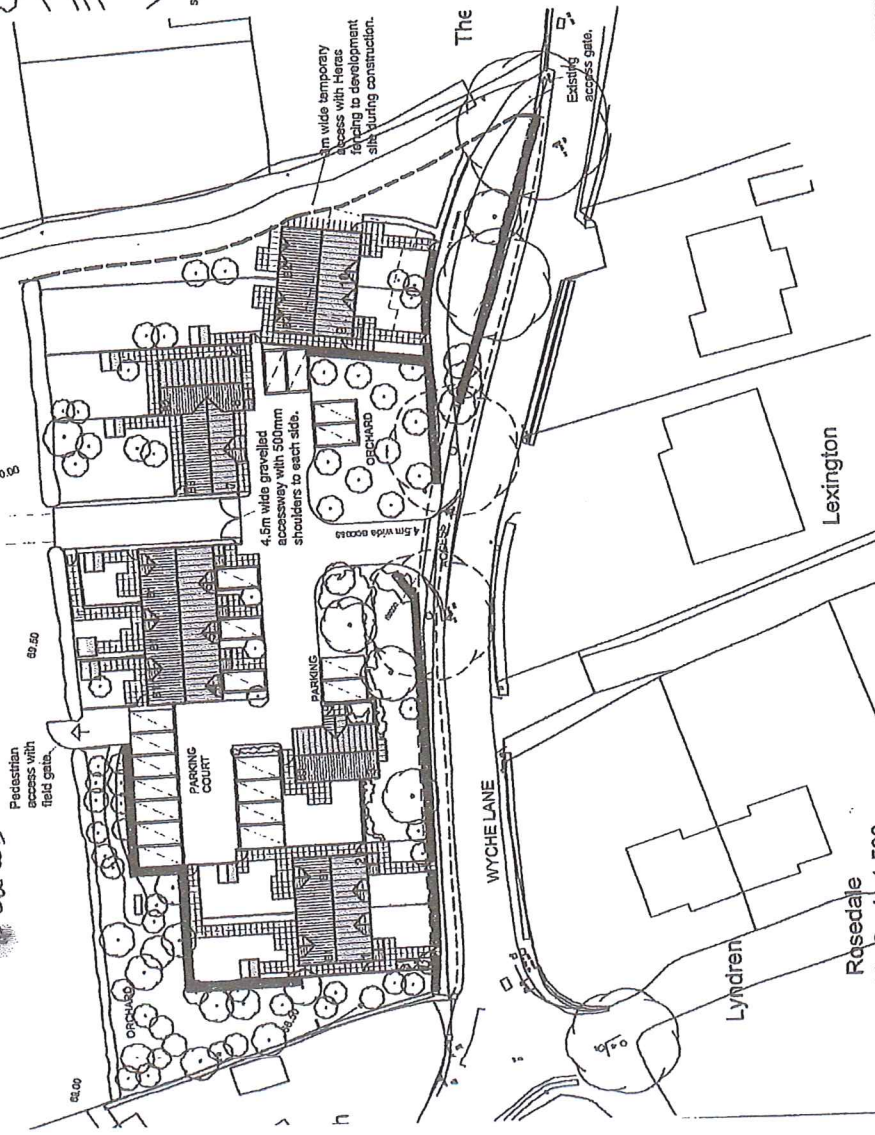
10. Julie Openshaw's email was circulated to Parish Councillors at the Parish Council meeting in December 2010 under 'declarations of interest' on the agenda. Those affected Cllrs who were present (Cllrs Beard and Burrows) then declared a personal and prejudicial interest in relation to the blue land and continued to act accordingly. Cllr Waits was not at the meeting so the Clerk contacted her afterwards the emails on 16th December (pages 11/12 refer to this conversation). Cllr Waits accepted without further query that she had a personal and prejudicial interest in relation to the blue land and continued to act accordingly. Cllr Ellis became a Parish Councillor in January 2011 and he was informed of the position which he queried but accepted would also apply to him and he continued to act accordingly.
11. The Parish Council decided that discussions relating to the blue land would be held separately as this would avoid 5 Cllrs having to leave the room and consequent interruption to the meeting and that a number of the matters were subject to contract/commercially sensitive and not suitable for a public meeting. These meetings were known as the 'Muir Sub Committee' although it was actually the full Parish Council excluding the public and Cllrs with declared prejudicial interests. Initially the advice and meetings were in relation to the transfer and other contractual issues relating to the blue land, the need for the planning application arose later.
12. When Muir submitted planning application 11/2423N Cllrs McCormack, Waits, Beard, Burrows and Ellis all declared a personal and prejudicial interest in that application. It was discussed at the public Parish Council meeting on 9th August. Before withdrawing from the meeting Cllr Waits asked to make a statement in which she asked the Parish Council to consider whether a public meeting would be helpful.
13. On September 12th 2011 Cllr McCormack wrote to the Clerk asking for a copy of Julie Openshaw's email advising on the conflict of interest (P6 of GM emails) and saying that the Wyche Lane Parish Councillors 'about forming another Parish Council Sub Committee to protect our interests'.
14. After that a series of emails were received from James Walton on this matter culminating in a complaint against the Clerk which has now been withdrawn. He also made a Freedom of Information Act request for all the discussions/correspondence relating to the Muir Sub Committee meetings. I will comment further on James Walton later. This was followed by queries from Cllrs Waits and Beard on this matter and further queries from Cllr McCormack. Cllr Waits then informed the Parish Council that she was 'disapplying' her former declaration of interest and requested all the emails etc relating to the Muir Sub Committee discussions.
15. To resolve this issue I decided to hold all matters relating to Muir in abeyance pending further guidance being requested from the Monitoring Officer, Caroline Ellwood. She replied that she was unable to give detailed guidance but Julie Openshaw provided a copy of the explanatory guidance on the code of conduct which is most helpful. This was issued to all the councillors.
16. At the request of Cllr Waits matters relating to the Muir land were included in the agenda of the 13th December 2011 meeting. The Wyche Lane Cllrs were asked if they had any interest to declare or any further queries. Cllrs Waits, Beard and Ellis advised that they did not (reversing their earlier declaration of interests) and Cllr McCormack advised he would declare a personal and prejudicial interest relating to the Muir land

and he left the room during the discussion. Cllr Waits proposed that the Parish Council open up their previous decision relating to planning application 11/2423N to allow the Wyche Lane Councillors to contribute, this was seconded and councillors voted to re discuss the matter. The discussion also involved contractual matters relating to the blue land as the issues are interlinked. On a further vote the original decision was confirmed.

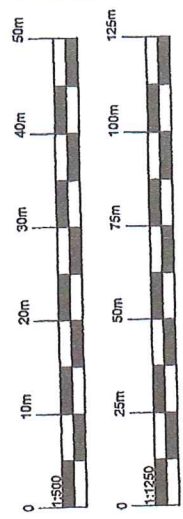
17. Original Application : I was not a councillor at the time but my understanding from those who were is that no personal or prejudicial interests were ever declared. The Chairman at the time was Cllr Dennis Burrows and the then Clerk, Colin Knowles, was a close associate with him from their membership of the Tarporley British Legion. As a village resident I could not understand why the Parish Council were so vehemently opposed to much need affordable homes but it appears that several then Parish Councillors lived in Wyche Lane.
18. It appears to me that the Parish Councillors who live in Wyche Lane should declare a personal and probably a prejudicial interest in relation to the Muir Land planning 11/2423N application and transfer and use of the blue land and in rescinding their previous declarations of personal and prejudicial interest that they may now be in breach of the Code of Conduct. The Monitoring Officers advice is requested on this matter. As the circumstances of each are different I have made separate comments on each councillor concerned below.



- 1. MUIR AFFORDABLE HOUSING LAND (Houses not constructed)
- 2. MUIR LAND OFFERED TO PARISH COUNCIL
- 3. ACCESSWAY SUBJECT OF PLANNING APPLICATION 11/2423N
- 4. LAND OWNED BY COUNCIL (Bought from the council)
- 5. OCCUPIED BY COUNCIL (RESIDENTIAL) (NO OBJECTION)
- 6. OCCUPIED BY COUNCIL SURFACES (RESIDENTIAL) (NO OBJECTION)
- 7. OWNED BY COUNCIL (BUSINESS) (NO OBJECTION)
- 8. OWNED BY COUNCIL (BUSINESS) (NO OBJECTION)
- 9. OWNED BY COUNCIL (BUSINESS) (NO OBJECTION)



LOCATION PLAN - Scale 1:1250



BLOCK PLAN - Scale 1:500

Revisions : 12 May 2011. Notes of surface finish of access to rear land amended.

CLIENT/PROJECT		DRAWING TITLE		DRAWING NO.	
TWEED, NUTTALL, WARBURTON ARCHITECTS/URBAN DESIGNERS		Revised access arrangements to accommodation land. PROPOSED BLOCK PLAN & LOCATION PLAN (Option B)		1101/204	
CHapel House, City Road, Chester CH1 3AE TEL: 01244 310388 FAX: 01244 325643 EMAIL: t.n.v-architecture.co.uk WEBSITE: www.tnv-architecture.co.uk		SCALE: 1/500, 1/1250 @ A3		DATE: May 2011	
				DINL. BY: SQ	
				REV: A	

All dimensions to be checked on site and not scaled from this drawing. All errors and omissions to be reported to the Architect. © Copyright 2011 T. Nuttall, W. Warburton

Comments Relating to Councillor Ellis

1. Councillor Ellis works very hard for the local community and was previously a Parish Councillor when the original planning application was considered. He has supported the construction of the affordable homes on the basis of need for the village.
2. The objections to the planning application 11/2423N by Cllr Ellis and his wife are attached. He is concerned at the potential risk of future development on the field edged purple which is behind his home and it appears that this alone gives rise to a personal and probably prejudicial interest in that application.
3. At the December Parish Council meeting, Cllr Ellis actually voted in favour of the existing Parish Council decision to support planning application on hearing the more detailed information on the potential risk to the development of these houses from contractual litigation if the application is refused. He said he considered them to be more important than the other 'risks' which would be dealt with should they ever arise later. Following the meeting Cllr Ellis asked 'what is a prejudicial interest?' – I therefore do not think he has fully understood the guidance and how it applies to himself.
4. It therefore appears to me that Cllr Ellis may have broken the following codes of conduct:

9 (1) 'disclosure of personal interests'

Potentially 12 (1) and 12(2) 'effect of prejudicial interests on participation'

EMAILS RELATING TO COUNCILLOR DAVID ELLIS DECLARATIONS OF INTEREST

----- Original Message -----

From: David Ellis
To: 'Partridges'
Sent: Wednesday, August 17, 2011 9:02 AM
Subject: RE: Muir E-mails & communications

Hi Erica

Having seen James's reply to you I have held back from letting you know that I have also heard that the passing of this variation will not satisfy Gary and that he has a further one or two ideas in his bag to frustrate the development. It is only rumour but comes from a fairly reliable source. I think the time is fast approaching when the PC has to issue a statement to let the locals know that the continued delay on this development is nothing to do with the PC but is the result of a legal dispute between Gary and Muir. I also strongly believe that both litigant's names should be on the statement and not just referred to as the owner of the adjoining land. A number of people are of the opinion that the PC is party to all of this nonsense and trying to delay the building and to be perfectly honest I do not like being accused of something I have no control over. I have not held back from naming Gary as the person fighting it but an official statement needs to be made.

Regards
David

----- Original Message -----

From: Partridges
To: David Ellis
Cc: 'Bunbury Parish' ; m.jones1@btconnect.com
Sent: Friday, August 12, 2011 10:09 AM
Subject: Re: Planning applications 11/2423N & 11/2575N

David

Thank you for your email.

The two planning applications have caused much confusion. The Clerk to the Parish Council and the Borough Councillor are looking into this matter. The Parish Council acted on what they understood the situation to be. Michael Jones has advised that he asked for application 2575 to be called in last week on the basis that 2423 was to be withdrawn but he is also asking for 2423 to be called in today. This will allow time for the issue to be resolved and comments recorded against the correct planning application which is to go forward or comments to be recorded against both. If necessary, the Parish Council will review their decision when this is clarified.

As you say, the Toptrek is an agricultural surface which would not support a residential development which would be subject to planning application.

The Parish Council Ownership of the PC strip is seen by villagers as an important factor in relation to this development. To enable this to happen the Parish Council must be able to use the land for community benefit and have sufficient access to it. In transferring the land/granting rights to the Parish Council, Muir are also required to provide the accessway in a way which will discharge their obligation under the contract to the owner of the adjacent field. The Parish Council considered the application resolves these issues. There is no suggestion of residential development on the adjacent field. The transfer of the PCT strip is not a planning condition and is currently not a contractual obligation on Muir. The Parish Council have decided to take a legal option on the PC strip to allow time for consultations on the use, obtain planning permission and funding and this is currently subject to contract.

In considering the issues created by the covenant where it directly impacts on the Parish Council relating to transfer of the PC strip the Parish Council wrote to the owners of the adjacent field to ask if they would give up their rights for an accessway across the PC strip as they have alternative access as this would remove constraints on the use of the PC strip created by this covenant. It would also have had the additional benefit of removing the public anxiety which now appear to be created by it. The owners replied that they did not wish to vary the covenant so the Parish Council must proceed on the basis of the existing contracts.

I hope this clarifies the position for you and allays some, if not all of your concerns.

Kind regards

Erica Partridge
Chairman, Bunbury Parish Council

----- Original Message -----

From: David Ellis

To: 'Partridges'

Cc: 'Bunbury Parish'; 'jill waits'; m.jones1@btconnect.com

Sent: Thursday, August 11, 2011 4:46 PM

Subject: Planning applications 11/2423N & 11/2575N

FOR YOUR URGENT ATTENTION PLEASE

Dear Erica

I had sincerely hoped that I would not have to come back to you again on this most unsatisfactory matter but having just received a copy of the minutes from your sub committee meeting last night I am writing to point out an error that your group has made and also to express my dismay at the fact that you all decided to ignore one of the most important points in the proposed variation.

Firstly you are totally incorrect in stating that application 11/2575N is the one to which you should be referring and not 11/2423N, which is the one posted on the gate of the development. As you can imagine this has caused considerable concern as I and my neighbours have been objecting to 11/2423N which means that none have been recorded against 11/2575N. As soon as I read your minutes I printed off a copy of both applications and to all intents and purposes they are identical except that one has a signature and the other does not, perhaps someone on your committee should have physically checked this documentation before making a decision. As a result I telephoned the planners and asked to speak to Ben Haywood but needless to say he would not speak to me so I was eventually put on to Mr Earlin Smith who referred my query to Haywood whilst I waited on the phone. To start with they claimed that both applications were valid as they were different but when I asked them to read both very carefully they admitted that there was no difference in them. Also they could not explain why there was only one public notice referring 11/2423N on the gate. After some considerable debate at their end they admitted that they had made a mistake and that 11/2423N was the correct application and **not 11/2575N as quoted in your minutes**. I also obtained a guarantee from them that they would transfer the objections from 11/2575N to 11/2423N so that these objectors would not be ignored. I would have thought that someone at your meeting would have realised that 11/2423N was the correct one as that was the one posted on the gate to the development. Perhaps if one of the councillors who knows the details of the application was present this mistake would not have occurred!!!! Will you please ensure that your comments to the council refer to the correct application number. Also I was disturbed when I was told by Earlin Smith that Haywood would know the answer to my query because **he was the one who would be making the decision on the application and not the planning committee**. I sincerely hope that Michael will call it in as he promised and not let us be bullied by someone like Haywood who seems to be very cosy with Muir but I suspect that your decision last night will now prevent this from happening which is totally against the wishes of your constituents. Unfortunately your decision was reached by a group of people who are not at all affected by this application and one in particular is very keen to get the development started because of the rash promises he has made to the village over the past few years and he is unable to see that this will open up Gary's field for possible future development by either Muir or Gary subject to planning.

On reading your decision I am quite happy with your recommendation about the surface of the track/road but I am very unhappy that your group completely ignored the residents concerns on the width of the entrance being increased to 4.5 metres. We have been told that the land behind is for agricultural purposes so it certainly does not need as big an access as this. A normal size agricultural access would be sufficient to allow access by tractors etc. Once this wider access is agreed anything could happen to the land at some future date, subject to planning of course. Also if you look at the original layout the original access would cover just one parking space but if it is wider it will cover two which I think destroys one of their reasons for lodging this application. I think that you need to rethink your decision in the light of these comments which are endorsed by my neighbours.

I look forward to hearing from both you and Michael.

Yours sincerely
David

From: Partridges <ep.partridges@btinternet.com>
To: Bunbury Parish <Bunburyclerk@aol.com>; Brian Dykes <b.dykes@btinternet.com>
Sent: Wednesday, 24 August, 2011 19:37:51
Subject: Re: Rumours about around Wyche Lane

Hi Alex

I think we should just put a large notice in the notice board but I am happy to go with a circulation if you and Brian think it will help.

Regards
Erica

----- Original Message -----

From: Bunbury Parish
To: Erica Partridge ; Brian Dykes
Sent: Wednesday, August 24, 2011 7:15 PM
Subject: Rumours about around Wyche Lane

Hi Both

David Ellis rang me this morning to say that he had been stopped by 3 people in the village who wanted to know about the 50 houses being built at Wyche Lane. He says that he thinks he knows where this rumour originates.

He wondered if the Parish Council should put out a notice correcting the rumour.

My personal view is that if people don't read the minutes on the board, they probably won't read a correction either but I'm happy to put something up if required.

What do you think? Do you think we need to go as far as a mail drop in the village basically saying the same thing as the minutes? We could do this easily if I printed them and then councillors helped to deliver.

Regards
Alex

----- Original Message -----

From: David Ellis
To: 'Partridges'
Cc: 'Bunbury Parish'
Sent: Sunday, August 07, 2011 2:25 PM
Subject: RE: Land at the rear of Muir Development

Dear Erica

Thanks for your reply but as I said I do not have to agree with the policy but will abide by it. I am quite aware of Gary's position but there is no need for the access to be up to adoption standard as agricultural use does not require this but I suspect that Gary is working to another agenda of which we are not party. You need not worry about me on Tuesday as I will leave the meeting as soon as the application comes up. It is strange, however, that **none of us were excluded from the meetings when the very first application came up back in 2004/5 but that is now history but the present situation certainly does not sit very easily with our neighbours who are asking us to do something about the**

problem. As there will be a lack of objections to the application because so many people are away and is likely to be decided by delegated powers what the few of us have to say will probably have no affect on the outcome and we will just have to wait for the application for a very large housing estate in the middle of the village. It would appear from the actual application details that the planning officers are very cosy with Muir and have been advising them on how to present the application. If the information is released to my neighbour under the Freedom of Information Act and we find that there has been some collusion between the various parties then there will be real trouble!

Regards
David

From: Partridges [mailto:ep.partridges@btinternet.com]
Sent: 07 August 2011 13:23
To: David Ellis
Cc: Alex Stubbs
Subject: Land at the rear of Muir Development

Dear David

Firstly - please can you use my btinternet address above and delete the old tiscali one.

Thank you for letting me know what is happening generally and about the planning application, Alex has been away and hopefully she will have received the notice to include for discussion at Tuesdays meeting.

As you know the Parish Council has been advised that the neighbouring Councillors have a personal and prejudicial interest in relation to this land and do not therefore take part in the meeting on this item. This also means, as you say in your third paragraph, that the neighbouring Parish Councillors may deal with matters in relation to this land as private individuals, not Parish Councillors. This means that there is no need to review your position as a councillor on this matter as the declaration of interest already does that for you. I hope and trust that this allays your concerns on this point. I have copied Alex in so she can confirm also.

I am not sure if you are aware that the land owned by Mr and Mrs McCormack includes an obligation on Muir to construct an access across the land being offered to the Parish Council connecting the McCormacks land to the Muir development and this access can be up to 'adoption standard'. This is a publicly available document which can be obtained from the Land Registry and you may wish to obtain a copy for information.

Regards

Erica

Dear Erica

Just by chance today I found out that Muir has submitted a planning application to vary the decision reached by the Inspector at the last appeal. I and none of my neighbours have received notices of this application and understand that just three houses have been notified, one of which was Gary. The first we heard of it was when the notice appeared yesterday or the day before but as I was away I did not see it until today.

The application is seeking to change the access to the land at the rear from agricultural to a main stream road which would enable any future owner to apply for planning to develop it and they are claiming that the current approval is a constraint on future owners of the land, both the land to be transferred to the PC and Gary's land. As with the previous application it has been submitted at the height of the summer when most people are away and with a very short timescale in which to object (the 24th August 2011).

Obviously if this comes up at a future PC meeting then it can only be discussed by a minority of the members with the people most affected being excluded which we find to be unsatisfactory, particularly as I am not sure if at least one of this minority really does not know what is going on and is constantly barking up the wrong tree.

I, and my neighbours, will not allow this application to go unchallenged as it flies in the face of the Inspector's decision and as I am not able to use the PC to fight it I will have to do it as a private individual but I do not think that I can sit in both camps as one could end up fighting the other. Obviously as far as I am concerned this application needs fighting and I cannot rely on the minority committee to come to the same decision as me so I might have to seriously consider my position on the PC.

Should Muir obtain approval to their application then I suspect that they will exercise their option to buy the land, which I think has another 3 years to run, and at some future date apply to develop it in spite of Robinson saying at an open meeting that they were now not interested in it. It also follows that should they not exercise their option then Gary will be sitting on a very desirable piece of land as far as developers are concerned!!! I suspect, however, that they will go with the former suggestion just to spite Gary!!

I am writing this as a matter of courtesy to let you know what is happening but you should also know that I have today written to Eric Pickles, and copied to the Chief Executive of East Cheshire, to complain at the way this matter has been handled by East Cheshire and the fact that the majority of Bunbury PC do not have a say in what is happening to this land. I accept that you have been advised on this matter but it does not mean that I have to agree with the advice given to you.

I would also mention that one of my neighbours has today applied under the Freedom of Information Act to see all of the documentation and meeting notes relating to any meetings held between Muir and the planners at East Cheshire.

I will keep you informed.

Kind regards

David

----- Original Message -----

From: David Ellis
To: 'Partridges'
Cc: 'Bunbury Parish'
Sent: Monday, July 25, 2011 8:13 AM
Subject: RE: Draft minutes from last weeks meeting.

Hi Erica

Thanks for your e-mail and telephone call. I was aware of the sub committee being set up and I voted for it to save us having to leave the meeting but since then I have had a number of people approach me to seek advice as to what is happening to the "ransom strip" behind the Muir development and I have felt completely impotent in not being able to answer their questions. As I have told Alex one lady in particular, Anne James, who backs right on to the piece of land is particularly concerned because of the rumour she has heard that one or two councillors are in favour of selling it to Gary, and although I am aware of this sentiment I have been unable to reassure her that this will not happen and she will not approach the councillors who have mentioned this option with the sale proceeds going to the pavilion!!! We are not very well thought of in the village and I seem to have become the sounding board for a lot of people because they do not feel able to approach our more established members because they are set in their ways. Even yesterday at a lunch in support of Eton church I was button holed by a very senior legal person who lives in Bunbury asking me just what the PC did. I explained that things had changed since you came on board and that you and Alex were the sole reason for me going back on to the council as I would not have contemplated it under the previous regime. Unfortunately in the eyes of this person nothing has really changed because so many of the hard core are still on board but I told him that this is something only the likes of him can change by standing for election. You are doing a great job but I fear that the old ways will take a long time to eradicate and I am concerned that I am again going to be

confrontational with the likes of Brian because I have very little patience with people like him and do not suffer fools lightly. Should this happen and I find that I am disrupting the meeting then I will have to consider my position.

As far as the Muir thing is concerned I am not going to put the PC to the expense of seeking further legal advice and I will keep the advice of the Borough solicitor to myself and I will now not pursue the matter further but advise any enquirer in the future that I cannot help them and that they will just have to wait like me until something is published in the minutes. Not satisfactory but necessary.

Thanks for your time in contacting me.

Regards

David

From: Partridges [mailto:ep.partridges@btinternet.com]

Sent: 22 July 2011 10:08

To: David Ellis

Cc: Alex Stubbs

Subject: Re: Draft minutes from last weeks meeting.

Hi David

The exclusion of all Parish Councillors who live backing onto the area were excluded as Alex says, on the advice of CE. (Alex - can you please let David have a copy of that advice), as having a personal and prejudicial interest which means they have to be excluded from the item.

The Parish Council then appointed a sub committee to take the matter forward, (to avoid the need for the Wyche Land councillors to have to leave the meeting) which comprised all the councillors not backing onto the land. All this was approved by the Parish Council.

Muir have offered an option on the land for 10 years to the Parish Council which the sub committee have decided is the best course of action at the moment. It is impossible for the Parish Council (via the sub committee) to take the matter any further in terms of uses for the land including whether to take a transfer of it or not until Muir are able to sort out their planning and contractual matters.

Taking the legal option guarantees the possibility of the Parish Council taking the land for the next 10 years and prevents other purchasers acquiring the land to prevent the Parish Council from doing so. It effectively turns the Muir 'promise' into a contractual obligation and there is no obligation on the Parish Council to do anything. This means the Parish Council can take time deciding on the matter.

It might be possible for Muir to sell the land subject to the option, but the option would then continue with another purchaser.

The sub committee came back to the Parish Council to explain the proposal and request authority to sign the contract. This was explained at the Parish Council meeting but you could not attend.

We have not received a draft contract yet but now have Parish Council approval to proceed to contract.

I understand the frustrations of the Wyche Lane Councillors, the matter is very difficult and I had hoped that the matter could have been treated differently but one Councillor raised the question of conflict of interest so Alex had to take advice and act on it.

I am not sure the Parish Council can accept advice from a solicitor acting independently for a Councillor as the same conflict of interest arises. If for some reason your own legal advice differs from that already given to the Parish Council, then the Parish Council may have to obtain it's own legal advice or as CH to comment on it/take legal advice.

I am sure you appreciate that Alex and I are not trying to be obstructive but have had to proceed in accordance with the governance procedures and the advice Alex has been given.

Thank you for seeking legal advice, I am very much interested to hear the outcome.

Best regards

Erica

----- Original Message -----

From: Bunbury Parish

To: David Ellis

Cc: Erica Partridge

Sent: Wednesday, July 20, 2011 7:38 PM
Subject: Re: Draft minutes from last weeks meeting.

Hi David

I know what you mean, I feel that I'm treading on eggshells with all these exclusions.

We haven't signed anything yet but have received a draft 10 year option from Muir. It simply secures the land behind the Muir development for the Parish Council, so that Muir can't do anything else with it or sell it to anybody else. However, at any time during the 10 years the Parish Council can simply walk away and decide that we don't want the land without taking on any financial or other responsibilities for it.

The sub-committee felt that this gave the PC some time for the legalities around the proposed road/accesses etc to be sorted out without the PC having to be involved - the PC can sit back, wait for everything to be resolved (possibly!), review the situation and then make a final decision on whether it wants the land or not when we see what obligations come with it. It also gives us time to investigate what the village wants to do with the land and also to look at fund raising/grants etc.

I am happy to go along with whatever guidance the solicitor comes up with, but when we did investigate with CE before, they did suggest the exclusions.

I hope that I've explained it all clearly, but do please let me know if you want any further information.

Regards

Alex

----- Original Message -----

From: David Ellis
To: 'Bunbury Parish'
Sent: Tuesday, July 19, 2011 9:57 AM
Subject: RE: Draft minutes from last weeks meeting.

Hi Alex

Can you please provide me with more details of the proposed 10 year option on the Muir land which is coming to the village. Being excluded from the meetings discussing this matter is really very unsatisfactory and I feel that everyone should be able to attend but not able to comment as in normal meetings when you have an interest in the subject. I have written to the Borough solicitor asking for guidance on this matter of exclusion.

Regards

David

----- Original Message -----

From: David Ellis
To: 'Partridges'
Cc: 'Bunbury Parish'
Sent: Thursday, March 31, 2011 9:02 AM
Subject: Muir

Hi Erica

Thanks for the note. I agree entirely with your thoughts and this latest episode is just very silly. I do not really know what Gary is going on about as the original planning approval by the Inspector allowed for an access road to the land behind, now owned by Gary, through the centre of the development where he has put his gate. So what is his gripe? He has tried to get me on board with his fight with Muir but I have just told him that it is nothing to do with the PC and he and his solicitor must deal with it themselves without involving anyone else. It looks to me as if too many people are on the PC to fight their own personal battles and not look at the bigger picture!

Hey ho such is life!!

Regards

David

----- Original Message -----

From: Partridges
To: David Ellis
Cc: Alex Stubbs
Sent: Wednesday, March 30, 2011 5:55 PM
Subject: Muir

Hi David

Please note - my new email address is ep.partridges@btinternet.com

Thanks - a note about hedge cutting was handed over last night by Jill from Dennis. I commented that it said Muir needed to check the hedge for nesting before starting work which sparked a disagreement on whether the nests were new or old. I agree it is all a bit silly and rather desperate. We will need to see if Muir enter on the site this week - Gary was threatening private injunctions if they do without having planning consent for his access road, which is up to him. Alex and I think we may have to arrange a tripartite meeting about fixing the location of the road but we need to see if Muir are actually progressing first.

Regards

Erica

----- Original Message -----

From: David Ellis
To: 'Erica Partridge'
Cc: 'Bunbury Parish'
Sent: Tuesday, March 29, 2011 12:21 PM
Subject: Muir

Hi Erica

It looks as if one or two members of the PC are gunning for Muir again and I have just about had enough of this stupid behaviour and have today sent a note to Dennis to this effect (see below). They are now trying to delay the start of the project by claiming that they should not be demolishing hedges at this time of the year. I think you will find my note self explanatory!! I am sending you this as I will not be at the meeting but wanted you to be aware of my very strong thoughts and that I will not let it go when I get to the next meeting. Whilst writing should we have put up a notice inviting new applicants to apply to come on to the PC? We would probably not get any one but I would love to see a vote for members to see what the locals actually think of us!!!

Hi Dennis

Here is the information you asked for but I have to say that I believe that we should now let Muir get on with it as no one seems to be thinking of the youngsters needs in the village. I speak to the youngsters all of the time and am helping a number of them with their applications as they do not believe that the Parish Council gives one jot for their needs and that we are just playing games with their future. We have lost the planning application and we now have to make the most of what we have got and do as much as we can for the youngsters of our village and not antagonise Muir any more than we have to. We waste so much time talking about ways in which to stop Muir and in my opinion this has to stop and we must put our local families first and not our own personal feelings. Unfortunately I will not be at the next meeting but I will fight any attempt to delay this project as best I can so that I can look the youngsters straight in the eye and say that at least one member of the PC is sticking up for them.

Sorry to be as strong as this about it but we need to speak our mind sometimes and I will certainly let the applicants know why there are delays in providing them with affordable housing.

Regards

David

Comments relating to Councillor Beard

1. Councillor Beard works very hard as a Parish Councillor, particularly in relation to the Playing Fields Committee.
2. She has not objected to planning application 11/2423N and queried whether she should declare a personal and/or prejudicial interest in relation to the blue land as she lives over the road from the proposed affordable houses and believes the field may not be visible from her home. However, her home is located opposite to the entrance to the houses and the blue field so she would be affected by any activity. She has also stated in a Parish Council meeting that further information on Muir's funding for the houses was needed for the Wyche Lane residents to further their plans.
3. In the discussion on 11/2423N at the December meeting she voted against the application giving the potential risk to future further housing development on the field edged purple as her reason which would directly impact on her home.
4. It therefore appears to me that Cllr Beard may have broken the following codes of conduct:

9 (1) ' disclosure of personal interests'

Potentially 12 (1) and 12(2) 'effect of prejudicial interests on participation'

COUNCILLOR SALLY BEARD EMAILS RELATING TO DECLARATIONS OF INTEREST

----- Original Message -----

From: Sally Beard
To: Bunbury Parish
Cc: Erica Partridge
Sent: Wednesday, October 19, 2011 3:52 PM
Subject: Re: Openshaw letter Fw: Members' Interests query

Alex,

Erica has helped me with respect to her reply to this email. I just need to clarify whether the advice regarding 'member D' (ie. myself) in the scenario is right. Julie Openshaw's advice was that I would have a 'preudicial interest' because my property has a view of the development. Whilst I will have a view of the development, with what is going to be built I do not think that I will retain a view of the strip of 'gifted' land in question. I would consider that the Muir development has a potential affect on us but not the strip of land behind. Please can you clarify this with the Monitoring Officer.

Many thanks

Sally

PS. I presume that I don't need to produce the existing Muir plans of the development in relation to my house. We're still uncertain about the final height levels of the proposed development but based on what I've seen with the land being higher than ours by some degree, once houses are built there is no way we will be viewing the strip of land behind.

Message Received: Oct 18 2011, 09:19 PM

From: "Partridges"
To: "jill waits", sallypbeard@fsmail.net
Cc: "Brian Dykes", "Bunbury Parish", "Dave Ellis", "Dennis Burrows", "Eric Lord", "GMC", "Mandy Jones", "Nick Parker"
Subject: Re: Openshaw letter Fw: Members' Interests query

Jill and Sally and other Parish Councillors

I am afraid the messages below serve to further obscure the sequence of events and reality in this matter.

It has been explained to all Parish Councillors that they must consider there own position and exclude themselves as necessary in accordance with the Code of Conduct. The decision is not and has not been made by myself, Alex or Julie Openshaw. The purpose of the Julie Openshaw's message is to advise on the correct interpretation of the Code of Conduct to assist Councillors and nothing else. There has never been any question of anybody imposing a ruling on any of the Parish Councillors who have applied the advice and excluded themselves.

The solution is quite straightforward and always has been. A polite request to Alex on this basis is all that is necessary.

If Parish Councillors are concerned that they may not have interpreted the Code correctly in relation to their own situation they should each contact Alex with their queries and request that she forward them to Julie Openshaw with a plan indicating the various plots of land. Julie Openshaw can then provide further advice and, as before, the Councillors can take a decision in the light of that advice.

As each Parish Councillor has to consider their own position there may be other factors they need to take into account (as I cannot presume that the advice covers all circumstances relevant to each person).

Erica

----- Original Message -----

From: jill_waits

To: sallypbeard@fsmail.net

Cc: [Brian Dykes](#) ; [Bunbury Parish](#) ; [Dave Ellis](#) ; [Dennis Burrows](#) ; [Eric Lord](#) ; [Erica Partridge](#) ; [GMC](#) ; [Mandy Jones](#) ; [Nick Parker](#)

Sent: Tuesday, October 18, 2011 9:40 AM

Subject: Re: Openshaw letter Fw: Members' Interests query

Hi Sally,

Many thanks for your email below and letting me know what you recall as I wasn't at the December 2010 meeting.

I note what you say about Alex circulating the Julie Openshaw email in September 2011. However, it seems to have been important enough to have been discussed before/or at the beginning of the December meeting, but not to be minuted or circulated then, which I see as a mistake, I presume on Alex's part. Why should those who were there be party to information about anything, and those who were not there excluded from that information? This seems particularly wrong when the 3 people who could not attend the meeting were significantly affected by the contents of Julie Openshaw's email. Whatever the subject I can't see how this can be regarded as a correct way to behave I'm afraid. I see Alex's job as keeping us all equally informed about anything that is the business of the PC and it seems that on this point she failed to do that. I don't see it as the responsibility of fellow members to keep those not present informed of what happens.

As to your comments on declaring an interest, I have to admit that I was the person who raised this in the first place when I was a new member and anxious, as I hope I continue to be, to do the right thing. I now believe that it was not necessary for the 4 of us from Wyche Lane (but not always Gary) to exclude ourselves from all discussions on all matters relating to Muir Homes and the land behind the development. I think there has been either inaccurate advice from Julie Openshaw, inadequate or incorrect briefing to her, or an incorrect interpretation of the information she gave (which was inaccurate itself in part when one has a proper understanding of the geography of the area and individual ownerships) which has lead to half the PC not being party to a number of decisions that 4 or 5 members should not have been excluded from. So, I agree with you that we should have been party to more decisions that we have regarding all or part of the Muir issues.

I am grateful to you for coming forward with information and your views on the matter and look forward to hearing from other councillors.

Regards,
Jill

From: Sally Beard

To: Jill Waits

Cc: [Brian Dykes](#) ; [Bunbury Parish](#) ; [Dave Ellis](#) ; [Dennis Burrows](#) ; [Eric Lord](#) ; [Erica Partridge](#) ; [GMC](#) ; [Mandy Jones](#) ; [Nick Parker](#) ; [Sally Beard](#)

Sent: Monday, 17 October 2011, 21:21

Subject: Openshaw letter Fw: Members' Interests query

Hello Jill,

I remember seeing this letter and have just checked my emails, so for your info please see below. Alex sent out an email on the 26 Sep to all Parish Councillors which if you scroll down does include the letter from Julie Openshaw.

You can also see who all the recipients were.

I have not passed this onto anyone except yourselves in this email. I was at the December 2010 meeting where the letter and its recommendations were discussed and from this I did declare 'an interest' as it seemed that I needed to. I, then along with the others on Wyche Lane have subsequently declared 'an interest' at meetings ever since. I am now uncertain as to whether we should have?

Kind regards
Sally

Message Received: Sep 26 2011, 12:34 PM

From: "Bunbury Parish"

To: "Mandy Jones", "Brian Dykes", "Gary McCormack", "Erica Partridge", "David Ellis", "Jill Waits", "Nick Parker", "Eric Lord", sallypbeard@fsmail.net, dennis.burrows@btopenworld.com

Cc:

Subject: Fw: Members' Interests query

Dear All

There seems to have been various queries about declaring personal and prejudicial interests regarding the Wyche Lane to be sold to the PC and there does seem to be some confusion. Please find below the letter received from Julie Openshaw (Deputy Monitoring Officer for CE) dated November 22nd 2010. Please also find attached a copy of Bunbury Parish Council's Code of Conduct.

We discussed the letter at our December 2010 meeting and following that discussion various members of the PC declared personal and prejudicial interests. Please take the time to revisit the letter. If you believe that your circumstances have changed then please do let me know.

Regards
Alex

----- Original Message -----

From: OPENSHAW, Julie

To: 'bunburyclerk@aol.com'

Sent: Monday, November 22, 2010 3:39 PM

Subject: Members' Interests query

Good afternoon Alex

Further to our telephone conversation earlier, I understand that you and some of your members seek advice on what if any interests they need to declare in relation to a plot of land which has been offered for sale to Bunbury Parish Council. I will refer to this as the "for sale land".

You explained that the for sale land abuts a second strip of land which has planning permission for development, and it is the developer that has offered the for sale land to the Parish Council.

You also explained that one member (A), who owns a third strip of land which abuts the other side of the "for sale" land has already declared a personal and prejudicial interest and has absented himself from any consideration of whether the land should be purchased, but three other members are potentially affected

because of the positioning of their gardens. "B" has a garden abutting the "for sale" land, "C" has a garden abutting the land owned by the councillor who has already declared an interest, and "D" has a garden which allows a view of where the development would be. Each of them owns their home and has registered it as such in the register of interests.

My view is that due to their proximity to the for sale land, and the possible effect arising from that on the values, or desirability, of their homes, B C and D all have personal interests in the decision whether the Parish Council should purchase the land, because a decision on whether or not the PC should buy it could reasonably be regarded as affecting their well-being or financial positions to a greater extent than the majority of council tax payers ratepayers or inhabitants of the locality.

Unless they can raise some other consideration which might merit further consideration (I haven't seen a plan), they appear to have a prejudicial interest as well, because of the same considerations in terms of proximity and effect on financial position, which suggest that the proper conclusion is that "a member of the public with knowledge of the relevant facts would reasonably regard [the interest] as so significant that it is likely to prejudice your judgment of the public interest".

I gather there are 10 members of the Council, with a quorum of 4, so unless other members have prejudicial interests to declare for some other reason, you should be quorate to make the decision. If circumstances arise where interests are such that getting a quorum would be impossible, the Borough Council's Standards Committee does have power to consider, and if appropriate, grant, applications for dispensations to allow members to speak and vote where they have a prejudicial interest, but only where either more than 50% of members who would be entitled to vote being prohibited from doing so, or where the number of members that are prohibited from voting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced. As these situations are relatively rare, so are applications for dispensations. It does not sound as though the first criterion would be met; without knowing the political persuasion of the members involved, and the remainder, it's unclear if the second would apply, but you might want to consider that.

I hope this assists.

Kind regards

Julie Openshaw
Legal Team Manager (Places, Regulatory and Compliance) (Deputy Monitoring Officer)
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
CW11 51HZ
01270 685846)

Cheshire East Council

Complaint against Parish Councillors Sally Beard, David Ellis, Gary McCormack & Jill Waits

Statement of Parish Councillor Erica Partridge, Holly Mount, Whitchurch Road, Bunbury, Cheshire CW6 9SX

1. I have been a Councillor for Bunbury Parish Council since July 2009, when I was co-opted on to the Council. I have been Chairman of the Council since May 2010. When I was co-opted, I received no documentation of any sort. I have not been offered any specific training on the Code of Conduct but, in the last 12 months, the Clerk has circulated training packages, mainly organised by CHALC (Cheshire Association of Local Councils). Unfortunately, most of the courses that were relevant to my position clashed with other appointments.
2. Mrs Alex Stubbs was appointed as Clerk in April 2010. When I was appointed Chairman the following month, we both realised that there were no Standing Orders for the control of decision-making and consideration of Council business nor were there any other procedural documents which most Parish Councils have in place. Although Mrs Stubbs has the CiLCA (Certificate in Local Council Administration) qualification, the Council has not decided to seek Quality Parish Council status. A Sub-Committee was established to produce the Standing Orders with other documents being agreed at the Parish Council meetings over a period of time and these have now been adopted by the Council.
3. The background to the issues that I have raised regarding the four Councillors is set out in the document submitted with the complaint headed 'Query to Monitoring Officer re Bunbury Parish Councillors'. I raised the matters as a query to the Clerk as it appeared to me that the Code of Conduct may have been breached in several respects and she has forwarded this information to the monitoring officer which has now been taken as constituting the complaint. This was accompanied by separate commentaries in respect of the issues concerning each of the four and relevant emails in relation to each one. There is also a separate complaint against Councillor Waits with its own documentation which I deal with under her heading.
4. Councillors McCormack and Beard were already on the Parish Council when I was co-opted. Councillor Waits was co-opted in April 2010 and Councillor Ellis was co-opted in January 2011, although he had previously served on the Parish Council. Since these complaints were lodged, Mrs Sally Beard and David Ellis have both resigned from the Council.
5. My comments on the complaints made against the individual persons follow as separate Schedules.
6. Since submitting the above queries I have resigned from the Parish Council. In these circumstances I do not wish to proceed with the complaint relating to bullying and attitude towards other councillors. I have explained the areas which I wish to withdraw in the schedules below.
5. Even though I am no longer a Parish Councillor I consider it is important for the question of the declarations of interest to be considered and established as this was the purpose of my query to the Monitoring Officer which has become these complaints.

Schedule 1 - Former Councillor Sally Beard

1. I do not wish to make any additional points other than as set out in my query to the Monitoring Officer. The paragraphs below answer the questions asked of me at the interview in explaining the events further.
2. Prior to 12th October 2010 discussions relating to Muir involved Section 106 matters and the lack of progress on the site for which I do not have the minutes. From recollection, when issues concerning the Muir development and the adjoining land were considered at meetings of the Parish Council and emails between Councillors between July 2009 and September 2010, Ms Beard did not make any declaration of interest. At the meeting on 12 October 2010 there were two items on the agenda, one concerning the proposed affordable housing development (relating to the Muir address to the Council) and the other concerning the land proposed to be transferred to the Council. Ms Beard did not make any declaration of interest in either item. At the meeting on 09 November 2010, Ms Beard again did not make any declaration of interest when there was an item on the agenda relating to the transfer to the Council.
3. Following the request from Councillor Waits for advice on potential interests and receipt of the email from Cheshire East Council's Deputy Monitoring Officer dated 22 November 2010, the email was circulated to those present at the following Council meeting on 14 December. Ms Beard was present at that meeting. The copies of the email were collected back by the Clerk as it contained personal information relating to the Councillors concerned. The discussion which took place was not referred to in the minutes but they do record the consequent action when Councillor Beard made a declaration of a personal and prejudicial interest and left the meeting whilst an update on the land offered to the Council was discussed.
4. Between that meeting and up to but not including the meeting on 13 December 2011, Ms Beard declared a personal and prejudicial interest whenever the proposed development or the transfer to the Council were discussed. As a number of queries had been raised by Parish Councillors regarding declarations of interest relating to the Muir land and planning application further advice was requested from the Monitoring Officer and I deferred all matters relating to this until the advice was received in my email dated 19th October 2011. Prior to the meeting on 13 December 2011 the further advice was received from the Deputy Monitoring Officer in an email dated 30 November 2011 and this was emailed to all Councillors on 04 December. This email contained a link to Standards for England explanatory guidance on the Code of Conduct. Ms Beard was late arriving for the meeting and had not been present when I had asked for declarations of interest. Ms Beard arrived just before the item on the Muir development and I specifically asked her whether she wished to declare any interest. After a moment's hesitation, she said 'no'. I asked her if she was sure and did she have any queries and she, again, said 'no'. At this meeting Ms Beard stated that she was voting against the planning application under consideration because of the risk of future further housing development which would directly impact on her home.
5. I have queried whether in all the circumstances the fact that no interest was declared at the meeting is correct in relation to 9 (1), 12 (1) and 12 (2) of the Code of Conduct.

Schedule 2 - Former Councillor David Ellis

1. I do not wish to make any additional points other than as set out in my query to the Monitoring Officer. The paragraphs below answer the questions asked of me at the interview in explaining the events further.
2. Although Mr Ellis has acknowledged that he did not declare any interest when the original planning applications were considered in 2004/05, I do not raise that as an issue. My only query relates to his attendance at the Council meeting on 13 December 2011.
3. After Mr Ellis was co-opted in January 2011, he was advised by the Clerk on the advice from the Deputy Monitoring Officer dated 22 November 2010 and, whilst he queried the advice, he stated that he would abide by it as his position would be similar to the other Councillors who had declared a personal and prejudicial interest following that advice. Consequently he declared a personal and prejudicial interest on each occasion that the Parish Council considered any aspect of the Muir development or land transfer. At one stage he made it clear that he was not happy with the situation and intended getting his own advice which I welcomed but he then agreed to follow the Deputy Monitoring Officer's advice. As a number of queries had been raised by Parish Councillors regarding declarations of interest relating to the Muir land and planning application further advice was requested from the Monitoring Officer and I deferred all matters relating to this until the advice was received in my email dated 19th October 2011. Prior to the meeting on 13 December 2011 the further advice was received from the Deputy Monitoring Officer in an email dated 30 November 2011 and this was emailed to all Councillors on 04 December. This email contained a link to Standards for England explanatory guidance on the Code of Conduct. At the meeting, under 'Declarations of Interest', I specifically asked whether everybody was happy with the second email from the Deputy Monitoring Officer and whether they had any further queries on the matter and there was no indication to the contrary. I then asked whether Councillors wanted to make any declaration and Mr Ellis, and other Councillors who were resident in Wyche Land, said 'no'. They said they were happy with their position.
Mr and Mrs Ellis had individually objected to planning application 11/2423N on 07 August 2011 for personal reasons related to the property and their use and enjoyment of the property. At the meeting on 13th December Mr Ellis voted in favour of the Parish Council's opposing view.
4. I have queried whether in all the circumstances the fact that no interest was declared at the meeting is correct in relation to 9 (1), 12 (1) and 12 (2) of the Code of Conduct.

This statement is a fair summary of an interview conducted by the Investigator on 27 February 2012.

.....Erica Portno.....

Date12th March 2012.....

Ivy Cottage, Wyche Lane, Bunbury, Cheshire CW6 9PS
Telephone/Fax: 01829 261898 E Mail: dellis7@tiscali.co.uk

17th February 2012

Mr M Dudfield
Solicitor
6 Church Hill
Nether Kellet
Carnforth
Lancs
LA6 1ER

Dear Mr Dudfield

Re: Complaints under Members' Code of Conduct – Ref CEC/2011/05,06 & 08

Thank you for your letter of 13th February 2012 with the various enclosures. I have read the enclosures with interest and will comment on all of them separately but will first of all put forward my initial defence to the allegations made against me by Mrs Partridge and then support it with fact later on.

Up until October 2011 I had always declared a personal and prejudicial interest in anything to do with the Muir development but was never happy that I had a prejudicial interest but was unable to get any guidance from the Chairman or the Clerk so I just went with the flow as this was what I was as told to do by the Chairman and a senior member of the council. Just before the 15th October 2011, when I left the country for 2 months, I had sight of a letter from Ben Hayward in which he indicated that my neighbours and I at the top end of Wyche Lane were not sent notices of the planning application as we did not adjoin the piece of land referred to in the application. I took no notice of it at that time as I was leaving for New Zealand the following day (See appendix 1 for actual letter) and really did not have time to worry about such things as this. When I returned to the UK just before the meeting on 13th December 2011 I read the letter in detail and decided that at that meeting I would not declare an interest as the application did not affect me and that I would test the “temperature of the water” with the Chairman. With hind sight I probably should have declared a personal interest but felt very strongly that I would not gain or lose from the application being agreed so did not have a prejudicial interest. As far as I was aware this was accepted by the Chairman but quite obviously she decided not to ask me for any details of why I had changed my position and did not even have the common courtesy to tell me that she was making a formal complaint against me and in so doing giving doubt to my integrity which I am not prepared to leave unanswered as you will see from the following comments.

To make things clear to you I will refer to the various points by using the same reference numbers as those used by Mrs Partridge and then the appendix numbers I have added to the various documents you sent which are now returned.

Comments on Mrs Partridge's report

Please note: The numbers beside each comment relates to the paragraph number on Mrs Partridge's report.

Comment 2: In my preamble I referred to a letter from Ben Hayward, Planning Officer at East Cheshire (See Appendix 1) in which he said that as certain properties did not share a boundary with the application site they were not sent a notice of the planning application and if you look at the plan (Appendix 2) you will see that this is quite correct and that the houses belonging to myself, Dennis Burrows and Jill Waits are not near the "ransom" strip. In fact I can only see the land in question if I lean, dangerously, out of one bedroom window on the first floor of my house and when the big silver birch tree at the bottom of my garden is in full leaf we cannot see it at all!! I will show you this when you visit me on 5th March. In fact when we bought the house in 2001 we were well aware that the land behind us was prime development land and as a result installed a fast growing hedge which could be allowed to go to 12/15 feet and some trees which will completely shield us from the land behind our property. I admit that my wife and I objected to the planning application to increase the size of the access to Mr McCormack's field but this was because Muir were trying to change the decision made by the Inspector at the appeal following the first Muir application and we felt very strongly that this was incorrect and made a mockery of the process around planning appeals.

Comment 3: Why is Mr Walton referred to in this report as he is not a councillor and never has been and I know for a fact that the statement made by Mrs Partridge that Jill Waits is a member of the local Conservative Association is totally incorrect and what relevance it has to my case I am at a loss to understand. Perhaps Mrs Partridge should check her facts before making wild accusations against people. Also why should a Parish Councillor not speak to their local Borough Councillor? After all we are all supposed to be representing the same people and sometimes need to speak to other councillors to clarify some points.

Comment 4: The final paragraph of this section does not set out my real objection that the access now being sought does not comply with the Inspector's decision on access to the field behind the Muir development, and you will see later on that my wife and I are not opposed to the building of the new houses and I resent Mrs Partridge's claim that we are opposed to them. Again perhaps she should get her facts right before making wild claims such as this.

Comment 6: Again why am I commented upon alongside James Walton who is not a councillor and can do exactly as he pleases without fear of being reported for code of conduct breaches such as the one against me.

Comment 8: Here she reiterates that I did not declare an interest in the Muir discussion but can I please refer you to the Haywood letter (Appendix 1) and my explanation above in comment 2 which sets out my position on this point. Perhaps if Mrs Partridge had the common courtesy to approach me this whole matter could have been sorted out without resorting to the heavy handed approach she decided to take. The saying that taking a sledgehammer to crack a nut comes to mind!!

What relevance Dennis Burrows' comments have to my case is beyond me and I do not recall seeing these comments in the minutes which were approved after they were supposed to be said. Surely comments such as this should have been reported in the minutes presented for approval at the next meeting which I have been unable to find? If they were said outside the meeting between two people these are personal comments between those people and should not be reported, and is extremely worrying if notes are taken of all outside conversations in order to keep records on people. The suspicion of selective reporting comes to mind. I very strongly suspect that Mrs Partridge is trying to "tar me with the same brush" and suggesting that these comments would also apply to me but if she is going to make personal notes of what everyone says in a meeting or outside it why did she not make a note of the fact that these comments came about because I suggested that a good use of the "ransom" strip would be to rent it out for allotments and this was why Mr Burrows responded in this way. Also Mrs Partridge has failed to note that my wife wrote to the Clerk asking that they support allotments in the village so if she is trying to suggest that I have the same feelings as Dennis Burrows then I will require a full apology from her for once again trying to damage my reputation.

Comment 9: I think that the relevant word here is "potentially" as this shows that Jill Waits was not sure if she had a prejudicial interest and I was of the same mind but stupidly did not query it at the time.

Please note that the Julie Openshaw e-mail referred to in this section was not attached to the papers you sent me so I cannot comment on it.

Comment 10: Quite rightly Mrs Partridge states that I queried the situation regarding the declaration of interests when I joined the council in January 2011 but was not happy with it but went along with the rest because that is what we were told we should do by the Chairman, Clerk and a senior member of the council. With hindsight, which is a marvellous thing, I should have expressed my doubts at this point instead of just going along with everybody else, three of whom have now challenged the advice and has forced the resignation of two of us namely myself and Sally Beard.

Comments 11 & 12: I have already covered my thoughts on my declaration of a prejudicial interest so will not cover it again but will refer to it in my summing up at the end.

Comment 13: Why have I been included in this suggested "setting up of a separate sub committee"? I admit that I received an e-mail from Mr McCormack suggesting just this but I ignored it and did not reply. Where is Mrs Partridge's evidence that I was party to this suggestion? Again she needs to get her facts right before making such statements.

Comment 15: I think this section is very significant because Mrs Partridge admits that Caroline Ellwood was unable to give any firm advice on the problem but that Julie Openshaw just pointed out various points from the Code of Conduct. Who was it helpful to as quoted by Mrs Partridge? It was not helpful to me as I have not seen it unless it was included in the plethora of e-mails that were going around at the time which I completely ignored as I did not want to get embroiled in the nonsense that

was going on at the time. An explanation of the Code of Conduct would not have been of any use to me in any case as I required a firm decision on my particular situation which was not going to be forthcoming from Caroline Ellwood and was not subsequently forthcoming from the Chairman and the Clerk.

Comment 16: I readily admit that on the 13th December 2011 I was asked by the chairman if I needed to declare an interest in the discussion on the Muir development which was to be discussed later in the meeting. I along with the two other councillors decided to rely on the letter I had seen from Ben Haywood at Cheshire East (See appendix 1) and not declare an interest. I hasten to add that this was my decision and I cannot comment on why the others did not declare an interest and you must ask them for their reasons. When the Muir subject came up we were told of the reasons behind the decisions which had been made by the Muir Sub Committee and it was at this stage that I learnt of some pertinent facts which had been denied us prior to this and as a result I was unable to vote on the proposal and as far as I am aware I abstained. However the inclusion of the three Wyche Lane councillors did not change the vote originally taken by the sub committee. The disclosure of the facts surrounding the dispute between Muir and Mr McCormack had been kept from us prior to this meeting and nothing had ever appeared on the notes taken at the sub committee meetings about this problem. This strengthened my thoughts that the sub committee set up by the Chairman had been devious and had denied a number of Councillors the true facts behind the case. As I mentioned before I perhaps should have declared a personal interest because the land was in the vicinity of my house but I still am unsure about having a prejudicial interest for reasons I will state later.

Comment 17: What happened at the original Muir application is not relevant and was a decision taken by the then chairman, as has the current chairman taken a decision now, but it is also interesting to note that the senior member of the council who has insisted on declarations of interest at this time did not do so at the original discussions. Why have things changed so dramatically? I am at a loss to see what relevance the relationship between the then clerk and the chairman has on the situation today. I suspect that it is a round about way of bringing criticism on those two people who cannot now answer for themselves.

I very strongly reject Mrs Partridge's suggestion that the opposition came solely from the councillors living in Wyche Lane at the time of the original application. Can I please refer you to Appendix 3 where you will see that at a special meeting of the Council on 23rd July 2007 I proposed that the development should go ahead but it did not even attract a seconder!!! Not even from the councillors living in other parts of the village. It was voted that the council should oppose the application with just me voting against it. I resent Mrs Partridge's suggestion that I was opposed to the scheme and again she should get her facts right before making such far reaching remarks. What annoyed me at the time was that no one on the council had done any research into the application and made such inane remarks as "We had hundreds of objections last time so nothing has changed this time". This could not be further from the truth as on the first application there were over 300 objections but on the second there just 24 and if you look at the attached analysis (Appendix 4) some of these 24 came from very few houses!! Not mine I hasten to add!! This document was presented to the council but they chose to ignore it. Obviously fact does not matter which unfortunately we are now seeing again. I know that what happened in 2007 is not

relevant to what is happening now but I felt you needed to know where I stand on the Muir issue and as Mrs Partridge decided to bring it up I felt that I needed to provide you with the true facts of the case. Unfortunately she has yet again made an assumption that is not true in fact.

Personal Comments made by Mrs Partridge about me

Again I will use her reference numbers for ease of clarity.

Comment 1: She has at least acknowledged that I am in favour of the development and I have helped a number of young people to submit applications to a previous affordable homes development and they know that I would have helped them again once the Muir houses are built. Something the action of the Chairman has now denied them as I will not be able to provide them with the advice they deserve from a councillor and cannot be done as a private individual.

Comment 2: I have already admitted that I was probably too hasty in not declaring a private interest but Mrs Partridge at least agrees that there might be a case for me not declaring a prejudicial interest by using the word “probably”. The use of this word shows that she is unsure of her ground on this point and it is a terrible shame that she did not see fit to approach the matter in a more adult and sensible manner, but that is all history now.

Comment 3: I think that Mrs Partridge has once again got her facts wrong as she has stated that I voted in favour of the decision to support the planning application but in fact because of the information provided to us that night, which had been denied us previously, presented me with a quandary as on the one hand I was disputing the challenge to the Inspector’s report and on the other I now learnt that the problems were really down to the dispute between Muir and Mr McCormack, and as far as I can recall I abstained and did not vote one way or the other. If this information had been forthcoming at an earlier stage I do not think we would be wasting our time justifying actions I took that night. Unfortunately we still do not know everything that was said at these sub committee meetings but that is of no concern to me now. Mrs Partridge also states that I asked her what a prejudicial interest was but I should point out that this was said in the Nags Head pub after the meeting had finished, so it is another case of her making notes of personal conversations outside the formal meeting. A worrying trait!!

Your attachments

I do not intend to spend much time on the various attachments you sent me as most of it is covered in the preceeding comments but I will comment on one (Appendix 5). Why was Brian Dykes the only person apart from the chairman consulted in the e-mail dated 24th August? I have to ask how many other things he has been consulted on during this affair seeing that he is the one who now insists that I declare an interest but at the original application he did not. I do not intend to pursue this point but would like you to take note of my concern.

The other point was made on the e-mail dated 7th August from Mrs Partridge to me where she says, and I quote “As you know the Parish Council has been advised that

the neighbouring Councillors have a personal and prejudicial interest in relation to the land and do not therefore take part in the meeting on this item” (See Appendix 6) How does this sit with her comment in her main report where she says in comment 16 and I again quote “She (Caroline Ellwood) replied that she was unable to give detailed guidance but Julie Openshaw provided a **copy** of the explanatory guidance on the code of conduct which is most helpful” If they could not provide detailed guidance how did Mrs Partridge and the Clerk come to the conclusion that I should be excluded from the meeting and had a prejudicial interest in the debate. It suggests a loose interpretation of the general guidance which has now resulted in me being accused of something I do not believe I am guilty of.

If you read the e-mail dated 29th March 2011 from me to Mrs Partridge (Appendix 7) I think you will realise that I am passionate about this development going ahead and am prepared to criticise other councillors even if they are my neighbour. I do not do things behind a person’s back unlike Mrs Partridge in her treatment of my colleagues and myself with this underhanded way of raising a complaint against us.

Summary

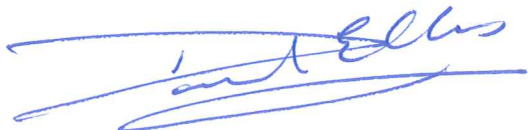
I am sorry that I have gone to such lengths to get my point across but as I was denied the opportunity of putting forward my defence to the assessment committee I felt that I needed to make sure that you were appraised of all the facts and not just what you have been told by Mrs Partridge. I have to say that I think the procedure is totally unfair on the accused and is causing me considerable embarrassment in the village as people are asking me what I have done to have to resign from the council. This is a small village and, as they say, there is no smoke without fire and the speculation on what I might or might not have done is extremely damaging to my reputation, something which I hold dear, but is obviously of little concern to Mrs Partridge.

I have already admitted that perhaps I should have declared a personal interest but I am still confused about declaring a prejudicial interest. As I understand it a prejudicial interest should be declared if you are likely to have a monetary gain or loss from the subject being discussed. If this is the case how can I be accused of worrying about my monetary interests if I bought my house in the full knowledge that development would take place at the rear of our property at some future date and I took steps to alleviate any problem this might cause. Also would I promote the development of the Muir houses, **as I did on my own in 2007**, if I was concerned about any monetary loss I might suffer. I think not. Another point you need to consider is my suggestion to turn the ransom strip into allotments. Again would I have done this if I was worried about myself? Further more would I have taken on my neighbour for trying to delay the development by making very silly objections such as nesting birds.

I am also enclosing a copy of my resignation letter and an e-mail I sent to Mrs Partridge concerning this complaint where you will see that I have known her for many years and have always respected her judgement and decision making in our professional and personal lives. Unfortunately the action she has now taken against me is not worthy of her and I really do not understand why she has adopted this high handed attitude to something that could have been sorted out amicably and not cost Bunbury Parish Council two councillors who actually work for the local residents.

I trust that you will read all of my comments and I will answer any of your queries on the points I have raised when we meet on the 5th March. In the meantime if you require any further information do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Ellis', with a long horizontal flourish extending to the left.

David Ellis FCIB

APPENDIX 1



James Walton
Edinbane Cottage,
Wyche Lane
Bunbury
Cheshire
CW6 9PS

PLANNING AND POLICY

TOWN HALL, MACCLESFIELD,
CHESHIRE, SK10 1DP

E- MAIL: Planning@cheshireeast.gov.uk

TEL: 01270 537502

FAX: 01270 537496

Your ref: _____ Our-ref: 11/2423N _____ DATE: 13TH OCTOBER 2011

Dear Mr. Walton

RE: PROPOSED VARIATION OF CONDITIONS AT WYCHE LANE BUNBURY

Thank you for your letter dated 17th August 2011, I am sorry for the delay in my response.

As I explained in my letter of 18th August 2011, the Town and Country Planning (Development Management) Procedure Order, requires Local Planning Authorities to either post a notice on the site or to write to properties which share a boundary with the site. In this case we have written to adjoining properties and placed a notice on the site. You were not contacted directly by letter initially because your property does not share a boundary with the application site.

I then wrote again on 12th August 2011 to those on the initial consultation list to advise them that application 11/2575N had been withdrawn and that the description of development in respect of application 11/2423N had been amended slightly. For this reason the letter dated 12th August 2011 states that "I recently wrote to you". However, I asked our support team to extend the circulation of this letter to those who had not been directly consulted originally but who had subsequently made representations on the applications, which included yourself.

I acknowledge that we should have removed the phrase "I recently wrote to you" from the letters to individuals who were not recipients of the original letter and I apologise for this and any confusion which it may have caused.

I hope that you will have by now received my letter of 18th August 2011, which I trust answers the questions posed in your letter of 4th August 2011.

I trust that the above is of assistance.

Yours sincerely

B. Haywood

Ben Haywood
Principal Planning Officer

APPENDIX 2

1. MUIR AFFORDABLE HOUSING LAND (REVISED NOT CONSIDERED)

2. MUIR LAND OFFERED TO PARISH COUNCIL

3. ACCESSWAY SUBJECT OF PLANNING APPLICATION 11/2423N

4. LAND OWNED BY COUNCIL (REVISED NOT CONSIDERED)

5. OCCUPIED BY COUNCIL (REVISED NOT CONSIDERED)

6. OCCUPIED BY COUNCIL SURROUND (REVISED NOT CONSIDERED)

7. OWNED BY COUNCIL (REVISED NOT CONSIDERED)

8. OWNED BY COUNCIL (REVISED NOT CONSIDERED)

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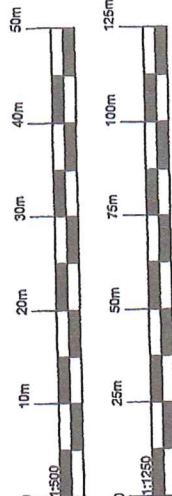
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33. OWNED BY COUNCIL (REVISED NOT CONSIDERED)



LOCATION PLAN - Scale 1:1250



Revisions : 12 May 2011. Notes of surfaces finish of access to rear land amended.

DWG. No:	1101/204	REV:	A
DWG. TITLE:	Revised access arrangements to accommodation land. PROPOSED BLOCK PLAN & LOCATION PLAN (Option B)		
CLIENT/PROJECT:	DEVELOPMENT AT WYCHE LANE, BUNBURY FOR MUIR GROUP HOUSING ASSOCIATION		
SCALE:	1/500, 1/1250 @ A3	DATE:	May 2011
DWG. SHEET:	SQ	DWG. No:	A
All dimensions to be checked on site and not scaled from this drawing. All errors and omissions to be reported to the Architect. © Copyright			

BLOCK PLAN - Scale 1:500

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Special meeting of the Bunbury Parish Council held on Monday 23rd July in the Trinity Methodist Chapel, Bunbury at 7.30pm.

Present: Mr D Burrows (Chairman), Mr D Ellis, Mr E Lord, Mr N Parker, Mrs T Welch, Mr I Whittingham.

Apologies for absence had been received from Mr B Dykes.

Members' Declaration of Interests: Mr D Burrows declared an interest in item 5 (Planning Application PO7/O867).

Minutes of the public meeting held on Thursday 19th July 2007. Mr Lord proposed these be adopted, seconded by Mr Ellis, all agreeing.

Planning Application: PO7/O867 10 affordable homes in Wyche Lane.. Mr Ellis said that, following the public meeting, the Clerk had received an emailed confirmation from David Robinson that the 4-week rule would be extended to 12 weeks. He had also been pleased to hear that residents of Bunbury would be given priority in allocation and that two councillors would sit on the allocation panel. Mr Parker said that Mr Ellis's intervention at the meeting had been timely and achieved the assurances the Council had been seeking. The Chairman said that the feedback he had received was that it was the right scheme in the wrong place. Mr Ellis said that he felt that a majority at the meeting had been in favour of the proposal, but those who might benefit most from the scheme had failed to attend. The Chairman said that he was pleased that a number of young people had attended and made their presence felt. He believed that our Borough Councillor should ask for a site visit by the Control and Development Committee. Mr Parker said that, although the points on which he had objected originally had been addressed in the Muir proposal, he was still very concerned that the development would close the natural gap between Higher and Lower Bunbury. He felt, like others, that it was a good scheme in the wrong place. Mr Ellis said that, in his view, Muir had done everything required to address the Inspector's reasons for refusal of the appeal. Mr Whittingham expressed concern at there being only sixteen parking spaces on the development. If these were full, visitors would have to park on Wyche Lane close to two bends on a very narrow road. Mr Ellis said that the number of parking spaces had been based on historical data for this kind of development. Mr Lord said that the 2011 plan assumes that road parking is acceptable. Mr Parker said that it would not be acceptable in Wyche Lane, and that a further four or five spaces were needed. Mr Burrows said that problems had occurred on the Castlemead development, with vehicles being parked in Queen Street, sometimes blocking access.

Mr Ellis said that the proposal has to be voted upon. Mr Parker said that he was reasonably happy to support it, but he certainly had reservations. Mr Burrows said that the village had objected strongly to the previous proposal and, so far as he could see, this new application was no different. Mr Ellis said that the Council was making a judgement based on the attitudes of the meeting which had constituted only 6% of the population. Mr Parker said that the credibility of the Parish Council was in question should it support the application after the

previous rejection. Mr Ellis said that one of the main changes from the previous proposal was that the access to the rear field would effectively be blocked. Mr Lord pointed out that all the reasons listed in the previous rejection by Crewe and Nantwich still applied. Mr Parker said that a decision was required in order to guide the Clerk in his reply. He thought that a site visit by the Development and Control Committee was essential.

Mr Ellis then proposed that the Council support the application subject to a site visit and the provision of an additional four or five parking spaces. There was no seconder for this proposal.

Mr Lord said that according to the adopted Statement of Community Involvement a developer must consult with the local community before submitting a planning application if the development was considered significant. He believed that ten houses in Bunbury could be considered significant. Mr Ellis said that Muir had attempted to consult with the Parish Council back in March. Mr Lord said that Wulvern was to make a proposal in September for a more suitable site. Mr Ellis said that this was extremely unlikely as the landowner involved had heard nothing from Wulvern since July 2006. Mr Parker said he felt it very unlikely that the Wulvern proposal would reach the planning office by the suggested date.

Mr Parker then proposed that the Council object to the scheme on the grounds that 1) it would close the gap between the two parts of the village, 2) there was inadequate parking, 3) the narrowness of the lane was critical, 4) the removal of the hedge was a significant threat to wildlife, 5) the fact that the land was some three metres higher than that of the lane and houses opposite and would overshadow those properties. Mr Whittingham seconded the proposal. This was carried with one abstention (Mr D Burrows) and one objection (Mr D Ellis). Councillor Dykes is to be asked to arrange a site visit if possible.

Pavilion extension: Questions were asked as to whether an extension was worthwhile. Mr Parker said that a disability toilet was absolutely essential. With the extension built, modifications could then be made to the existing structure to improve changing accommodation. Mr Ellis proposed that the Playing Fields Committee be allowed to submit a planning application. This was seconded by Mr Parker, all agreeing.

There being no other business, the meeting closed at 8.25pm.

Signed

Date

APPENDIX 4

MUIR HOUSING ASSOCIATION

At the special meeting held on 23rd July 2007 it was stated that at the previous application "the village had objected strongly to the application and that this new application was no different in the strength of objections". It was also stated that the "credibility of the PC would be compromised if they went against the feeling of the village this time".

The previous application attracted just over 300 written objections but this new application attracted just 24 written objections.

Details behind the objections for the new application:

- 1) 2 letters from the Parish Council
- 2) 10 letters from Wyche Lane from 9 houses.
- 3) 4 letters from Wyche Road from 3 houses
- 4) 4 letters from the remainder of the village from 2 houses
- 5) 3 letters from Bunbury Residents Association and professional advisor to Gary??????????????
- 6) 1 letter from an unknown source.
- 7) In total just 14 houses from the whole village objected to the new scheme.
- 8) Of the 12 cottages backing immediately on to the field on which the development will take place just 3 objected (Gary, Dennis & Dennis's neighbour)

In contrast to the objections to each application there was one supporting letter last time from the then owners of the land but this time there was a petition sent in from the village which was signed by 65 residents of Bunbury recommending that the development went ahead.

This data shows that the vote taken at the last meeting, when it was recommended by a majority of 4 to 1 with 1 abstention, to refuse the application was made on the false premise that the objections were as strong this time as they were for the first application and that the village as a whole would expect the PC to vote against it. This came about because insufficient research had been done to gauge the mood of the villagers before this important decision was taken.

The record needs to be set straight as the information reported from the meeting of the 23rd July was incorrect.

APPENDIX 5

Yours sincerely
David

From: Partridges <ep.partridges@btinternet.com>
To: Bunbury Parish <Bunburyclerk@aol.com>; Brian Dykes <b.dykes@btinternet.com>
Sent: Wednesday, 24 August, 2011 19:37:51
Subject: Re: Rumours abound around Wyche Lane

Hi Alex

I think we should just put a large notice in the notice board but I am happy to go with a circulation if you and Brian think it will help.

Regards

Erica

----- Original Message -----

From: Bunbury Parish

To: Erica Partridge ; Brian Dykes

Sent: Wednesday, August 24, 2011 7:15 PM

Subject: Rumours abound around Wyche Lane

Hi Both

David Ellis rang me this morning to say that he had been stopped by 3 people in the village who wanted to know about the 50 houses being built at Wyche Lane. He says that he thinks he knows where this rumour originates.

He wondered if the Parish Council should put out a notice correcting the rumour.

My personal view is that if people don't read the minutes on the board, they probably won't read a correction either but I'm happy to put something up if required.

What do you think? Do you think we need to go as far as a mail drop in the village basically saying the same thing as the minutes? We could do this easily if I printed them and then councillors helped to deliver.

Regards

Alex

----- Original Message -----

From: David Ellis

To: 'Partridges'

Cc: 'Bunbury Parish'

Sent: Sunday, August 07, 2011 2:25 PM

Subject: RE: Land at the rear of Muir Development

Dear Erica

Thanks for your reply but as I said I do not have to agree with the policy but will abide by it. I am quite aware of Gary's position but there is no need for the access to be up to adoption standard as agricultural use does not require this but I suspect that Gary is working to another agenda of which we are not party. You need not worry about me on Tuesday as I will leave the meeting as soon as the application comes up. It is strange, however, that none of us were excluded from the meetings when the very first application came up back in 2004/5 but that is now history but the present situation certainly does not sit very easily with our neighbours who are asking us to do something about the

APPENDIX 6

problem. As there will be a lack of objections to the application because so many people are away and is likely to be decided by delegated powers what the few of us have to say will probably have no effect on the outcome and we will just have to wait for the application for a very large housing estate in the middle of the village. It would appear from the actual application details that the planning officers are very cosy with Muir and have been advising them on how to present the application. If the information is released to my neighbour under the Freedom of Information Act and we find that there has been some collusion between the various parties then there will be real trouble!

Regards
David

From: Partridges [mailto:ep.partridges@btinternet.com]
Sent: 07 August 2011 13:23
To: David Ellis
Cc: Alex Stubbs
Subject: Land at the rear of Muir Development

Dear David

Firstly - please can you use my btinternet address above and delete the old tiscali one.

Thank you for letting me know what is happening generally and about the planning application, Alex has been away and hopefully she will have received the notice to include for discussion at Tuesdays meeting.

As you know the Parish Council has been advised that the neighbouring Councillors have a personal and prejudicial interest in relation to this land and do not therefore take part in the meeting on this item. This also means, as you say in your third paragraph, that the neighbouring Parish Councillors may deal with matters in relation to this land as private individuals, not Parish Councillors. This means that there is no need to review your position as a councillor on this matter as the declaration of interest already does that for you. I hope and trust that this allays your concerns on this point. I have copied Alex in so she can confirm also.

I am not sure if you are aware that the land owned by Mr and Mrs McCormack includes an obligation on Muir to construct an access across the land being offered to the Parish Council connecting the McCormacks land to the Muir development and this access can be up to 'adoption standard'. This is a publicly available document which can be obtained from the Land Registry and you may wish to obtain a copy for information.

Regards

Erica

Dear Erica

Just by chance today I found out that Muir has submitted a planning application to vary the decision reached by the Inspector at the last appeal. I and none of my neighbours have received notices of this application and understand that just three houses have been notified, one of which was Gary. The first we heard of it was when the notice appeared yesterday or the day before but as I was away I did not see it until today.

The application is seeking to change the access to the land at the rear from agricultural to a main stream road which would enable any future owner to apply for planning to develop it and they are claiming that the current approval is a constraint on future owners of the land, both the land to be transferred to the PC and Gary's land. As with the previous application it has been submitted at the height of the summer when most people are away and with a very short timescale in which to object (the 24th August 2011).

APPENDIX 7

----- Original Message -----

From: Partridges

To: David Ellis

Cc: Alex Stubbs

Sent: Wednesday, March 30, 2011 5:55 PM

Subject: Muir

Hi David

Please note - my new email address is ep.partridges@btinternet.com

Thanks - a note about hedge cutting was handed over last night by Jill from Dennis. I commented that it said Muir needed to check the hedge for nesting before starting work which sparked a disagreement on whether the nests were new or old. I agree it is all a bit silly and rather desperate. We will need to see if Muir enter on the site this week - Gary was threatening private injunctions if they do without having planning consent for his access road, which is up to him. Alex and I think we may have to arrange a tripartite meeting about fixing the location of the road but we need to see if Muir are actually progressing first.

Regards

Erica

----- Original Message -----

From: David Ellis

To: 'Erica Partridge'

Cc: 'Bunbury Parish'

Sent: Tuesday, March 29, 2011 12:21 PM

Subject: Muir

Hi Erica

It looks as if one or two members of the PC are gunning for Muir again and I have just about had enough of this stupid behaviour and have today sent a note to Dennis to this effect (see below). They are now trying to delay the start of the project by claiming that they should not be demolishing hedges at this time of the year. I think you will find my note self explanatory!! I am sending you this as I will not be at the meeting but wanted you to be aware of my very strong thoughts and that I will not let it go when I get to the next meeting. Whilst writing should we have put up a notice inviting new applicants to apply to come on to the PC? We would probably not get any one but I would love to see a vote for members to see what the locals actually think of us!!!

Hi Dennis

Here is the information you asked for but I have to say that I believe that we should now let Muir get on with it as no one seems to be thinking of the youngsters needs in the village. I speak to the youngsters all of the time and am helping a number of them with their applications as they do not believe that the Parish Council gives one jot for their needs and that we are just playing games with their future. We have lost the planning application and we now have to make the most of what we have got and do as much as we can for the youngsters of our village and not antagonise Muir any more than we have to. We waste so much time talking about ways in which to stop Muir and in my opinion this has to stop and we must put our local families first and not our own personal feelings. Unfortunately I will not be at the next meeting but I will fight any attempt to delay this project as best I can so that I can look the youngsters straight in the eye and say that at least one member of the PC is sticking up for them.

Sorry to be as strong as this about it but we need to speak our mind sometimes and I will certainly let the applicants know why there are delays in providing them with affordable housing.

Regards

David

David Ellis

From: David Ellis [dellis7@tiscali.co.uk]
Sent: 28 January 2012 10:59
To: 'Partridges'
Subject: FW: Code of Conduct complaint (CEC/2011/08)

Dear Erica

Here is the letter I have sent to Cheshire East in response to your complaint to them. I am probably not supposed to contact you in these circumstances but I would not like you to think that I am doing anything behind your back. A courtesy you did not afford me.

Regards
David

From: David Ellis [mailto:dellis7@tiscali.co.uk]
Sent: 28 January 2012 10:54
To: 'diane.moulson@cheshireeast.gov.uk'
Subject: Code of Conduct complaint (CEC/2011/08)

Dear M/s Moulson

Re: Code of Conduct Complaint (CEC/2011/08)

Thank you for your recent letter advising me of the complaint made against me by Erica Partridge and of the sub-committee meeting that took place on Tuesday 24th January 2012. Unfortunately I did not receive your letter until the 26th January, two full days after the committee met. Also you did not provide me with any details of what I had done to offend Mrs Partridge apart from the paragraphs of the Code of Conduct which is of no use whatsoever as it does not relate to any specific action/event.

The late notice of the meeting and the fact that I could not put forward my side of the case is totally unsatisfactory and undemocratic and I am at a loss to see how the sub-committee can consider the complaint without hearing my side of the story.

As you did not provide me with sufficient details for me to address your complaint I contacted Mrs Partridge and asked her what I was supposed to have done which encouraged her to make this complaint against me. She told me that it was all to do with the Parish Council meeting of the 13th December 2011 when three members of the council decided that they did not need to declare an interest in the discussion on the Muir housing development in Wyche Lane, Bunbury. Unfortunately she did not contact us after the meeting to ascertain our reasons for not declaring an interest on this occasion but just decided to take this heavy handed action of making a specific complaint against me. She further told me that she needed to obtain guidance from you on the declaration of interests by the Wyche Lane members and this was the only way she could do it, which I think is a strange way to go about things..

The land over which the discussion took place does not affect me or my property and I cannot see it apart from one small window at the back of the house and it was on this premise that I decided on this occasion that I did not need to declare an interest. With hindsight I, perhaps, should have declared a personal interest but I have always been confused as to whether or not I have a prejudicial interest, and is something I have always challenged, but I have not received any clear guidance to clarify this point for me.

As the meeting took place four days ago I would have thought that you would have advised me of the outcome by now and not leave me to worry even longer over this most unsatisfactory affair.

I look forward to hearing from you.

Yours sincerely
David Ellis

16/02/2012

Ivy Cottage, Wyche Lane, Bunbury, Cheshire CW6 9PS
Telephone/Fax: 01829 261898 E Mail: dellis7@tiscali.co.uk

3rd February 2012

Mrs Erica Partridge
Holly Mount
Whitchurch Road
Bunbury
CW6 9SX

Dear Erica

It is with the deepest regret that I am writing this letter to inform you of my immediate resignation from Bunbury Parish Council.

Since you decided to take the completely unexpected action of lodging a complaint against me I have had many sleepless nights and a considerable amount of worry because of your slur on my integrity. Throughout my personal and working life I have never done anything dishonest or been accused of any dishonest act, something you have now personally set out to destroy.

Regardless of the outcome of the investigation by the Standards Committee at East Cheshire I will find it impossible to work with someone I will constantly be in fear of reporting me to the powers to be for something I say or do. It makes for a completely unworkable relationship.

I will be advising East Cheshire of my decision but ask them to continue with their investigation so that your unfounded accusations can be decided one way or the other.

As I said to you on the telephone I have found your action not worthy of the Erica Partridge I have known and respected for some considerable time both in our working and private lives.

I wish you well in the future.

Yours sincerely

David Ellis

Ivy Cottage, Wyche Lane, Bunbury, Cheshire CW6 9PS
Telephone/Fax: 01829 261898 E Mail: dellis7@tiscali.co.uk

7th August 2011

The Head of Planning
East Cheshire Council
Town Hall
Macclesfield
Cheshire
SK10 1DP

Dear Sir

Re: Planning application 11/2575N

I am writing to object to the above mentioned planning application which has just come to my notice through the posting of a notice at the site. Also I would like to know why my neighbours and myself, who are all affected by this application, have not received a personal notice advising us of Muir's intention to vary the original planning permission.

As you will be aware this development site was the subject of an appeal by Muir Group Housing Association on 4th & 5th April 2006 to contest the fact that the then council had refused their application to build 10 dwellings on the land off Wyche Lane, Bunbury. The Inspector appointed by the First Secretary of State, Mrs K. A. Ellison BA(Hons), MPhil, MRTPI, dismissed the appeal in her decision on 6th June 2006. In this dismissal she stated that and I quote: "At the enquiry, it was confirmed that the Appellant no longer intended to pursue a second phase. Even so, the layout of the scheme to the rear of the houses, in terms of access road and parking areas, still reflects that earlier intention with the result that the access to the rear field has been designed to a higher standard than would be normally be associated with a simple field access." To me this suggests that she was not happy with Muir's stated intention not to try to develop the remainder of the field. Mrs Ellison went on to say in paragraph 14 of her report that "The fact that the layout of this scheme would be compatible with further residential development is therefore of great concern to me since it would make the land to the rear more attractive to potential developers."

In her conclusions Mrs Ellison states in paragraph 23 that "I have found that, even though the level of need is so compelling as to outweigh in principle the harm arising from development of this site, the proposal as it stands is unacceptable because the layout of the rear access road and parking areas. On this ground alone, the appeal fails."

As I understand it permission was eventually given for the building of 10 affordable homes but the access to the rear of the houses should be restricted to agricultural access only so that the field could be dealt with on an agricultural basis and a strip of land immediately behind the houses should be gifted/sold to Bunbury Parish Council

for the benefit of the local community. I understand that negotiations on this transfer of land are currently ongoing.

Now, quite out of the blue, Muir have returned to you seeking to vary the original planning application by stating in their application that "Condition 17 as constituted may have the effect of constraining unnecessarily some future possible lawful use (whether or not planning permission is necessary) of the land edged blue and the adjacent accommodation land to which it in turn gives access". The land edged blue refers to the land to be passed to the Parish Council.

From the application it can be seen that it was submitted after a meeting was held between Muir and your Ben Hayward and Bob Vass on 26th May 2011 where the principle of the application was agreed. Since when have your staff been given permission to go along with over ruling the concerns of one of Her majesty's Inspectors? If they now have this sort of power what is the point of having The Planning Inspectorate?

I need to ask the question as to why the access road now needs to be brought up to highway standard and widened to 4.5metres as the land being passed to the Parish Council will not be developed and the agricultural land to the rear of that only needs an access wide enough to accommodate agricultural vehicles and the standard of the road surface needs only be hardcore with a top dressing with no services. If you read again the comments from the Inspector you will see that this was just the fear she expressed.

I object most strongly to this application and to the way it has been handled by your planning staff and insist that it should not be considered by your officers under delegated powers but passed to the full Planning Committee for consideration.

I trust that you will take notice of this objection.

Yours sincerely

David Ellis

Ivy Cottage, Wyche Lane, Bunbury, Cheshire CW6 9PS

7th August 2011

The Head of Planning
East Cheshire Council
Town Hall
Macclesfield
Cheshire
SK10 1DP



Dear Sir

Re: Planning application 11/2423N

I am writing to object to the above planning application.

This land was subject to an appeal by Muir Housing Association against the refusal of its original application to build 10 houses on the land in Wyche Lane, Bunbury. The Inspector appointed by the First Secretary of State, was Mrs K. A. Ellison BNA (Hons), MPhil, MRTPI who concluded in paragraph 23 of her decision as follows:- "I have found that, even though the level of need is so compelling as to outweigh in principle the harm arising from development of this site, the proposal as it stands is unacceptable because of the layout of the rear access road and parking areas. On this ground alone, the appeal fails." (Paragraphs 13 and 14 give Mrs Ellison's reasoning about this).

Permission was subsequently given to build the 10 houses when a new application was made but access to the rear of the houses had to be restricted to agricultural access only and the piece of land which was no longer to be developed by Muir would be gifted to The Bunbury Parish Council.

What is the point of having Planning Inspectorates and spending enormous amounts of state money to hold such enquiries, then to have the Council be able to overturn the Inspector's decision by agreeing to an application to have conditions overturned. Your officers Bob Vass and Ben Hayward, who apparently had a meeting with Muir on 26th May 2011, agreed in theory the principle of the new application.

Is it of some considerable coincidence, or perhaps planned, that this application has, yet again, been submitted during the summer holidays when so many people are away on holiday?

I reiterate that I strongly object to this new application to enlarge the entrance to the land which is to be given to the Bunbury Parish Council to 4.5 metres, and also to provide a road and drainage to the land at the rear as it is totally unnecessary, this being all agricultural land which the Inspector deemed should not be built on in the future. I request that this planning application should be passed to the full Planning Committee for a decision and not dealt with under delegated powers.

Yours faithfully

Margaret Ellis


Cheshire East Council**Complaint against Parish Councillors Sally Beard, David Ellis, Gary McCormack & Jill Waits****Statement of David William Ellis, Ivy Cottage, Wyche Lane, Bunbury, Cheshire CW6 9PS**

1. I have already submitted to the Investigator a response to the documents sent with the complaint by Mrs Partridge. This statement is supplemental to that response.
2. I am a retired bank director and I jointly own Ivy Cottage with my wife. I was previously on Bunbury Parish Council between 2004 and 2007 and I agreed to be co-opted in January 2011. Following the making of this complaint, I resigned from the Parish Council on 03 February 2012 but have since received a letter from the Council saying that it hoped I might consider rejoining the Parish Council at some point in the future!! During both periods of office as a Parish Councillor I did not undertake any training on the Code of Conduct.
3. When I was co-opted in January 2011 the Clerk, Alex Stubbs, spoke to me and told me of the advice that she had received from Cheshire East although I was not shown a copy of that until I received an email from Alex on 26 September 2011. I didn't agree with the advice that Alex was giving me as I did not believe that I had a prejudicial interest, but I went with the flow and that was the course being taken by the other Parish Councillors who live on Wyche Lane. I followed that course until the September meeting but I was beginning to feel pressured and was uneasy that there was no information coming out of the Muir Sub-Committee and residents in the village did not understand why I had nothing that I could tell them. I missed the October and November meetings as I was in New Zealand. I did access my emails but I deleted or parked most of them as it seemed to be that many of them were becoming very vitriolic. When I returned, shortly before the meeting on 13 December 2011, I had not considered the email of 04 December and the second advice from Mrs Openshaw, although it could have been in my inbox before I deleted it for the reason quoted above.
4. I attended the meeting on 13 December 2011 and, having read the letter from Ben Hayward, Cheshire East Planning, decided that I would not declare an interest as it appeared from the letter that the planning application did not affect me. I recognise now, as I say in the response, that I should have declared a personal interest, but I do not believe that I had a prejudicial interest. Mrs Partridge did ask whether we wished to make any declaration of interest and for the reasons stated I said 'no'. The minutes indicate that myself and Mrs Beard 'raised concerns that the wider access way might open up the field behind for housing'. I do not recall either of us making that specific statement. I know that I felt strongly about the proposed change of the access road, as is set out in my letter of objection. I also felt strongly about the need for affordable housing to be built in the village and the 10 houses proposed by Muir are a necessary part of that provision. I support the youngsters of the village wanting to live in the village when they become adults. I do recall making comment to the effect that 'do you know what Gary has in mind for that field?' A reasonable question in my view seeing that my previous exclusion from the Muir discussions and the poor reporting of those meetings prevented me from obtaining this information, which would have helped in answering the questions from the local

community. I do not know why I did not challenge the accuracy of the minutes at the January 2012 meeting.

5. When we bought Ivy Cottage in 2001, our solicitor warned us that the land to the rear of our property was prime development land, so we expected development proposals to come forward at some stage, and took appropriate measures to shield the house from the field by planting trees and a hedge. I understand that responsibility for the making of a declaration of interest rests with the Councillor and that it was for me to make that decision. However, it did seem to me that there was a lot of uncertainty about the matter involving all the Councillors who live on Wyche Lane and there was no clear advice coming from the Chairman or the Clerk. I also understand now that the approach adopted by Ben Hayward for neighbour consultation is different and more restrictive than the interpretation of the existence of a personal interest. As I have already said I recognise that I should have declared a personal interest when any matter concerning the whole of this field was being considered.
6. As to my interest being prejudicial, I appreciate there is a test in paragraph 10(1) of the Code and that it is from the point of view of a member of the public with full knowledge of the facts. The view that I take is this. In relation to the Muir development land and the adjoining strip of land over which the Parish Council is considering taking an option, my property does not adjoin either of those two pieces of land and they are not visible from my property in normal circumstances. Any reasonable development of either piece of land will, in my opinion, have no effect on my financial position. I therefore do not have a prejudicial interest. In relation to the land to the rear of my property, as I have said, we took into account the likelihood of that land being developed at some stage when we bought the property and I believe, and have always believed that there was no financial interest and, therefore, no prejudicial interest. I understand that some may take a different view.
7. In relation to the meeting on 13 December 2011, the issue being debated was the Parish Council's response to a planning application amending the access way over the Muir land and the option strip to the field at the rear of my property. If I said what is written in the minutes then I accept that a member of the public would regard my interest as being prejudicial. As I have already said, I do not recall saying the words set out in the minute but the contribution that I recall making may be seen by some to make a similar point.

This statement is a fair summary of an interview conducted by the Investigator on 05 March 2012.



Date 12/3/12

mikedudfield

From: "Sally Beard" <sallypbeard@fsmail.net>
To: <mikedudfield@btopenworld.com>
Sent: 20 February 2012 12:36
Attach: Letter of PC resignation 040112.docx
Subject: RE: Code of Conduct complaint 1 of 6

Dear Mr Dudfield,

I am writing in response to your letter of 13 February and your request for suitable dates and times to be interviewed. You are welcome to come to my home and the dates/times when I am available during the period specified are: 8th at 11.00am or 9th at 11.30am.

After being away, I have only just been able to read your letter today, so I haven't really had chance to absorb it all yet. I have sorted out some emails and attachments to send to you for information on my behalf. Apart from the emails below + attachment, I will be forwarding 5 additional emails (a couple with attachments) and will label them accordingly. Please can you confirm receipt of all.

I will have another look at everything and in particular the Comments relating to myself which at first glance look unfamiliar in part. Presume these will be up for discussion when we meet?

Regards

Sally Beard

Message Received: Feb 13 2012, 02:21 PM

From: "Sally Beard"

To: "Erica Partridge"

Cc:

Subject: Parish Council resignation

Dear Erica,

Over the last few days I have spent some time considering my position and have come to the conclusion that I do wish to resign and for you to accept my resignation letter which you received last week.

Not only are my personal circumstances quite complicated at the moment but I feel I would find it difficult to fully participate in Council meetings because of this 'code of conduct complaint' against me. Regretfully, this has now led me to believe that I no longer want to be a Councillor.

Please pass on my regrets to Brian and let him know of my simultaneous resignation of the post as Secretary to the Playing Fields Committee.

Regards

Sally

20/02/2012

Message Received: Feb 04 2012, 04:15 PM
From: "Sally Beard"
To: "Erica Partridge"
Cc:
Subject: Parish Council resignation

Dear Erica,

Please find attached my letter of resignation, which I have also posted to you.

From my point of view, I very much hope that the 'code of conduct complaint' is resolved without cause for further concern and hope that you find a 'willing volunteer' to replace me (however, I can't help but think that there should be some sort of 'health warning!').

Please also pass on my regrets to Brian and let him know of my simultaneous resignation of the post as Secretary to the Playing Fields Committee.

Good luck in what I'm sure will be a difficult time.

Regards

Sally

Lexington
Wyche Lane
Bunbury
Tarporley
Cheshire
CW6 9PD

4th February 2012

Mrs Erica Partridge
Holly Mount
Whitchurch Road
Bunbury
Tarporley
Cheshire
CW6 9SX

via post and email

Dear Erica

PARISH COUNCIL RESIGNATION

With everything that is going on at the moment in relation to my personal life and with the added extra pressure of a unexpected code of conduct complaint made against me, I have not unsurprisingly come to the conclusion that I no longer wish to offer my services as a Parish Councillor and therefore am resigning with immediate effect.

As you know, I have recently had an operation, both of my parents are seriously ill, and I also have to juggle the needs of a young family and work, so my time is precious.

After several years of loyal service as a Parish Councillor and never having had an official complaint made against me personally or at work, I am genuinely disappointed and upset by this. By your actions in this matter, I now regret the day I offered to be a Parish Councillor.

Finally, as a person who always takes an active interest in her local community, I am sure that I will continue to be involved and appreciated in other areas.

Yours sincerely

Sally Beard

From: MOULSON, Diane
Sent: 03 February 2012 14:55
To: 'sallypbeard@fsmail.net'
Subject: RE: Code of Conduct Complaint

Response sent on behalf of Caroline Elwood

Dear Cllr Beard

Thank you for your e mail.

The procedure for dealing with complaints under the Model Code of Conduct is that the written complaint is referred to a specially convened meeting of the Assessment sub committee, which is a sub-committee of the Council's Standards Committee . The sub-committee considers whether or not to refer the matter for formal investigation based upon the details as set out in the written complaint. Neither the complainant nor the subject member is present at the meeting which consists solely of the Committee members, committee clerk and professional adviser. No other evidence is submitted or considered at this initial stage.

I can confirm that the complaint was considered on 24 January 2012 and has been referred for investigation. A formal letter setting out the reasons for the decision will be sent to you separately. The Investigator will be in touch and full details of the complaint will be provided at that stage. You will obviously have the opportunity to make full representations to the investigator who will subsequently provide a written report setting out his/her findings which will be considered further by members of the sub-committee.

I am enclosing the link to the Council's website which sets out guidance notes on the process to making a formal complaint which I hope will be helpful to you.

http://www.cheshireeast.gov.uk/council_and_democracy/your_council/councillor_conduct/making_a_complaint.aspx

Yours Sincerely

Caroline Elwood

Borough Solicitor/Monitoring Officer

Cheshire East Council

Westfield's

Middlewich Road

Sandbach

CW11 1HZ

Tel: 01270 685882

caroline.elwood@cheshireeast.gov.uk

Diane Moulson
Snr Member Development Officer
Cheshire East Council
Democratic Services, Ground Floor, Westfields
Middlewich Road, Sandbach CW11 1HZ
Email: diane.moulson@cheshireeast.gov.uk
Tel: 01270 686476

-----Original Message-----

From: Sally Beard [mailto:sallypbeard@fsmail.net]

Sent: 30 January 2012 14:34

To: MOULSON, Diane

Subject: Code of Conduct Complaint

Diane,

Please find attached my letter in response to your letter regarding the Code of Conduct Complaint raised by Mrs Erica Partridge of Bunbury Parish Council.

I look forward to your reply.

Regards

Sally Beard

Lexington
Wyche Lane
Bunbury
Tarporley
Cheshire
CW6 9PD

29th January 2012

Ms Diane Moulson
Legal and Democratic Services
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

via post and email

Dear Ms Moulson

CODE OF CONDUCT COMPLAINT (CEC/2011/08)

I am writing in reply to your letter of 20 January 2012 which arrived on 26 January about a complaint raised by Councillor Erica Partridge of Bunbury Parish Council. Firstly, it was totally unexpected and secondly it seems poor timing to advise about an Assessment Sub-Committee meeting to assess the complaint when it has already taken place without me able to provide any information from my side. I presume I will get this chance? However, I do feel I would like to offer some information now.

I contacted Mrs Partridge to query the situation and understood that this complaint arose from my response at the Parish Council meeting on 13 December in connection with Muir and the strip of land behind the proposed development on Wyche Lane.

On 19 October, following questions raised by other Councillors which caused me to doubt my previous declaration of personal and prejudicial interest in these matters, I did, as Mrs Partridge instructed, raised a detailed written request of clarification from the Monitoring Officer, via Mrs Stubbs the Parish Clerk. I was expecting a written reply offering some advice regarding the specific clarification I was seeking.

On 4 December, the Clerk circulated to all Councillors some links to general code of conduct advice from Julie Openshaw. Mrs Partridge stated to me a couple of days ago that the Clerk had also received advice from Caroline Ellwood that she was unable to provide any specific advice as her primary role was to deal with complaints. I never received this information, whenever it was sent to the Clerk, nor a reply to my request for clarification; consequently I thought my specific request was still outstanding. Unfortunately, with a number of serious personal events going during the last couple of months, I did not follow up my outstanding query to the Monitoring Officer with the Clerk.

\cont'd

There followed the meeting on 13 December. I arrived late to the meeting and was not there for the introduction and member's declaration of interests. In fact, according to Mrs Partridge I arrived just before the Muir item occurred in the agenda. I was immediately asked if following the further advice from the council I had any questions to raise and if I wished to declare any interests in relation to the agenda. I know I hesitated and said 'no' but in truth I felt thrown in to something without a proper chance to understand what I was doing. There was no explanation of what saying 'no' at this point was going to mean and obviously in retrospect I should have reiterated my outstanding query, which I now understand would have meant the item would have been deferred to the next meeting. I would have expected some warning about the outcome of my actions at this stage or even afterwards from Mrs Partridge, but nothing was said or written.

I have an exemplary conduct record in my life and would never wish to put myself in a position where a complaint is made for this reason. I do not believe that I have ever not declared a personal interest but my position only altered recently, where I sought specific advice because I was unclear as to whether it was also 'prejudicial'. If, in receipt of clarification to convince me that I had made an error of judgement, then I would make the 'personal and 'prejudicial' declaration and hopefully would avoid making myself a candidate for a 'code of conduct complaint'!

This whole situation leads me to conclude that a 'complaint' needs to be raised before any queries regarding personal/specific situations can be answered? Certainly, when I very recently discovered that Caroline Ellwood had stated that she was unable to provide any specific advice as her primary role was to deal with complaints then this would appear to confirm this? May be you can clarify this for me?

I look forward to your reply.

Yours sincerely

Sally Beard

mikedudfield

From: "Sally Beard" <sallypbeard@fsmail.net>
To: "mikedudfield" <mikedudfield@btopenworld.com>
Sent: 20 February 2012 13:14
Subject: Code of Conduct Beard 3 of 6

Message Received: Jan 27 2012, 01:00 PM

From: "Sally Beard"

To: "Erica Partridge"

Cc:

Subject: Re: December PC minutes and letter submitted for meeting

Erica,

I have now taken a look at the December minutes and have a number of issues to query. I wasn't at the January meeting to query these due to my operation and have no record of the minutes and agenda being sent to my computer before the meeting (which isn't unusual - as Alex knows she has had to send documents separately on previous occasions). I did offer my apologies for the meeting to Alex.

Firstly, as you may remember, I was late to the December meeting (as usual since I have to drop off my daughter around the same time) and do not think I was there for the members declarations of interest.

Secondly, in relation to Muir Matters, I think the minutes are inaccurate. I don't believe the Councillors living on Wyche Lane withdrew their declarations of interest - as I understood it we retained personal interest but didn't believe it was 'prejudicial interest' which affects participation in the meeting. Although I did not raise any questions at the time, I did believe that questions regarding my personal situation were still being considered by the Monitoring Officer at Cheshire East. I had seen the general advice but since I had not received a personal written response from Alex, that she had received from Caroline Elwood at Cheshire East, I was still believing I would be getting proper specific advice.

Thirdly, I have a query with respect to the correspondence received at the meeting. Please see below for something that I submitted with Alex in time for the meeting which does not appear on the letters received. Has Mrs Goodfellow been responded to? Obviously, I had left the meeting before this was discussed but Alex had assured me it would be included.

I look forward to your reply.

Sally

Message Received: Dec 12 2011, 08:11 PM

From: "Sally Beard"

To: "BunburyClerk"

Cc:

Subject: Re: Letter for inclusion with Parish Council meeting

Hello Alex,

20/02/2012

Thanks for the info. I have attached the letter and its reference for you to include in correspondence.

Kind regards

Sally

Message Received: Dec 12 2011, 06:15 PM
From: "BunburyClerk"
To: sallypbeard@fsmail.net
Cc:
Subject: Re: Further applicants for clerks position

Hi Sally, can you email out your shortlist to Erica please as she is created a 'matrix' of preferences.

Yes, if you scan the letter in, I'll include it in correspondence.

See you tomorrow.

Alex

----- Original Message -----

From: [Sally Beard](#)

To: [BunburyClerk](#)

Sent: Monday, December 12, 2011 2:49 PM

Subject: RE: Further applicants for clerks position

Hello Alex,

Thanks for all the cvs. I have to leave tomorrow's meeting at 8.55pm so I guess I'll miss the discussion on this. I have been looking through and made my own shortlist which I can bring with me or email if you prefer.

Also, I have been sent a letter from one of the residents of School Lane regarding the 'speeding article' in a recent edition of the Parish Link. The lady in question has been in contact with neighbours and the school and wants to send in letters to the council about this. She has come to me to bring it up at the Parish Council meeting. I would raise it in AOB but again don't think I'll still be there. Can I scan the letter for you to include?

Kind regards

Sally

mikedudfield

From: "Sally Beard" <sallypbeard@fsmail.net>
To: "mikedudfield" <mikedudfield@btopenworld.com>
Sent: 20 February 2012 13:30
Subject: Code of Conduct Beard 5 of 6

Message Received: Oct 19 2011, 07:25 PM

From: bunburyclerk@aol.com
To: sallypbeard@fsmail.net
Cc: ep.partridges@btinternet.com
Subject: Re: Can't spell sorry

Hi Sally,

Have asked the Monitoring for some advice and will let you know her response.

Regards
Alex

-----Original Message-----

From: Sally Beard
To: Bunbury Parish
CC: Erica Partridge
Sent: Wed, 19 Oct 2011 16:59
Subject: Can't spell sorry

Alex,
Just reread my email to you and had to laugh at my spelling of prejudicial. Sorry it came out so wrong - what's 'preducial'?? Any way hope you can help clarify things for me.
Kind regards
Sally

mikedudfield

From: "Sally Beard" <sallypbeard@fsmail.net>
 To: "mikedudfield" <mikedudfield@btopenworld.com>
 Sent: 20 February 2012 13:25
 Subject: Code of Conduct Beard 4 of 6

Message Received: Jan 26 2012, 05:41 PM
 From: "Sally Beard"
 To: "Erica Partridge"
 Cc:
 Subject: Code of Conduct and Monitoring Officer info request

Erica,

I have been somewhat concerned to receive a letter from Cheshire East Council reference a code of conduct complaint made against me. Back on Oct 19 I sent you and Alex an email (see below) requesting specific clarification with the Monitoring Officer regarding my specific situation. As yet I have not received a reply, only general references to code of conduct info. I presume this was forwarded to the Monitoring Officer as you requested in your email and I in mine. Please can you investigate as a matter of urgency and send me a copy of the request to the Monitoring Officer.

Regards

Sally

Message Received: Oct 19 2011, 04:52 PM
 From: "Sally Beard"
 To: "Bunbury Parish"
 Cc: "Erica Partridge"
 Subject: Re: Openshaw letter Fw: Members' Interests query

Alex,

Erica has helped me with respect to her reply to this email. I just need to clarify whether the advice regarding 'member D' (ie. myself) in the scenario is right. Julie Openshaw's advice was that I would have a 'prejudicial interest' because my property has a view of the development. Whilst I will have a view of the development, with what is going to be built I do not think that I will retain a view of the strip of 'gifted' land in question. I would consider that the Muir development has a potential affect on us but not the strip of land behind. Please can you clarify this with the Monitoring Officer.

Many thanks

Sally

PS. I presume that I don't need to produce the existing Muir plans of the development in relation to my house. We're still uncertain about the final height levels of the proposed development but based on what I've seen with the land being higher than ours by some degree, once houses are built there is no way we will be viewing the strip of land behind.

Message Received: Oct 18 2011, 09:19 PM
 From: "Partridges"
 To: "jill waits", sallypbeard@fsmail.net
 Cc: "Brian Dykes", "Bunbury Parish", "Dave Ellis", "Dennis Burrows", "Eric Lord", "GMC", "Mandy Jones", "Nick Parker"
 Subject: Re: Openshaw letter Fw: Members' Interests query

Jill and Sally and other Parish Councillors

I am afraid the messages below serve to further obscure the sequence of events and reality in this matter.

It has been explained to all Parish Councillors that they must consider their own position and exclude themselves as necessary in accordance with the Code of Conduct. The decision is not and has not been made by myself, Alex or Julie Openshaw. The purpose of the Julie Openshaw's message is to advise on the correct interpretation of the Code of Conduct to assist Councillors and nothing else.

There has never been any question of anybody imposing a ruling on any of the Parish Councillors who have applied the advice and excluded themselves.

The solution is quite straightforward and always has been. A polite request to Alex on this basis is all that is necessary.

If Parish Councillors are concerned that they may not have interpreted the Code correctly in relation to their own situation they should each contact Alex with their queries and request that she forward them to Julie Openshaw with a plan indicating the various plots of land. Julie Openshaw can then provide further advice and, as before, the Councillors can take a decision in the light of that advice.

As each Parish Councillor has to consider their own position there may be other factors they need to take into account (as I cannot presume that the advice covers all circumstances relevant to each person).

Erica

----- Original Message -----

From: jill.waits

To: sallypbeard@fsmail.net

Cc: [Brian Dykes](#) ; [Bunbury Parish](#) ; [Dave Ellis](#) ; [Dennis Burrows](#) ; [Eric Lord](#) ; [Erica Partridge](#) ; [GMC](#) ; [Mandy Jones](#) ; [Nick Parker](#)

Sent: Tuesday, October 18, 2011 9:40 AM

Subject: Re: Openshaw letter Fw: Members' Interests query

Hi Sally,

Many thanks for your email below and letting me know what you recall as I wasn't at the December 2010 meeting.

I note what you say about Alex circulating the Julie Openshaw email in September 2011. However, it seems to have been important enough to have been discussed before/or at the beginning of the December meeting, but not to be minuted or circulated then, which I see as a mistake, I presume on Alex's part. Why should those who were there be party to information about anything, and those who were not there excluded from that information? This seems particularly wrong when the 3 people who could not attend the meeting were significantly affected by the contents of Julie Openshaw's email. Whatever the subject I can't see how this can be regarded as a correct way to behave I'm afraid. I see Alex's job as keeping us all equally informed about anything that is the business of the PC and it seems that on this point she failed to do that. I don't see it as the responsibility of fellow members to keep those not present informed of what happens.

As to your comments on declaring an interest, I have to admit that I was the person who raised this in the first place when I was a new member and anxious, as I hope I continue to be, to do the right thing. I now believe that it was not necessary for the 4 of us from Wyche Lane (but not always Gary) to exclude ourselves from all discussions on all matters relating to Muir Homes and the land behind the development. I think there has been either inaccurate advice from Julie Openshaw, inadequate or incorrect briefing to her, or an incorrect interpretation of the information she gave (which was inaccurate itself in part when one has a proper understanding of the geography of the area and individual ownerships) which has led to half the PC not being party to a number of decisions that 4 or 5 members should not have been excluded from. So, I agree with you that we should have been party to more decisions that we have regarding all or part of the Muir issues.

I am grateful to you for coming forward with information and your views on the matter and look forward to hearing from other councillors.

Regards,

Jill

From: Sally Beard

To: Jill Waits

Cc: [Brian Dykes](#) ; [Bunbury Parish](#) ; [Dave Ellis](#) ; [Dennis Burrows](#) ; [Eric Lord](#) ; [Erica Partridge](#) ; [GMC](#) ; [Mandy Jones](#) ; [Nick Parker](#) ; [Sally Beard](#)

Sent: Monday, 17 October 2011, 21:21

Subject: Openshaw letter Fw: Members' Interests query

Hello Jill,

I remember seeing this letter and have just checked my emails, so for your info please see below. Alex sent out an email on the 26 Sep to all Parish Councillors which if you scroll down does include the letter from Julie Openshaw.

You can also see who all the recipients were.

I have not passed this onto anyone except yourselves in this email. I was at the December 2010 meeting where the letter and its recommendations were discussed and from this I did declare 'an interest' as it seemed that I needed to. I, then along with the others on Wyche Lane have subsequently declared 'an interest' at meetings ever since. I am now uncertain as to whether we should have?

Kind regards

Sally

Message Received: Sep 26 2011, 12:34 PM

From: "Bunbury Parish"

To: "Mandy Jones" , "Brian Dykes" , "Gary McCormack" , "Erica Partridge" , "David Ellis" , "Jill Waits" , "Nick Parker" , "Eric Lord" , sallypbeard@fsmail.net, dennis.burrows@btopenworld.com

Cc:

Subject: Fw: Members' Interests query

Dear All

There seems to have been various queries about declaring personal and prejudicial interests regarding the Wyche Lane to be sold to the PC and there does seem to be some confusion. Please find below the letter received from Julie Openshaw (Deputy Monitoring Officer for CE) dated November 22nd 2010. Please also find attached a copy of Bunbury Parish Council's Code of Conduct.

We discussed the letter at our December 2010 meeting and following that discussion various members of the PC declared personal and prejudicial interests. Please take the time to revisit the letter. If you believe that your circumstances have changed then please do let me know.

Regards

Alex

----- Original Message -----

From: OPENSHAW_Julie

To: bunburyclerk@aol.com

Sent: Monday, November 22, 2010 3:39 PM

Subject: Members' Interests query

Good afternoon Alex

Further to our telephone conversation earlier, I understand that you and some of your members seek advice on what if any interests they need to declare in relation to a plot of land which has been offered for sale to Bunbury Parish Council. I will refer to this as the "for sale land".

You explained that the for sale land abuts a second strip of land which has planning permission for development, and it is the developer that has offered the for sale land to the Parish Council.

You also explained that one member (A), who owns a third strip of land which abuts the other side of the "for sale" land has already declared a personal and prejudicial interest and has absented himself from any consideration of whether the land should be purchased, but three other members are potentially affected because of the positioning of their gardens. "B" has a garden abutting the "for sale" land, "C" has a garden abutting the land owned by the councillor who has already declared an interest, and "D" has a garden which allows a view of where the development would be. Each of them owns their home and has registered it as such in the register of interests.

My view is that due to their proximity to the for sale land, and the possible effect arising from that on the values, or desirability, of their homes, B C and D all have personal interests in the decision whether the Parish Council should purchase the land, because a decision on whether or not the PC should buy it could reasonably be regarded as affecting their well-being or financial positions to a greater extent than the majority of council tax payers ratepayers or inhabitants of the locality.

Unless they can raise some other consideration which might merit further consideration (I haven't seen a plan), they appear to have a prejudicial

interest as well, because of the same considerations in terms of proximity and effect on financial position, which suggest that the proper conclusion is that "a member of the public with knowledge of the relevant facts would reasonably regard [the interest] as so significant that it is likely to prejudice your judgment of the public interest".

I gather there are 10 members of the Council, with a quorum of 4, so unless other members have prejudicial interests to declare for some other reason, you should be quorate to make the decision. If circumstances arise where interests are such that getting a quorum would be impossible, the Borough Council's Standards Committee does have power to consider, and if appropriate, grant, applications for dispensations to allow members to speak and vote where they have a prejudicial interest, but only where either more than 50% of members who would be entitled to vote being prohibited from doing so, or where the number of members that are prohibited from voting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced. As these situations are relatively rare, so are applications for dispensations. It does not sound as though the first criterion would be met; without knowing the political persuasion of the members involved, and the remainder, it's unclear if the second would apply, but you might want to consider that.

I hope this assists.

Kind regards

Julie Openshaw
Legal Team Manager (Places, Regulatory and Compliance) (Deputy Monitoring Officer)
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
CW11 51HZ
01270 685846)

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Cheshire East Council**Complaint against Parish Councillors Sally Beard, David Ellis, Gary McCormack & Jill Waits****Statement of Sally Beard, Lexington, Wyche Lane, Bunbury, Cheshire CW6 9PS**

1. I was co-opted on to Bunbury Parish Council in 2006 and remained a Parish Councillor until my resignation on 04 February 2012. During that time I had no training on the Code of Conduct. I am a joint owner of Lexington.
2. Until December 2010, I made no declaration of interest in respect of any matter concerning the field opposite my property and the proposed Muir development and the option land being considered by the Parish Council. I do not think that I had a full understanding of the interest provisions at that time and, as no-one else was making any declarations in respect of these matters, it did not occur to me that I should. At the meeting those present were shown a copy of an email dated 18 November 2010 from Cheshire East's Deputy Monitoring Officer although the copies were then collected in. Following sight of this email offering relatively 'specific' advice to some of the affected Councillors I made the decision that I should declare a personal and prejudicial interest in the proposed Muir development. I did so at the meeting on 14 December 2010 and each meeting that I attended up to and including July 2011. Paragraph 12 of Erica Partridge's introduction says I was present at the meeting on 09 August 2011 but that is not true - the minutes show that I sent an apology.
3. At the September 2011 Parish Council no-one declared any interests and I had left before some correspondence referring to Muir was raised. Just prior to the meeting Gary McCormack had contacted me and others from Wyche Lane about forming another Parish Council Sub Committee to 'protect our interest'. I think this was because we were not seeing any minutes of the Muir sub-committee so were being effectively excluded and not informed about what was happening regarding the strip of land behind the Muir development. I did not act on this but then started to look more carefully at my personal and prejudicial interest in this situation.
4. On 26 September 2011 Alex Stubbs had circulated the Openshaw email as she said that there had been various queries about interests in Wyche Lane and there seems to be some confusion. At the 11 October Parish Council meeting, in the declarations of interest, I was a member who would 'decide to review the correspondence and then decide if interest should be declared'. There was some correspondence regarding the planning application 11/2423N but again I had left the meeting long before this so was not involved. On 17 October I sent an email to Jill Waits stating that I was uncertain whether I should have been declaring an interest and I recalled to her my account of what happened at the meeting in December 2010. Jill replied that she believed it was now not necessary for all the Wyche Lane Councillors, apart from Gary McCormack, to exclude ourselves from all discussions on all matters relating to Muir and the land behind the development. Jill also stated that she thought the advice was inaccurate as Julie Openshaw had been inadequately or incorrectly briefed. On 18 October Erica Partridge sent an email by way of explanation following which, on 19 October, I emailed Alex Stubbs asking her to clarify my position with regard to the option strip with the Monitoring Officer.
5. At the 08 November meeting no-one declared an interest as all Muir matters were deferred pending advice which had been sought from Cheshire East. At this time I

assumed that this advice would include the request in my email of 19 October. On 04 December I received the second Openshaw advice but this didn't specifically answer my query and I still thought at that time, that I would be getting a further specific response. At the 13 December meeting I was late arriving at the meeting and, therefore, had not been aware of what had happened earlier, particularly under 'declarations of interest'. The Council was about to discuss Muir matters and Erica asked me specifically whether I was making any declaration of interest. I hesitated. In hindsight I should have said that I did not know as I was awaiting a specific response to my query, and, in my mind, I wasn't decided. I didn't wish to hold up the meeting and said 'no'. My gut feeling was that I had a personal and prejudicial interest in the Muir development site but regarding the strip of land behind, which was what I thought was being discussed, I was uncertain about that and thought my interest may not be prejudicial. However, I was hoping to get some clarification. I realise now that I should have raised this again at the meeting, but I wasn't aware at the time that I was making such an 'error' of judgement. The meeting discussed the planning application for the amendment of the access way to the option strip and the other field which had first been considered at the August meeting when I was away. I did state that I was concerned at the width of the road from the development into the option strip and the field beyond because it didn't seem to make sense - I couldn't understand the need for it. Erica in note 3 of her comments on me says that I voted against the application because of the risk of further housing development which would directly impact on my home. I do not recall saying that but I certainly said that the road was too wide. I voted against mainly because I thought the width and surface of the proposed access way was totally inappropriate for the field. 4.5m wide is wider than much of Wyche Lane and it leads off a small proposed development into a field. I am disappointed the minutes didn't reflect this. I never saw the minutes, or was able to query them until after the January meeting and the start of this complaint. My additional thoughts at the time were that the wider access way could mean that the field behind the strip of land could potentially be opened up for future housing which would impact on all of Wyche Lane and the Village through increased traffic. Since then I have wondered about whether 4.5m access between 2 houses with no pavements would be a suitable access point to further housing and think probably not so if possible would withdraw my comment relating to the potential risk of opening up the field behind for further development.

6. With regard to point 2 in Erica's 'comments', I did not consider planning application 11/2423N because I was away a lot during August, which is also why I wasn't at the August Parish Council Meeting. I didn't look at it until much later in September. My home is located opposite to the entrance to the Muir housing site but when the houses are built I would have no view of the strip of field behind. I have absolutely no recollection of stating in a Parish Council meeting that 'further information on Muir's funding for the houses was needed for the Wyche Lane residents to further their plans'. There are no minutes that mention this. I may have asked about funding in the past but can't recall a specific situation but would never have said 'for the Wyche Lane residents to further their plans' - it doesn't make sense to me. I'm certainly not actively planning anything! I can only think this must be some reference back to the period 2004-2007 when a large proportion of the village were against the housing development on this 'rural exceptions' site and the original application was refused, went to appeal and was refused again and finally succeeded after several amendments, conditions, strip of land offer etc later. There have been a lot of issues in reaching a Section 106 agreement and in early 2010 a variation to this was proposed changing the houses into all rental, instead of a mixture of shared ownership and rental. Cllr Jones, the Cheshire East ward Councillor, stated at the September 2011 meeting that there were no grant monies available for shared ownership housing at the

time, so this would seem to have implications for funding.

7. I first saw the minutes for the December meeting after the meeting on 10 January 2012 and after an operation. I sent an email on 27 January to Erica querying certain aspects of the minutes and I have handed a copy of this email to the Investigator. I have never had any response to the request in my email of 19 October 2011.
8. The Investigator has gone through the interest provisions in the Code. From his explanation I understand that I have always had a personal interest in all matters affecting the proposed development, the option strip and the field, and that, depending on the matter being discussed, there will have been a number of occasions when I would have had a prejudicial interest also. It is unfortunate that those Councillors living in Wyche Lane did not have more information and advice and they would then have had a better understanding of the interest provisions and none of this would have arisen.

This statement is a fair summary of an interview conducted by the Investigator on 08 March 2012.



Date 20/3/12

**MINUTES OF A MEETING OF BUNBURY PARISH COUNCIL held at the Bunbury Village Hall on
Tuesday 13th December 2011.**

Present: Cllrs. E.Partridge (Chairman), S. Beard, B. Dykes, D.Ellis, Mandy Jones,
G.McCormack, E.Lord, N.Parker, J Waits

In Attendance: A. Stubbs – Clerk
Members of the public – Michael Thomas

The Chairman welcomed the members of the public.

11.12.01 Apologies for Absence

Apologies were received from Cllr. Michael Jones of Cheshire East.

11.12.02 Members Declarations of Interest

Cllr McCormack declared a personal and prejudicial interest in relation to the Parish Council strip of land behind the Muir development and planning application 11/2423N.

Cllr. Lord declared a personal interest in the tree felling review and footpath 14.

11.12.03 Minutes

Cllr. Lord proposed that the burglary discussed at the last meeting be added to the agenda. There were no seconders for this proposal and it was confirmed that the burglary would be discussed at the Police Cluster meeting.

Cllr. McCormack objected to comments in the minutes regarding the resignation of the clerk and Cllr. Waits proposed that Cllr. Dykes and the Chairman's remarks be removed from the minutes. There were no seconders to this proposal.

Cllr. Waits then proposed that the members of the council that had caused the resignation of the clerk be named in the minutes. There were no seconders to this proposal.

Resolved: that the minutes of the meeting held on 8th November 2011, be agreed and signed as a correct record. All agreed with 2 abstentions.

Cllr. McCormack raised the number of emails received by Parish Councillors and wondered if further filtering could be done by the clerk. After discussion, it was agreed that the current level of filtering would continue.

11.12.04 Matters Arising

Queens Diamond Jubilee

The Playing Field Committee proposed an 'It's a Knockout' competition to take place at the same time as the 'Big Lunch' and had provisionally booked an organiser. A deposit is required as soon as possible. This was discussed and councillors felt that more information was required before the Council could commit to the proposal.

Proposed: Cllr. Partridge proposed that the Parish Council support the principal of a joint event. This was seconded by Cllr. Dykes and all agreed.

Tree Felling Review

Cllr. Lord as tree warden is still awaiting the report from the tree officer at Cheshire East Council.

Dog Bin on School Lane

Mr & Mrs Barrett have been written to for suggestions of the new site of the dog bin and we are awaiting their response.

United Utilities Land on Bowes Gate Road

United Utilities have confirmed that they own no land on Bowes Gate Road and it is now suspected to be Environment Agency Land. The clerk was given permission to do a land registry search to find the owner.

Footpath 14

With Cllr. McCormack.

Resignation of Councillor Burrows/Casual Vacancy

The commemorative scroll is in progress.

Notice has now been received from Cheshire East that an election for the casual vacancy has not been requested so that the Council can co-opt a new member. 2 applications have been received, from Mr. M. Thomas and Mrs. L. Potter. Mr. Thomas was asked to leave the room while the applications were discussed.

Resolved: **that** Mr. M Thomas be co-opted to the Parish Council – proposed Cllr. Ellis, seconded Cllr. Dykes and all agreed.

Mr. Thomas returned to the room and was duly co-opted.

Protocol for internal communication

With Cllr. Parker. Draft for next meeting.

Christmas Eve Carols

Resolved: **that** proceeds of the collection go to St. Lukes Hospice, Winsford. Proposed Cllr. Dykes, seconded Cllr. Partridge and all agreed.

Cllr. Dykes reminded all councillors that the Christmas tree would be taken down on January 8th at 10.30am.

Proposed New Bus Service

Cllr. Ellis volunteered to draw up the questionnaire.

Discussion of Muir Matters

Cllr. McCormack left the meeting.

This was discussed following the decisions of those Councillors living in Wyche Lane to withdraw their declarations of interests. Cllr. Waites raised a motion requesting that planning application 11/2423N be re-visited to include the formally excluded councillors.

Resolved: **that** planning application 11/2423N be discussed including the section 73 variation to alter the width and location of the accessway across the proposed parish council strip of land. Proposed Cllr. Waites, seconded Cllr. Ellis. 5 for with 3 abstentions.

Cllr. Waites put forward her view that the the wider accessway would look unsuitable across the field. Cllrs. Ellis and Beard raised concerns that the wider accessway might open up the field behind for housing.

Cllr. Partridge confirmed that the Parish Council has asked the owner of the field behind the proposed PC strip to give up the right of access but this had been refused. Muir have stated that an agricultural access of the proposed width will meet their contractual requirements with regards to the landowner.

Cllr. Partridge also read out an extract from the minutes of the August PC which set down the Parish Council reasons for their support of the planning application.

Resolved: **that** the Parish Council continue with it's original comments on planning application 11/2423N. Proposed Cllr. Partridge, seconded Cllr. Dykes, 5 for, 2 against with 1 abstention.

Cllr McCormack returned to the meeting.

11.12.05

Planning Applications

Cllr. Beard left the meeting.

11/2043N – new farm building at Bunbury Common Road
No objections – proposed Cllr. Ellis, seconded Cllr. McCormack and all agreed.

Planning decisions - None

11.12.06

Playing Fields

New Lease for Playing Fields

The draft lease has now been clarified and will be forwarded to the Playing Fields Committee shortly.

Insurance Valuation

The insurance company have reviewed the valuation and increased the insurance cover accordingly. The new premium has increased by £330. Cllr. Dykes to discuss this with the Playing Fields Committee as all of the new premium is incurred on behalf of the playing fields.

11.12.07 **Playing Fields Report**

Cllr. Dykes outlined the minutes of the last meeting and confirmed that the next meeting would take place on Wednesday 18th January at 7.30pm.

Cllr. McCormack raised that the language during the Saturday football matches was very unsuitable and Cllr. Dykes agreed to raise this with the organisers.

11.12.08 **Borough Councillor Report**

Given by Cllr. Waites in the absence of Cllr. Michael Jones. A new bus service had started between 9.30 and 2.00pm in the school term only. A meeting was to take place with the school regarding traffic calming measures.

11.12.09 **Parish Councillors Reports**

Cllr. Lord raised if there had been any action on the hedge at Brantwood. This was to be pursued by Cllr. Michael Jones. Clerk to raise with him.

Cllr. Ellis confirmed that the Bunbury Charities had given donations to the Wednesday club, the Bunbury first responders and the Tarporley Hospital League of Friends.

11.12.10 **Correspondence**

Letters received included:

A letter regarding 20mph speed limits from Mrs. L Potter. This deferred to a future meeting.

A letter regarding a summer house at Church Bank from Mrs. L Doyle. Clerk to reply that the PC had never received or given any information about this.

An note from Nick Lawford regarding the Bunbury website. This deferred to a future meeting.

An email from Mr. James Walton regarding confidential information. This noted by the Parish Council.

11.12.11 **Finance Matters**

It was resolved that:
the following cheques be signed:

PAYEE	DESCRIPTION	NET (£)	VAT (£)	TOTAL (£)
CHALC	Clerks Advert	25.00		25.00
Alex Stubbs	Repayment for clerks advert	96.60	19.32	115.92
Nick Parker	Additional Christmas tree bulbs	22.50		22.50

It was agreed that the budget meeting would take place on Wednesday 4th January at 7.30pm in the village hall. The committee would consist of Cllrs. Partridge, Dykes, Parker, Waites and the clerk.

11.12.12 **Any Other Business**

None

It was decided that the rest of the meeting be held in private. Members of the public were asked to leave and confidential minutes produced.

Signed: _____

Date: _____

Please find below message from Julie Openshaw with helpful links regarding the code of conduct, which will hopefully clarify whether or not you should declare interests in various matters.

Regards
Alex

----- Original Message -----

From: OPENSHAW, Julie
To: 'bunburyclerk@aol.com'
Cc: 'ep.partridges@btinternet.com'; ELWOOD, Caroline; MOULSON, Diane
Sent: Wednesday, November 30, 2011 2:51 PM
Subject: General Advice on Parish Council Member Declarations of Interests

Dear Alex

Further to Caroline Elwood's email to you of 22 November, indicating amongst other things that we would reissue some general advice to the Parish Council on Declarations of Interest generally, please find attached three web links.

The first is to the part of Cheshire East's Council's website showing the Code of Conduct for Members within the Constitution.

The second is to an explanatory leaflet relating to Personal and Prejudicial Interests published on behalf of the Standards Committee.

The third is to Standards for England's booklet to Members explaining the Code, which was issued in May 2007, when the Code was updated.

As Caroline said, in the light of this reminder, it will then be for members of the Parish Council to consider their individual positions if necessary. As you know, the advice I provided in November 2010 was based on the circumstances you outlined to me at the time, and was confined to the issue of the offer of land to the Parish Council, not the later planning application.

http://www.cheshireeast.gov.uk/council_and_democracy/your_council/constitution.aspx (see pp 357 - 364 for the Code)

[The Model Code of Conduct - An Explanatory Leaflet Relating to Personal and Prejudicial Interests \(PDF, 71KB\)](http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/filedownload,16126,en.pdf)
<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/filedownload,16126,en.pdf> (see Section 3 for Interests).

As regards personal and prejudicial interests, the Code provisions themselves, and their application, will generally be the same for Parish Councillors as for Borough Councillors.

I hope this is of assistance.

Kind regards

Julie Openshaw
Legal Team Manager (Places) / Deputy Monitoring Officer
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
CW11 1HZ
Tel: 01270 685846
Fax: 01270 529710

mikedudfield

From: "David Ellis" <dellis7@tiscali.co.uk>
To: "mikedudfield" <mikedudfield@btinternet.com>
Sent: 07 April 2012 13:05
Subject: RE: Bunbury PC - Investigation Report

Dear Mr Dudfield

Thank you for the copy of your report which I am currently studying and will respond in more detail once I have taken in all that you have said. My first impression is one of great disappointment that you have come to the conclusion you have indicated in your report. It appears to me that our meeting was of little or no use and you could have quite easily have come to this conclusion from the submissions sent to you by Erica Partridge and myself and saved a tremendous amount of money to the tax payer. You do not seem to have taken into account any of my submissions as to why I reached the decision on prejudicial interest and I am extremely disappointed that you have seen fit not to mention in your summary the letter from Ben Haywood as mitigating circumstances which encouraged me to come to the decision I came to at that meeting. I also see that you have failed to mention that Erica used conversations outside the meeting to justify her appalling actions in this case so obviously you decided not to take note of these comments when I made them to you. I still do not believe that I have a financial interest in anything that goes on behind my house as explained to you at some length but you have your view and I have mine.

I am also not at all happy with your statement that I cannot discuss these matters with any member of the public unless advised otherwise by East Cheshire. I have received a large number of questions as to why I am no longer on the PC and in one case I was asked if I was in trouble with the police because of something I had done wrong on the Council!!! I will make my own decision on this personal matter once everything has been concluded, although there is very little point in waiting for the decision from East Cheshire as you have already made it for them.

I will be in contact again before the 21st April.

Yours sincerely
David Ellis

From: mikedudfield [mailto:mikedudfield@btinternet.com]
Sent: 07 April 2012 10:08
To: David Ellis
Subject: Bunbury PC - Investigation Report

Dear Mr Ellis,

I have completed the draft report in relation to Sally Beard and yourself and attach a copy. Those appendices that relate to you are already in your possession apart from Mrs Partridge's statement which is also attached.

Please let me have any comments you wish to make on the draft. These should be with me by 21 April, following which I will finalise the report and send it through to Mrs Elwood.

Please note that the draft report and its appendices remain confidential until they are considered by Cheshire East's Standards Committee who will determine whether they come into the public domain.

Yours sincerely,

Mike Dudfield

mikedudfield

From: "David Ellis" <dellis7@tiscali.co.uk>
To: "mikedudfield" <mikedudfield@btinternet.com>
Sent: 07 April 2012 17:48
Subject: RE: Bunbury PC - Investigation Report

Dear Mr Dudfield

I have now had a chance to read your comments in more detail and really have nothing more to add to the e-mail I sent you earlier today. It is painfully obvious that I was tried and convicted before you even came to see me so why waste any more of my valuable time on such a trivial matter. I have much more important things to do in Bunbury where my efforts are much more appreciated without the overriding fear that I will be reported to some kangaroo court for something I say or do!! I have now closed my file and await your final report to see if you have amended it to include the comments I made earlier today.

Yours sincerely

David Ellis

From: mikedudfield [mailto:mikedudfield@btinternet.com]
Sent: 07 April 2012 10:08
To: David Ellis
Subject: Bunbury PC - Investigation Report

Dear Mr Ellis,

I have completed the draft report in relation to Sally Beard and yourself and attach a copy. Those appendices that relate to you are already in your possession apart from Mrs Partridge's statement which is also attached.

Please let me have any comments you wish to make on the draft. These should be with me by 21 April, following which I will finalise the report and send it through to Mrs Elwood.

Please note that the draft report and its appendices remain confidential until they are considered by Cheshire East's Standards Committee who will determine whether they come into the public domain.

Yours sincerely,

Mike Dudfield

mikedudfield

From: "mikedudfield" <mikedudfield@btinternet.com>
To: "David Ellis" <dellis7@tiscali.co.uk>
Sent: 10 April 2012 21:41
Subject: Bunbury PC - Investigation Report
Dear Mr Ellis,

Thank you for your two emails of 07 April. These, together with this reply will be appended to the final report which I am sending to Mrs Elwood tomorrow.

The 'executive summary' is just that - a summary of the complaint and the conclusions that I have reached. The report sets out the position of Mrs Partridge, as the complainant, and Mrs Beard and yourself, as the members the subject of the allegation. The first point you make regarding the matters you took into account are explained in paragraph 38 of the report. The second is the private conversation that you had with Mrs Partridge following the meeting on 13 December 2011. You will see that this does not feature in the report, either in support of the allegation by Mrs Partridge, or your concern that she should mention a private conversation in her complaint. That conversation has not influenced my conclusions on the application of a prejudicial interest in this case and I did not feel that it was appropriate to make reference to it. My conclusions are drawn solely on the statement that you have made and the minutes of the meeting. My conclusions are recommendations to the Standards Committee and it will be for the Committee to determine whether they accept the conclusions or, in the case of a prejudicial interest, accept your reasoning for believing that your personal interest was not prejudicial in relation to the item before the Parish Council on 13 December 2011.

With regard to confidentiality, I do not set the rules, I merely apply them. In this case I have advised you of the situation and it is for you to decide whether you wish to comply with the rules, it is nothing to do with me whether or not you do so.

As I have said above, I will be forwarding a final version of the report to Mrs Elwood tomorrow and this will be unchanged as neither Mrs Partridge nor Mrs Beard has sought any changes. Paragraph 56 will be completed to reflect the responses received and my replies to those responses. The report will be accompanied by the Appendices of which you already have details and the two additional ones, M & N, covering the responses to the draft report.

Yours sincerely

Mike Dudfield

10/04/2012

mikedudfield

From: "mikedudfield" <mikedudfield@btinternet.com>
To: <sallypbeard@fsmail.net>
Sent: 10 April 2012 21:43
Subject: Re: Bunbury PC - Investigation Report
Dear Mrs Beard,

Thank you for your response. Your points will be placed before the Committee when it considers my report.

Yours sincerely,

Mike Dudfield

----- Original Message -----

From: [Sally Beard](#)
To: [mikedudfield](#)
Sent: Tuesday, April 10, 2012 12:41 PM
Subject: RE: Bunbury PC - Investigation Report

Dear Mr Dudfield,

The only comments I wish to make are:

- To avoid further problems of this nature in future, I would suggest that guidance states that all Parish Councillors should receive mandatory code of conduct training.
- Also, I do believe, however, that apart from being given 'general' code of conduct advice, that when some more specific advice is sought that it should be given and not ignored. A brief discussion with yourself did help to clarify my position and was all I was seeking. If I had received this before in a more timely manner, I would not have made the error of judgement I did on 13 December 2011.

Yours sincerely

Sally Beard

=====

Message Received: Apr 07 2012, 10:10 AM
From: "mikedudfield"
To: sallypbeard@fsmail.net
Cc:
Subject: Bunbury PC - Investigation Report

Dear Mrs Beard,

I have completed the draft report in relation to David Ellis and yourself and attach a copy. Those appendices that relate to you are already in your possession apart from Mrs Partridge's statement which is also attached.

Please let me have any comments you wish to make on the draft. These should be with me by 21 April, following which I will finalise the report and send it through to Mrs Elwood.

Please note that the draft report and its appendices remain confidential until they are considered by Cheshire East's Standards Committee who will determine whether they come into the public domain.

Yours sincerely,

Mike Dudfield

[Draft report - Beard & Ellis.rtf (41.7 Kb)]
[Partidge p1.JPG (1159.6 Kb)]
[Partridge - Beard2.JPG (1262.3 Kb)]

10/04/2012