

**CONFIDENTIAL**

Cheshire East Council

Standards Committee Complaints CEC/2011/05 & 08

Report of an investigation by Mike Dudfield, acting as Investigating Officer,  
into allegations concerning the conduct of former Bunbury Parish Councillor Jill  
Waits

This report is submitted to the Monitoring Officer of Cheshire East Council, Caroline  
Elwood

11 April 2012

## Executive Summary

1. Allegation has been made by Mrs Alex Stubbs, who at that time was Clerk to the Bunbury Parish Council, on behalf of the then Chairman of the Parish Council, Erica Partridge, that Jill Waits may be in breach of paragraphs 5, 12(1)(a) & (c) of the Bunbury Parish Council Members' Code of Conduct in that

(1) she attended a meeting on 26 August 2011 regarding the development of land off Wyche Lane, Bunbury, in which she had previously declared a personal and prejudicial interest; and

(2) she participated in the production and circulation of letters to residents regarding a planning application affecting that development which gave rise to incorrect impressions of the application.

2. A further allegation has been made by Mrs Alex Stubbs, again on behalf of Erica Partridge, that four Councillors are in breach of various provisions of the Bunbury Parish Council Members' Code of Conduct. In relation to Jill Waits it is alleged that she failed to comply with paragraphs 3(1), 3(2)(b) & (d), 4(a), 7(1)(a) & (b), 9(1) and 12 (1) of the Code of Conduct for Bunbury Parish Council in that

(1) emails sent to the then Clerk and Mrs Partridge did not show respect to these two persons and could be regarded as constituting bullying;

(2) emails sent to the then Clerk were seeking to compromise the impartiality of the Clerk;

(3) she may have disclosed confidential information;

(4) she failed to have proper regard to advice received from the Monitoring Officer; and

(5) she failed to declare either a personal or prejudicial interest when the Council was considering the Council's consultative response to a planning application relating to an amended access way in relation to the development of land off Wyche Lane, Bunbury at a Council meeting on 13 December 2011.

3. This report deals with the first allegation and the second insofar as it relates to one of those four Councillors, Jill Waits. Mrs Waits has since resigned as a Parish Councillor, on 20 March 2012.

### In respect of the first allegation

4. I conclude that there has been **failure** by Jill Waits to comply with paragraph 12(1)(a) of the Code of Conduct for Bunbury Parish Council in that, at the meeting on 26 August 2011, Mrs Waits had a personal and prejudicial interest in the subject matter of that meeting, which was within the business of Bunbury Parish Council, did not declare that interest and remained for the duration of the meeting.
5. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 12(1)(c) of the Code of Conduct for Bunbury Parish Council in that, in her limited participation in the circulation of letters to residents regarding a

planning application affecting the development off Wyche Lane, Bunbury, she was not conducting the business of the Council or acting, claiming to act or giving the impression that she was acting as a representative of the Council when that participation took place.

6. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 5 of the Code of Conduct for Bunbury Parish Council in that, her involvement in the circulation of letters to residents regarding a planning application affecting the development off Wyche Lane, Bunbury, which gave rise to incorrect impressions of the application, and her subsequent request to the Council on 11 August 2011 to convene a public meeting to clarify the impressions that residents had, rightly or wrongly, regarding the nature of the planning application was not conduct which could reasonably be regarded as bringing her office as Councillor or the Parish Council into disrepute.

In respect of the second allegation

7. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 3(1) of the Code of Conduct for Bunbury Parish Council in that, in email correspondence to Erica Partridge during 2011, she did not fail to treat others, with respect.
8. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 3(2)(b) of the Code of Conduct for Bunbury Parish Council in that, in email correspondence to Mrs Alex Stubbs and Mrs Partridge during 2011 and her general conduct towards Mrs Stubbs and Mrs Partridge during the same period, she did not bully Mrs Stubbs and/or Mrs Partridge.
9. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 3(2)(d) of the Code of Conduct for Bunbury Parish Council in that, her conduct towards the then Parish Clerk, Mrs Stubbs, did not seek to compromise the impartiality of Mrs Stubbs.
10. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 4(a) of the Code of Conduct for Bunbury Parish Council in that, she did not breach confidentiality on 22 December 2011 when advising other Parish Councillors of the first complaint.
11. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 7(1)(a) & (b) of the Code of Conduct for Bunbury Parish Council in that, she did not fail to have regard to relevant advice given by the Monitoring Officer on 22 November 2010 and 30 November 2011.
12. I conclude that there has been **failure** by Jill Waits to comply with paragraph 9(1) of the Code of Conduct for Bunbury Parish Council in that, at the Parish Council meeting on 13 December 2011, she failed to declare a personal interest, namely, her close association with James Walton whose well-being or financial position might reasonably have been regarded as being affected when the Council was considering a planning application relating to an amended access way to proposed development of land off Wyche Lane, Bunbury.
13. I conclude that there has been **failure** by Jill Waits to comply with paragraph 12(1)(a)(ii) of the Code of Conduct for Bunbury Parish Council in that, at the

Parish Council meeting on 13 December 2011, having a prejudicial interest, namely, her close association with James Walton who had a beneficial interest in Edinbane, Wyche Lane, Bunbury, when the Council was considering a planning application relating to an amended access way to proposed development of land off Wyche Lane, Bunbury, she did not withdraw from the meeting room when that business was being considered at the meeting.

14. I find, under Regulation 14 of the Standards Committee (England) Regulations 2008, that there has been a failure to comply with the Code of Conduct.

#### **Relevant Legislation**

15. On 24 January 2012, Cheshire East Council's Standards Assessment Sub-Committee decided to refer the allegations made against then Councillor Waits to the Monitoring Officer for investigation under section 57A(2) of the Local Government Act 2000.
16. Under section 82A of the Local Government Act 2000 the Monitoring Officer can delegate an investigation and on this occasion Mrs Elwood has delegated this investigation to me.
17. The Standards Committee (England) Regulations 2008 apply to this investigation.

#### **Relevant Paragraphs of the Code of Conduct**

18. Paragraph 2 of the Code states -  
  
    “(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -  
  
        (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or  
  
        (b) act, claim to act or give the impression you are acting as a representative of your authority.  
  
    (2) to (5) *(not applicable to this case).*”
19. Paragraph 3(1) states -  
  
    “You must treat others with respect.”
20. Paragraph 3(2) states -  
  
    “You must not -  
  
        (a) *(not applicable to this case)*  
  
        (b) bully any person;  
  
        (c) *(not applicable to this case)*

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority."

21. Paragraph 4 states -

"You must not -

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is -
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) *(not applicable to this case)*"

22. Paragraph 7(1) states -

"When reaching decisions on any matter you must have regard to any relevant advice provided to you by -

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties."

23. Paragraph 8 states -

"8(1) You have a personal interest in any business of your authority where either—

- (a) *(not applicable in this case)*; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of -
  - (i) & (ii) *(not applicable to this case)*
  - (iii) other council tax payers, ratepayers or inhabitants of your authority's area

8(2) In sub-paragraph (1)(b), a relevant person is -

(a) ..... any person with whom you have a close association;

(b) to (d) *(not applicable to this case)*"

24. Paragraph 9 states -

"9(1) Subject to sub-paragraphs (2) to (7) where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9(2) to 9(7) *(not applicable in this case).*"

25. Paragraph 10 states -

"10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

10(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in 8; or

(c) *(not applicable in this case).*"

26. Paragraph 12 states -

"12(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's

standards committee;

- (b) *(not applicable in this case)*; and
- (c) you must not seek improperly to influence a decision about that business.

12(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (.....) but only for the purpose of making representations, ....., provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise."

### **Councillor Details**

- 27. Jill Waits was co-opted on to Bunbury Parish Council on 21 April 2010 and remained a Parish Councillor until her resignation on 20 March 2012. Her partner, James Walton, was the owner of Edinbane, Wyche Lane, Bunbury but Mrs Waits acquired a half interest in the property during December 2011
- 28. Mrs Waits has not undertaken any training on the Code of Conduct.

### **The Evidence Obtained**

- 29. I have interviewed -
  - the complainant Erica Partridge; and
  - Jill Waits.

### **Allegations by Erica Partridge**

#### **Background**

- 30. Although the complaint forms (Appendices A & B) were completed by the then Clerk, Mrs Alex Stubbs, the supporting documentation was prepared by Mrs Partridge and I have only interviewed her in connection with these complaints. At this stage, I should point out that Mrs Partridge resigned from Bunbury Parish Council on 06 March 2012 and has indicated in her statement (Appendix D) that she does not wish to proceed with the complaints in respect of any matters other than those relating to personal and prejudicial interests. I have explained to Mrs Partridge that once a complaint has been referred for investigation, the investigation will be completed and it will be for the Standards Committee to decide how it wishes to deal with the report of the investigation.
- 31. The complaints relate to conduct associated with a proposal to develop a piece of land at Wyche Lane, Bunbury for affordable housing. The proposal has a long history with initial proposals in 2003/04 to develop the whole of the land being firmly opposed by the residents of Bunbury and the Parish Council. Eventually a proposal came forward for an area of the site fronting Wyche Lane to be developed for ten affordable houses, a strip of land immediately behind the development site to be given to the Parish Council and the remainder of the site not to be developed. The proposed developer is the Muir Group Housing Association. There is a plan in the bundle of documents at Appendix B which, although uncoloured gives an idea of the total site. On this plan, Edinbane,

which is occupied by Mrs Waits and Mr Walton is the property numbered 1. The development site and the strip are owned by Muir and Muir also has an option to purchase the remainder of the site. From time to time, there have been a number of the Parish Councillors who have been living in Wyche Lane and it appears that prior to December 2010 only one Parish Councillor ever declared an interest in any part of the site and that is Councillor McCormack who owns property on both sides of the site. When Mrs Partridge became Chairman of the Parish Council in May 2010 she found that the Council had no Standing Orders or other procedural documents. With the then new Clerk, Mrs Stubbs, Mrs Partridge set about correcting this and a sub-committee was set up that, with the help of the Cheshire Association of Local Councils, drafted appropriate documentation for approval by the Parish Council.

32. By the Autumn of 2010 the development proposal for the site was moving forwards and there was regular discussion on issues at Parish Council meetings. Mrs Partridge became concerned regarding the position of the Wyche Lane Councillors, excluding Councillor McCormack, and whether they should be declaring an interest when these issues were being debated. On 17 November 2010 Mrs Partridge sent a detailed email to the Councillors, other than Councillor McCormack, and the Clerk setting out a number of issues concerning the potential transfer of the second part of the site to the Parish Council. In response, on 18 November, Mrs Waits commented on the issues raised but also raised a question as to whether the Wyche Lane Councillors should be involved in the discussion on the issues.
33. As a result of Mrs Partridge's concern and the email from Mrs Waits, the Clerk spoke to the Deputy Monitoring Officer, Julie Openshaw, giving her details of the Councillors involved and asked for advice on the question of interests. Julie Openshaw gave advice by email on 22 November 2010 (see pages 3 & 4 of Appendix C). This advice was apparently circulated at the Parish Council meeting on 14 December 2010 and read by those present and then handed back to the Clerk on the basis that it contained personal information relating to the Councillors concerned. Mrs Waits was not present at that meeting and she was advised of a summary of the advice the following day by email (although a full copy was not sent to her until it was circulated to all Parish Councillors on 26 September 2011).
34. In order to facilitate proper discussion on the site and the strip without interfering with the other business of the Council, a Muir Sub-Committee was established which comprised all Parish Councillors other than the Wyche Lane Councillors and this met after the main Council meeting each month when required. On occasions the meetings were in public, but where commercial confidentiality was involved, the business of the meeting was conducted as exempt business. From that meeting until the meeting in November 2011, inclusive, Mrs Waits declared a personal and prejudicial interest when she was present at meetings and left the room.
35. As discussions progressed, some of the Wyche Lane Councillors started to express concerns that they were unable to advise residents in the village what was happening when they were approached and felt that they should be made aware of the decisions that the Sub-Committee was making. Muir then submitted a planning application to Cheshire East proposing an amendment to the access way between the development and the remaining part of the site. The Parish Council was consulted on the application. This was in August 2011



and the planning application appears to have been the catalyst for the escalation of concern and the increase in the number of emails being sent between the Clerk, Mrs Partridge, certain Councillors and Mr Walton.

#### The first allegation

36. This has two strands. At the time that the planning application for the amended access way was submitted, there was already some public concern as to what Muir were doing and why the development was not proceeding. The planning application threw up another issue and seemed to suggest a change of the overall plans for the whole field, even though Muir's contractor had possession of the site. On 05 August 2011, Mr Walton sent a letter to local residents in which he stated that if the application was passed it would open up the field behind the development to a major development of perhaps up to 50 houses.
37. Whilst the letter was sent in Mr Walton's name, Mrs Partridge is aware that Mrs Waits delivered some of the letters and believes that Mrs Waits is associated with the letter. Mrs Partridge accepts that she has no direct evidence that Mrs Waits was involved in the drafting of the letter but finds it difficult to believe that she was not aware of its contents. At the following Council meeting, 09 August, Mrs Waits proposed a public meeting 'to clarify the impressions that residents, rightly or wrongly, hold regarding the nature of the application'.
38. Mrs Partridge questions whether Mrs Waits' involvement in the distribution of the letter and the subsequent address to the Council is in breach of paragraphs 5 or 12(1)(c) of the Code.
39. The second issue is that Mr Walton, as a resident, contacted the Cheshire East Ward Councillor, Councillor Michael Jones, expressing his concern at the intentions behind the planning application. Councillor Jones convened a meeting to which were invited representatives of Cheshire East Planning, Muir, the Parish Council and Mr Walton and another resident. The meeting was held on 26 August 2011. Mrs Partridge was unable to attend and, although she asked all the other Councillors (other than the Wyche Lane ones) no-one was able to attend on behalf of the Parish Council.
40. Mrs Partridge subsequently received the notes of the meeting from Mrs Waits and found that Mrs Waits had accompanied Mr Walton, as a local resident, notwithstanding her previous declarations of a personal and prejudicial interest in the subject matter at Parish Council meetings. Mrs Partridge questions whether Mrs Waits' attendance at the meeting was in breach of paragraph 12(1)(a) of the Code.

#### The second allegation

41. It will be seen from the documentation attached to the form of complaint (Appendix B) that Mrs Partridge submitted two sets of documents - the first headed 'Query to Monitoring Officer re Bunbury Parish Councillors and Potential Breach of Code of Conduct' (part of Appendix B) and the second headed 'Comments relating to Councillor ...'. There is a separate set of 'Comments' for each then Councillor and those relating to Mrs Waits are attached at Appendix C.

42. In the complaint Mrs Partridge says that Mrs Waits has sent emails displaying a lack of respect for other councillors and suggesting they resign which she believes contravenes paragraph 3(1) of the Code. Mrs Partridge also says that she considers the emails that Mrs Waits has sent to Mrs Stubbs, when coupled with those sent by Councillor McCormack to Mrs Stubbs are bullying. In relation to herself, Mrs Partridge says that the combination of emails from Mrs Waits and Mr Walton have been threatening and bullying which has made the whole situation disturbing to her.
43. Mrs Partridge claims that the emails from Mrs Waits to other councillors appear to be seeking to influence the decision of those councillors in relation to the appointment of the new Parish Clerk, Councillor Dykes and the declarations of interest. Specific reference is made to the email from Mrs Waits on 22 December 2011 advising all Parish Councillors of the fact that she had been reported to Cheshire East Standards Committee for breaching the Code, which she believes was sent in breach of confidentiality. (Appendix C first batch of emails page 1)
44. Having obtained two sets of advice from the Deputy Monitoring Officer at Cheshire East, Mrs Partridge feels that Mrs Waits should have had proper regard to that advice before changing position on the question of declaration of interest in respect of the Muir development and her failure to do so is in breach of paragraph 7.
45. At the Council meeting on 13 December 2011, under the agenda item 'Declaration of Interests', Mrs Partridge says that she specifically asked Mrs Waits whether, having considered the second advice from Julie Openshaw, she had any declaration to make. She said 'no', she was happy with her position. When the Parish Council reached the item on Muir, Mrs Waits raised a motion requesting that planning application 11/2423N be re-visited to include the formerly excluded councillors and this was passed. Mrs Waits then addressed the meeting during a discussion on the issues concerning the amendment planning application. Although the minutes do not record the voting Mrs Partridge recalls that Mrs Waits was one of the two who voted against the decision.
46. Mrs Partridge believes that Mrs Waits has a personal interest through the location of the property that she occupies with Mr Walton to the site and probably has a prejudicial interest. As she declared no interest she believes that Mrs Waits is in breach of paragraph (9)(1) and probably also paragraph 12(1)(a).

### **Response from Mrs Jill Waits**

#### **The first allegation**

47. Mrs Waits says that when James Walton was the only resident who could attend the meeting on 26 August 2011, she thought long and hard about attending but decided to support Mr Walton as a local resident. She made this clear to everyone present, which is confirmed by the notes of the meeting, and only contributed on one occasion to the actual discussion. Mrs Waits accepts now that she should not have attended the meeting in the light of her previously declared personal and prejudicial interest in the subject matter of the

discussions.

48. She says that she did not attend the meeting on 26 August with the intention of seeking to influence a decision on Council business and, as it turned out, she could not have as no Parish Council representatives were present.
49. The letter that was sent by Mr Walton at the beginning of August 2011 to local residents was solely his and Mrs Waits says that she had no part in its preparation. All she did was deliver a small number. She did not knock on doors or seek to encourage residents to support Mr Walton's stance, she simply delivered a few letters. In requesting the Parish Council to hold a public meeting on 09 August, she was simply making a point to the Parish Council that residents were concerned regarding the intentions behind the planning application. The whole issue was not the strategic affair suggested by Mrs Partridge.

#### The second allegation

50. The first paragraph of the Code raised by Mrs Partridge is paragraph 3(1) - treating others, fellow Councillors, with respect. Mrs Waits says that there is only one specific critical reference to her fellow councillors in the three sets of emails relevant to her involvement and that is an email of 18 October 2011. (Appendix C second batch of emails pages 3 & 4) Mrs Waits points out that the email was copied to all the Parish Councillors and none of them has responded to suggest they were upset by the comments. Mrs Waits acknowledges that she was upset when she was forwarded an email from Parish Councillor Nick Parker to Borough Councillor Michael Jones (see Appendix P in the bundle of documents attached to Appendix E) which, she says contains far worse and less respectful words than those in her email of 18 October. Mrs Waits sees nothing wrong in her email and says that it is a reasonable opinion which she was entitled to hold.
51. Mrs Waits says that no evidence has been produced by Mrs Partridge to support the allegations of bullying Mrs Stubbs or Mrs Partridge and she categorically denies working with Councillor McCormack or Mr Walton in the emails that have been sent by any of them to either person. Any emails that she has sent have been of her own volition.
52. In relation to the Clerk, Mrs Waits acknowledges that she did send emails querying certain matters regarding the obtaining of the initial advice from Cheshire East Monitoring Officer because some of the 'factual' statements relating to her were not correct. As a result, Mrs Waits felt that she had been persuaded, wrongly, to make declarations of interest which were not required. The responses she received led to further questions regarding Parish Council procedures which, again, she says that she had the right to question in a proper manner.
53. On confidentiality, Mrs Waits says that the initial correspondence from Cheshire East did not have any 'confidentiality' heading and that she has, therefore, not breached any confidentiality. In relation to the advice from the Deputy Monitoring Officer, Mrs Waits says that she did have regard to it but when she actually had sight of the advice, she believed that it was flawed. In addition the advice states that it relates to the strip and the planning application related to the development site. Having considered the second advice, she

concluded, wrongly as she now accepts, that she did not need to declare an interest in the planning application item before the Parish Council on 13 December 2011. However, she says that she did have regard to both sets of advice and cannot, therefore be in breach of paragraph 7.

54. Mrs Waits says that she did not purchase an interest in Edinbane, Wyche Lane, until the end of December 2011. At the time she thought the fact of ownership made a difference to her position but she now accepts that the fact that she lived at Edinbane with Mr Walton and that he comes within the definition of 'close associate' in paragraph 8(2)(a) of the Code means that she had a personal interest all the time. Mrs Waits was also influenced by correspondence received by Mr Walton from Cheshire East Planning setting out their neighbour consultation policy which has more restricted parameters than the Code of Conduct but now accepts that this policy does not influence the interpretation of the Code. Mrs Waits accepts that she should have declared a personal interest on 13 December 2011.
55. With regard to whether or not that personal interest was also a prejudicial one, Mrs Waits now understands the test in paragraph 10(1) and accepts that, given the role she played in that meeting and the remarks she made, a member of the public with knowledge of the relevant facts would reasonably regard her interest as likely to prejudice her judgement. She also understands that there may be matters relating to the development site, the strip or the field where a personal interest would be declarable but not necessarily a prejudicial one. She says that no-one has previously tried to differentiate between the two.
56. Mrs Waits is also critical that the issues concerning interests was allowed to continue in the manner in which they did for 12 months without steps being taken to resolve the matter. She says the feelings set out in the emails has resulted from the situation remaining unresolved.

## **Facts**

57. There is no dispute as to the following matters -
  - (1) the various emails attached as Appendices or part Appendices to this report were sent and received by the persons identified in them;
  - (2) Mrs Waits attended a meeting at Cheshire East offices on 26 August 2011 regarding the development at Wyche Lane, Bunbury and indicated to the meeting that she was there as a local resident even though she was also a Parish Councillor;
  - (3) prior to the meeting on 26 August 2011, Mrs Waits had declared a personal and prejudicial interest at 2011 meetings of the Parish Council when aspects of the development site at Wyche Lane or the land behind had been considered; and
  - (4) Mrs Waits attended the meeting of the Parish Council on 13 December 2011. She did not declare an interest in any item on the agenda of that meeting. When the amended planning application came to be considered, Mrs Waits moved that the previous decision of the Council be reconsidered and then spoke during the

reconsideration debate. She then voted against a motion to continue with the Parish Council's previous comments on the application.

58. There is only one factual matter that is in dispute and that relates to the action of Mrs Waits in relation to the letter of 05 August 2011 in the name of James Walton which was delivered to local residents. Mrs Partridge draws conclusions of the involvement of Mrs Waits in that the letter was from her partner, she was involved in delivering the letters to local residents, the content of the letter was misleading, and she then, at the Council meeting on 09 August, sought a public meeting to clarify the concern of local residents arising from the misunderstanding.
59. Mrs Waits denies that she was involved in the drafting of the letter although she accepts that she delivered a number of the letters to help her partner. When residents started to raise questions on the planning application, as she was not entitled to take part in any debate at Council meetings because of her previously declared personal and prejudicial interest, she requested a public meeting to clarify the situation.
60. Although the conclusions that Mrs Partridge reaches are understandable, there is no evidence to support those conclusions. I therefore conclude, as fact, that Mrs Waits was not involved in the drafting of that letter and not responsible for its contents.

### **Application of the Code to the facts found**

#### **The first allegation**

61. The first matter to determine is the application of the Code of Conduct. In relation to the meeting on 26 August, that meeting was convened by Cheshire East Councillor, Michael Jones in response to a written request from Mr Walton who was very concerned at the reasoning behind the amendment planning application. The meeting was not a public meeting and Bunbury Parish Council was invited to send representatives but was unable to do so.
62. Paragraph 2(1) of the Code sets out two generic scenarios where the Code is in play -
  - (a) conducting the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) acting, claiming to act or giving the impression you are acting as a representative of your authority.

There is an argument that in attending the meeting Mrs Waits was not conducting the business of the Council, as she was not there as a representative of the Council and as she was there as a local resident, along with another local resident, and had indicated the capacity in which she was there, she cannot be said to have been acting, claiming to act or giving the impression that she was acting as a representative of the Council. However, the counter argument is that the Parish Council had been invited to the meeting and the subject matter of the meeting was business that would be considered by the Parish Council. The fact that no representative of the

Council was present is not relevant. The meeting was still part of the business of the Council and when that matter fell to be considered by the Council, Mrs Waits would be declaring a personal and prejudicial interest in that business, as she had done at Council meetings prior to the 26 August.

63. In my view the counter argument, marginally, carries more weight. As the notes of the meeting (Appendix A 17<sup>th</sup> & 18<sup>th</sup> pages) express, Mr Walton and Mrs Waits had concerns regarding the effect of the removal of the planning condition and the use to which the amended access way could be put. They were there to make representations to Cheshire East planners about the potential decision to approve the application. Whilst Mr Walton was fully entitled to be there, Mrs Waits was on record as having a personal and prejudicial interest in the planning application and her participation would be perceived to be in conflict with that. I therefore conclude that Mrs Waits was engaged in conducting the business of the Council when she attended that meeting.
64. Consequently Mrs Waits should not have attended the meeting, a fact she now accepts. I therefore conclude that there has been failure by Jill Waits to comply with paragraph 12(1)(a) of the Code of Conduct for Bunbury Parish Council in that, at the meeting on 26 August 2011, Mrs Waits had a personal and prejudicial interest in the subject matter of that meeting, which was within the business of Bunbury Parish Council, did not declare that interest and remained for the duration of the meeting.
65. In relation to the letter of 05 August 2011, I have found as fact that Mrs Waits was not involved in the drafting of that letter and not responsible for its contents. In delivering the letter to some of the local residents Mrs Waits was simply assisting her partner. Neither matter is covered by the scenarios in paragraph 2(1) of the Code.
66. I conclude that there has been no failure by Jill Waits to comply with paragraph 12(1)(c) of the Code of Conduct for Bunbury Parish Council in that, in her limited participation in the circulation of letters to residents regarding a planning application affecting the development off Wyche Lane, Bunbury, she was not conducting the business of the Council or acting, claiming to act or giving the impression that she was acting as a representative of the Council when that participation took place.
67. Mrs Partridge also suggests that Mrs Waits' participation in the letter coupled with her request to the Council on 09 August was deliberate and had the effect of bringing her position or the Council into disrepute. In the light of my finding of fact, the request to Council on 09 August cannot be coupled to the publication of the letter from Mr Walton as an act which creates an element of disrepute.
68. I conclude that there has been no failure by Jill Waits to comply with paragraph 5 of the Code of Conduct for Bunbury Parish Council in that, her involvement in the circulation of letters to residents regarding a planning application affecting the development off Wyche Lane, Bunbury, which gave rise to incorrect impressions of the application, and her subsequent request to the Council on 09 August 2011 to convene a public meeting to clarify the impressions that residents had, rightly or wrongly, regarding the nature of the planning application was not conduct which could reasonably be regarded as bringing

her office as Councillor or the Parish Council into disrepute.

The second allegation

69. The basis of the evidence for the various parts of the second allegation are emails sent to the Parish Clerk, Mrs Partridge or other Parish Councillors and the Council meeting of 13 December 2011. All the emails from Mrs Waits appear to have been sent in her capacity as a councillor and the meeting was conducting business of the Council. Therefore, under paragraph 2(1)(a) of the Code Mrs Waits was conducting the business of the Parish Council in all matters contained in the second allegation.
70. The first three parts of this allegation relate to respect to fellow councillors, bullying of the then Clerk, Mrs Stubbs, bullying of Mrs Partridge and conduct likely to compromise the impartiality of those who work for or on behalf of the authority. The basis of these claims are founded on the email correspondence involving Mrs Waits, Mr Walton and Councillor McCormack on the one side and Mrs Stubbs and Mrs Partridge on the other.
71. Mrs Partridge is a professional person and it is clear to me that her approach towards the role and responsibilities of the post of Chairman of the Parish Council were well-intentioned. In relation to the Muir development site and associated issues, Mrs Partridge considered the issues involved and, once a number of the Councillors had started to declare personal and prejudicial interests, ensured that the Muir business did not interfere with the other business of the Council. It is also clear to me that the history of the development site and adjoining land was a cause for concern within Bunbury, particularly for the residents of Wyche Lane.
72. As I have already said, the amendment planning application submitted in late July/early August became a catalyst to the on-going concerns that residents had regarding Muir's activities and general approach towards the development. The issues were also complicated by the fact that Councillor McCormack had since purchased the remainder of the field beyond the development site and the strip and Mrs Partridge felt that there was a friendship between Councillor McCormack and Mr Walton and Mrs Waits which was influencing their approach towards the issues.
73. Two specific things happened. The level of email correspondence increased, far beyond the capacity of the Clerk in terms of her contracted hours. Secondly the tone of the emails also changed - when I interviewed another former Councillor in connection with a parallel complaint, he used the word 'vitriolic'. During this period, the original advice from the Deputy Monitoring Officer was circulated and the manner in which this had been obtained and its specific application gave rise to further emails and complaints about the manner in which it was procured. It is clear both Mrs Stubbs and Mrs Partridge were becoming concerned at the ability of the Parish Council to deal with the barrage of emails and the extent of their requirements. Mrs Stubbs had already made up her mind that she no longer wanted to continue in post and she gave notice terminating her employment. To a certain extent this left Mrs Partridge exposed and it was the continual email barrage that gave rise to her request to Mrs Stubbs to submit the complaint to the Standards Committee.
74. Turning to the specific issues, the first is an allegation of a failure by Mrs Waits

to respect her fellow Councillors. Mrs Partridge says that the suggestion in the email of 18 October 2011 (Appendix C second batch of emails pages 3 & 4) shows a lack of respect. This is the only email to which I have been referred in relation to this allegation. Mrs Waits says that it is an honest opinion which she is entitled to have and she compares it to an email sent by Parish Councillor Parker to Borough Councillor Michael Jones on 30 September 2011 (Appendix E - appendix P) which, she says, is far worse than her email

75. My view, very simply, is that if anyone has reason to be upset by the contents of that email, it would be Mrs Stubbs. It is critical of her previous actions and some may regard the tone as being sarcastic. I find nothing wrong with Mrs Waits' comments regarding her fellow Councillors.
76. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 3(1) of the Code of Conduct for Bunbury Parish Council in that, in email correspondence to Erica Partridge during 2011, she did not fail to treat others, namely fellow Councillors, with respect.
77. Mrs Stubbs has not made any allegation of bullying against Mrs Waits, whereas Mrs Partridge puts forward that allegation in relation to the then Clerk and herself. Whilst the Sub-Committee has Mr Walton's emails appended (Appendix C third batch of emails) I am unable to sufficiently correlate those emails to the ones from Mrs Waits in a manner which suggests collusion and a campaign to remove the Clerk and Mrs Partridge. The emails do cover the same issues but that is unsurprising. The tone of the email exchanges shows that both 'sides' were becoming entrenched. I can understand Mrs Partridge feeling that what was happening was not why she had agreed to be a Parish Councillor and I can see that this has led to her decision to resign. However, I cannot take into account Mr Walton's emails and there is insufficient adverse commentary in Mrs Waits' emails for me to conclude that there has been a campaign of bullying against either Mrs Stubbs or Mrs Partridge by Mrs Waits. Councillors and Council employees must, from time to time, expect a degree of criticism.
78. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 3(2)(b) of the Code of Conduct for Bunbury Parish Council in that, in email correspondence to Mrs Alex Stubbs and Mrs Partridge during 2011 and her general conduct towards Mrs Stubbs and Mrs Partridge during the same period, she did not bully Mrs Stubbs and/or Mrs Partridge.
79. The next issue is paragraph 3(2)(d) of the Code. This refers to a Member doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority. Mrs Partridge refers in the complaint to some emails to other councillors from Mrs Waits seeking to influence their decision in relation to the Parish Clerk, Councillor Dykes and also their declarations of interest. In my opinion, this sub-paragraph only covers employees of the Council and it is only those relating to the Parish Clerk that need to be considered under this heading. Having considered all the emails that I have from Mrs Waits, whilst there is criticism, justified or not, I find nothing to suggest that the Clerk was being coerced into a compromised position.
80. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 3(2)(d) of the Code of Conduct for Bunbury Parish Council in that,



her conduct towards the then Parish Clerk, Mrs Stubbs, did not seek to compromise the impartiality of Mrs Stubbs.

81. On 22 December 2011, Mrs Waits sent an email to Mrs Stubbs (Appendix C first batch of emails page 1) which she copied to all the other Parish Councillors and Borough Councillor Michael Jones advising them of the receipt by Cheshire East Monitoring Officer of the first complaint. Mrs Waits says that the letter from Cheshire East did not have a confidentiality heading and she has done nothing wrong in sending the email. Mrs Partridge says that she has breached the confidentiality of the complaints procedure. As the letter was not marked confidential Mrs Waits has not breached paragraph 4(a) of the Code.
82. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 4(a) of the Code of Conduct for Bunbury Parish Council in that, she did not breach confidentiality on 22 December 2011 when advising other Parish Councillors of the first complaint.
83. Mrs Partridge alleges that Mrs Waits has not had regard to relevant advice provided by Cheshire East's Monitoring Officer, namely the emails of 22 November 2010 and 30 November 2011 from the Deputy Monitoring Officer. Mrs Waits says that she has had regard to these emails. In respect of the first she feels that, in relation to her position, it was based on false information and in any event only related to business concerning the strip of land and not the development site, and, in relation to the second, that it enabled her to participate in the debate on 13 December 2011.
84. I am not sure that paragraph 7(1)(b) of the Code is meant to relate other than to the giving of advice by the Monitoring Officer, in that capacity, to Council, Committees, Sub-Committees, etc of principal authorities. In my opinion, the paragraph does not relate to advice given to a Parish Council about a particular situation regarding individual interests. Even if it does, Mrs Waits did have regard to the two emails although she reached the wrong conclusion.
85. I conclude that there has been **no failure** by Jill Waits to comply with paragraph 7(1)(a) & (b) of the Code of Conduct for Bunbury Parish Council in that, she did not fail to have regard to relevant advice given by the Monitoring Officer on 22 November 2010 and 30 November 2011.
86. One of the items of business on the agenda of the Council meeting on 13 December 2011 was the reconsideration of the planning application from the Muir Group for the amendment of the access way from the development site at Wyche Lane, Bunbury, to the strip and the field at the rear. At the date of the meeting, Mrs Waits had a close association with James Walton, the owner of Edinbane, Wyche Lane, whose well-being or financial position might reasonably have been regarded as being affected by that item of business. Consequently Mrs Waits had a personal interest in the item of business under paragraph 8(2)(a) of the Code. Having such an interest, Mrs Waits should have made a declaration under paragraph 9(1) of the Code of the existence and nature of that interest at the commencement of the consideration of that item of business.
87. I conclude that there has been **failure** by Jill Waits to comply with paragraph 9(1) of the Code of Conduct for Bunbury Parish Council in that, at the Parish Council meeting on 13 December 2011, she failed to declare a personal

- interest, namely, her close association with James Walton whose well-being or financial position might reasonably have been regarded as being affected when the Council was considering a planning application relating to an amended access way to proposed development of land off Wyche Lane, Bunbury.
88. Under paragraph 10(1) of the Code, where a Member has a personal interest in any business of the authority that Member also has a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest. Paragraph 10(2)(a) restricts the application of paragraph 10(1) by stating that a Member does not have a prejudicial interest in any business of the authority where that business does not affect the financial position of the Member or a relevant person which includes a close associate of the Member.
89. In this case Mr Walton owned Edinbane, Wyche Lane, and had made a written objection to Cheshire East Planning which clearly set out his concern regarding the implications should the amended planning application be approved. He had also made personal representations at the meeting with Muir and the Planners on 26 August 2011. Mrs Waits acknowledges the situation gave rise to a prejudicial interest and that she should have stated that, not participated at all in relation to the item and left the meeting.
90. I conclude that there has been **failure** by Jill Waits to comply with paragraph 12(1)(a)(ii) of the Code of Conduct for Bunbury Parish Council in that, at the Parish Council meeting on 13 December 2011, having a prejudicial interest, namely, her close association with James Walton who had a beneficial interest in Edinbane, Wyche Lane, Bunbury, when the Council was considering a planning application relating to an amended access way to proposed development of land off Wyche Lane, Bunbury, she did not withdraw from the meeting room when that business was being considered at the meeting.

### **Response to Draft Report**

91. I have received responses from both Mrs Partridge and Mrs Waits and these, and my reply to each, are attached at Appendices G & H.

### **Finding**

92. My finding under regulation 14(8)(a)(ii) of the Standards Committee (England) regulations 2008 is that there has been failure to comply with the Code of Conduct of Bunbury Parish Council.

  
**Mike Dudfield**  
Investigator

**11 April 2012**

## **Schedule of Evidence**

- Appendix A Copy complaint form from Mrs Alex Stubbs in relation to the first allegation with supporting documentation
- Appendix B Copy complaint form from Mrs Alex Stubbs and 'Query to Monitoring Officer re Bunbury Parish Councillors and Potential Breach of Code of Conduct' in relation to the second allegation
- Appendix C Comments from Mrs Partridge and emails relating to Jill Waits (these emails are under three headings - emails regarding declarations of interest; emails regarding other Councillors; and James Walton example emails
- Appendix D Copy statement from Erica Partridge dated 20 February 2012
- Appendix E Copy letter from Jill Waits dated 26 February 2012 and appendices
- Appendix F Copy statement from Jill Waits dated 20 March 2012
- Appendix G Copy email response to draft report from Mrs Partridge dated 08 April 2012 and my reply dated 11 April
- Appendix H Copy email response to draft report from Mrs Waits dated 09 April 2012 and my reply dated 11 April.

## 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:	ALEXANDRA
Last name:	STUBBS
Address:	10 COPPERFIELDS TARPOLEY CHESHIRE CW6 0UP
Daytime telephone:	01829 733252
Evening telephone:	01829 733252
Mobile telephone:	07918 912541
Email address:	bunburyderk@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
MRS	JILL	WAITS	BUNBURY PARISH

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 my letter dated 15th October 2011 + associated documents and 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).

# BUNBURY PARISH COUNCIL

10 Copperfields, Tarporley, Cheshire, CW6 0UP. Telephone 01829 733252  
Email : bunburyclerk@aol.com

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

15<sup>th</sup> October 2011

## **Re: Breach of Code of Conduct**

I have been asked to contact you by my Chairman, Cllr. Erica Partridge, who is concerned that one of the Councillors on Bunbury Parish Council, Cllr. Jill Waits is in serious breach of the Code of Conduct. She has therefore asked me to refer the facts to you and the Standards committee for a determination on the matter.

### With regards to Clause 12(c) of the Code of Conduct

Cllr. Waits has declared a personal and prejudicial interest in the matter of the potential acquisition of a piece of land by the Parish Council behind the proposed development by Muir Homes of 10 affordable houses on Wyche Lane, Bunbury. She has also declared a personal and prejudicial interest in planning application 11/2423N, recently submitted by Muir Homes to vary the conditions of their original planning application P07/0867 which affects this piece of land.

Subsequent to planning application 11/2423N, letters were posted through local residents doors claiming that 'if 11/2423N is passed this would open up the field behind the Muir site to a major development of perhaps up to fifty houses', when in fact it is an application to vary an access to enable the development of 10 houses which already has planning permission to proceed. The widespread anxiety created by this literature is known to the Parish Council and evident in statements included in objections to the application that residents are opposed to the building of 50 houses. Parish Councillors have also had many queries of the form 'when are they starting to build the 50 houses?'. Please see attached emails from 24<sup>th</sup> – 26<sup>th</sup> August outlining concerns raised by residents and a copy of the notice that the Parish Council placed on the noticeboard in an attempt to put calm residents fears.

Please find attached email dated 5<sup>th</sup> October in which Cllr. Partridge raised the question with Cllr. Waits of whether she had been involved with these letters as they had originated from her residence. Cllr. Waits replied dated 7<sup>th</sup> October with

a further communication from Cllr. Partridge dated 10<sup>th</sup> October and confirmation from Cllr. Waits that she had delivered some of the letters dated 14<sup>th</sup> October. Mr. James Walton, the partner of Cllr. Waits, also emailed dated 7<sup>th</sup> October.

At the meeting of Bunbury Parish Council held on 11<sup>th</sup> August (see attached minutes), Cllr. Waits requested a public meeting to clarify the impressions that residents 'rightly or wrongly hold' regarding the nature of the application. It is now clear that she had herself circulated the literature giving rise to incorrect impressions of the planning application. These actions could also be said to be in breach of clause 5.

With regards to Clause 12(a) of the Code of Conduct

Cllr. Waits attended a meeting with the planning officer, Councillor Michael Jones, Mr. James Walton and representatives from Muir Homes. The purpose of the meeting was to discuss the planning application in which Cllr. Waits had declared a personal and prejudicial interest. Councillor Jones had invited Mr. James Walton and 'another resident' to attend the meeting but Cllr. Waits attended with her partner. She disclosed attendance at the meeting as per the attached email dated 31<sup>st</sup> August 2011 and included her notes from that meeting also attached.

Please do not hesitate to contact me if you require any further information.

Yours sincerely



**Alex Stubbs**  
**Clerk to Bunbury Parish Council**



**Neil and Alex Stubbs**

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**From:** "Partridges" <ep.partridges@btinternet.com>  
**To:** "Alex Stubbs" <bunburyclerk@aol.com>  
**Sent:** 16 October 2011 21:07  
**Subject:** Fw: Rumours abound around Wyche Lane  
**From:** B DYKES  
**To:** Partridges ; Bunburyclerk@aol.com  
**Sent:** Friday, August 26, 2011 12:01 AM  
**Subject:** Re: Rumours abound around Wyche Lane

Evening Erica and Alex

I agree just a simple Notice for the Parish Notice Board is sufficient, the residents of Bunbury know that the Parish Notice Board is there to keep everyone informed.

Regards

Brian

---

**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.

17/10/2011

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

17/10/2011

# BUNBURY PARISH COUNCIL

## DEVELOPMENT OF

## AFFORDABLE HOMES ON

## WYCHE LANE

Muir Homes have planning permission to build 10 affordable homes on their site at Wyche Lane. They have NO further plans for any future development on this site.

Bunbury Parish Council are in the process of taking a 10 year option to buy the land immediately behind the planned 10 homes so that consultation with residents of Bunbury can take place regarding it's future use.

Further information regarding the consultation process will be announced in the next few months, but if you would like any further information on this matter or would like to put forward a suggestion for the future use of the Parish Council strip please contact the clerk:

Alex Stubbs  
Clerk to Bunbury Parish Council  
10 Copperfields  
Tarporey  
CW6 0UP  
email: [bunburyclerk@aol.com](mailto:bunburyclerk@aol.com)  
tel : 01829 733252

**Neil and Alex Stubbs**

---

**From:** "Partridges" <ep.partridges@btinternet.com>  
**To:** "Jill Waits" <jillwaits@yahoo.co.uk>  
**Cc:** "Alex Stubbs" <bunburyclerk@aol.com>  
**Sent:** 05 October 2011 10:48  
**Subject:** letter re housing ?  
Dear Jill

A matter has come to my attention which, as Chairman, I am obliged to clarify with you to establish the involvement of a Parish Councillor in the matter below.

I understand that a letter was put through the doors of Wyche Lane residents asking if they want to see 50 houses built behind the houses on Muir Lane and that this would be the consequence if planning application 11/2423N is approved and they need to object to the planning application to prevent this happening. It has also been mentioned that you were seen delivering these letters.

Can you please let me know :

- did you write these letters ?
- did you print them for circulation ?
- did you deliver these letters ?
- did you receive one of these letters ?

Apologies for bothering you individually if this is not the case but as you have been specifically mentioned I thought it best to ask you first before asking Alex to make enquiries of all the Parish Councillors.

I look forward to hearing from you.

Yours sincerely

Regards  
Erica Partridge  
Chairman, Bunbury Parish Council

15/10/2011

**Neil and Alex Stubbs**

---

**From:** "Partridges" <ep.partridges@btinternet.com>  
**To:** "Alex Stubbs" <bunburyclerk@aol.com>  
**Sent:** 07 October 2011 10:45  
**Subject:** Fw: letter re housing ?

**From:** [jill waits](#)  
**To:** [Partridges](#)  
**Sent:** Thursday, October 06, 2011 7:05 PM  
**Subject:** Re: letter re housing ?

Dear Erica,  
I have just returned from working in Worcester and found your email. The answer to your questions is as follows:

- did you write these letters ? No, I did not
- did you print them for circulation ? No, I did not
- did you deliver these letters ? I delivered a small number when we were out walking the dogs, as a help to James. I help him to deliver party political leaflets from time to time, as he helps me to deliver letters for the Playing Fields Committee. I see this as normal behaviour between a couple.
- did you receive one of these letters ? No

As I have explained to you before James and I are our own people and do what we will without influence from the other party. We may live together under one roof, but we have two heads, not one. I have no control over James and what he does or says and would not wish to, as I would expect him to afford me the same freedom of action.

I'm not sure where your email is going, but can assure you that nothing James does is driven by me or vice versa. I hope that makes things clear.

See you on Tuesday at 7.30pm.

Regards,  
Jill

15/10/2011

**Neil and Alex Stubbs**

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**From:** "Partridges" <ep.partridges@btinternet.com>  
**To:** "Alex Stubbs" <bunburyclerk@aol.com>  
**Sent:** 14 October 2011 09:33  
**Subject:** Compliance with Code of Conduct

**From:** jill waits  
**To:** Partridges  
**Sent:** Thursday, October 13, 2011 9:21 AM  
**Subject:** Re: letter re housing ?

Dear Erica,  
Thanks for your email. It may well clarify matters that if my memory serves me right I recall I delivered 2 letters for James in total.  
Regards,  
Jill

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**From:** Partridges <ep.partridges@btinternet.com>  
**To:** jill waits <jillwaits@yahoo.co.uk>  
**Sent:** Monday, 10 October 2011, 11:48  
**Subject:** Re: letter re housing ?

Dear Jill

Thank you for responding to my query and I note the points you have raised. I also note that you state all your actions are taken independently and you take full responsibility for them.  
The Code of Conduct makes it clear when and how Parish Councillors must consider their prejudicial interests in relation to other actions they may take and Standing Orders dictate how such matters are to be dealt with so I will proceed accordingly.

Regards  
Erica

17/10/2011

**Neil and Alex Stubbs**

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**From:** "James E Walton" <james@apogee-relocation.com>  
**To:** <ep.partridges@btinternet.com>  
**Cc:** "BunburyClerk" <bunburyclerk@aol.com>  
**Sent:** 07 October 2011 10:16  
**Subject:** My letter of 5th August 2011  
 Dear Erica,

As a result of your communication with Jill regarding my letter of 5<sup>th</sup> August 2011, I feel that it is incumbent upon me to explain the chronological order of events.

I became aware that Muir Group Housing Association (MGHA) had submitted a variation to P07/2575N on or around 2<sup>nd</sup> August 2011. I was asked for help by a worried elderly resident who had received communications from Cheshire East Planning on 27<sup>th</sup> July 2011, 29<sup>th</sup> July 2011 and finally 2<sup>nd</sup> August 2011. At that time I was unaware that anyone else had received these communications (subsequently I know now that only four properties had received them).

At that time Cheshire East Planning web site was experiencing difficulties, so was not available to others and me. The statutory Yellow Notification had not been put on the MGHA site entrance, the Parish Council were in recess, half the Bunbury residents were on holiday and to top off the confusion Cheshire East Planning issued a second variation to P07/2575N. With previous knowledge of MGHA modus operandi and my suspicion that Cheshire East Planning were working together with MGHA to smooth the way for the variation, and as no accurate information was available concerning the submitted variations and time was an issue (closing date for comment 24<sup>th</sup> August 2011) I embarked on a series of actions to bring this issue to your parishioners' attention.

I printed a letter on 5<sup>th</sup> August 2011 that had in it a sentence that read "If passed this would open up the field behind the Muir site that in some cases is behind your house to a major development of perhaps up to fifty houses." I printed off an initial run of twelve letters, and whilst delivering them I soon realised that most people that I spoke to around Wyche Lane, Wyche Road and Whitegates wanted a copy, so a further run of seventeen was produced and distributed most of which were delivered by me. Further to the distribution, your parishioners on Wyche Road and Wyche Lane copied and distributed further copies.

I now realise that I perhaps over-egged the pudding, however, I stand by the actions that I took and continue to take. As far as I am concerned we are nearing the end of the beginning of this process, but I shall continue to fight for the your parishioners who are desperately worried about MGHA and their intentions who have no representation on the Parish Council. A fight I might add, that should be being fought by Parish Councillors (not me) who are in my opinion are incorrectly barred from any discussion regarding MGHA.

We (not Jill) are in the process breathing new life into The Bunbury Residents Association, an association that is registered with Cheshire East as an interest group, due to the total lack of representation on the Parish Council.

Regards

James Walton  
 DDI 0044 (0) 1829 260195  
 Mob 0044 (0) 7971 818294

15/10/2011

**MINUTES OF A MEETING OF BUNBURY PARISH COUNCIL held at the Bunbury Village Hall on  
Tuesday 9<sup>th</sup> August 2011.**

**Present:** Cllrs. E.Partridge (Chairman), B. Dykes, D.Ellis, M.Jones, E.Lord, N.Parker, J Waits

**In Attendance:** A. Stubbs – Clerk  
M.Jones – Cheshire East

No members of the public were present.

Cllr. Michael Jones presented a photograph and letter from Cheshire East Council to Cllr. Dykes in recognition of all his years of service at both Crewe and Nantwich and Cheshire East. He also announced his appointment as Head of Resources within Cheshire East.

**11.08.01 Apologies for Absence**

Apologies were received and accepted from Cllrs. S.Beard, D.Burrows and G. McCormack

**11.08.02 Members Declarations of Interest**

Cllrs. Ellis and Waits declared a personal and prejudicial interest in planning application 11/2575N in item 3. It was agreed discussion of this application would be left until the end of the meeting.

**11.08.03 Planning Applications**

11/2479N – New farm building at Bunbury Commons Lane

No objections – proposed Cllr. Dykes, seconded Cllr. Ellis and all agreed.

During discussion, Cllr. Parker pointed out that a hen house at the site had been placed over the public footpath. Cllr. Ellis to mention this to the owners.

11/2441N – amendments at Oaklands, Long Lane

No objections – proposed Cllr. Parker, seconded Cllr. Ellis and all agreed.

11/2298N – extension at Little Orchard, College Lane

No objections – proposed Cllr. Ellis, seconded Cllr. Dykes and all agreed.

**11.08.04 Discussion of LDF and questionnaire to be returned to Cheshire East**

After discussion it was decided that the parish council would not return the LDF questionnaire but that members would each fill in a copy. Councillors would also encourage residents to complete the questionnaire. The clerk was requested to put a notice on the noticeboard and distribute copies of the questionnaire to Tilly's, Burrows butchers, the Co-op and the Surgery.

It was also agreed that a working group would start work on a Bunbury Village/Neighbourhood plan. Cllrs. Dykes, Mandy Jones, Partridge and Waits to form the working group. The clerk to enquire at Cheshire East about funding.

**11.08.05 Finance Matters**

**It was resolved that:**

the following cheques be signed – proposed Cllr. Dykes, seconded Cllr. Parker and all agreed.

PAYEE	DESCRIPTION	NET (£)	VAT (£)	TOTAL (£)
Black Cat Fireworks	Fireworks	1052.80	210.56	1263.36
Audit Commission	Audit 2010/2011	135.00	27.00	162.00
Bunbury Village Hall	Hire of Hall extra meeting August 2011	15.00		15.00
CHALC	Planning Training for Jill	40.00		40.00
Rubell Print	2000 maps	1140.00		1140.00

**11.08.06 Any Other Business**

Cllr. Dykes reported that the pavilion had now been re-painted. He raised concerns about the traffic in the centre of the village but councillors decided that any traffic calming measures would be too restrictive and detract from the atmosphere in the village. The clerk was asked



to raise the hedge at Brantwood with Cheshire East Council as it requires trimming to prevent it encroaching on the road.

Cllr. Dykes also reported that while roads in the rest of the village had been resurfaced, the centre of the village was a 'high stress' area and would be done next year with a better quality dressing.

Cllr. Michael Jones reported that:

- Cheshire East are reviewing the standards committee.
- Cheshire East have no assets in Bunbury that require transferring.
- Arriva will not put on a bus to Bunbury so that a 'Dial-a-Ride' service is in the process of being set up.

Cllr. Ellis reported that donations from Village Day had been sent to 20 organisations in the village. He also reported that £500 had been set aside for next year to provide security guards on the playing field during the preparations for village day due to the very disappointing vandalism by young people that had taken place this year.

Cllr. Waits requested that the council consider holding a public meeting to discuss the land behind the Muir development and the recent planning application from Muir Housing to vary the conditions.

Cllrs. Ellis and Waits then left the meeting.

The clerk confirmed that several applications had been received to vary the conditions of the planning permission for the Muir housing development on Wyche Lane, 11/2575N and 11/2423N. It was agreed that 11/2575N was the correct application and that Cllr. Michael Jones should be formally requested to ensure the withdrawal of 11/2423N.

The Parish Council discussed the background to the application as follows:

1. The planning application 11/2575N is for a variation in the planning approval for the Muir affordable homes (P07/0867) to vary:
  - condition 17 which states that 'the use of the access gate at the land to the rear of site shall be restricted to vehicles used in connection with maintenance of that land only and for no other purpose'
  - condition 2, amending the plans to include a new accessway across the land offered to Bunbury Parish Council to the adjacent field.
2. At the time of the first planning permission, Muir made a statement that they were not interested in developing any further houses in Bunbury and they would offer the balance of their site to the Parish Council (now called the PC strip). The field beyond the PC strip is not owned by Muir but they do still have an option to purchase this land.
3. The original plans included a gate into the PC strip which was difficult to access and obstructed by a car space. The gate is subject to condition 17 which means that the Parish Council would not have access to the PC strip for any other purpose than to maintain it, thus preventing other uses of this land.
4. The Muir Group is covenanted to the owner of the field beyond the PC strip to provide an accessway connecting the field to the Muir housing development on commencement of construction on it's site. The access route is to be to a standard approved by Cheshire East Council and may be up to 'adoptable standard'. Muir are also obligated to maintain the accessway.
5. The Parish Council have been in discussion with Muir regarding the PC strip. It is not possible for the Parish Council to take on the liability of a strip of land which does not have access other than for maintenance and which consequently cannot be used for any purpose. The Parish Council need to use the land for community benefit.
6. In considering options for the PC strip, the Parish Council wrote to the owners of the adjacent field asking if they would agree to give up the right to have the accessway

constructed across the PC strip, as an alternative means of access to the field is available. They have declined to do so, which means Muir are obligated to construct the accessway with the houses and the Parish Council must take this into account in relation to the PC strip.

7. The accessway proposed within the new planning application specifies a 'Toptrek' surface which is an agricultural type surface and access, it is not to 'adoptable standard' and would not be suitable for any housing.

The planning application therefore removes the access problem to the PC strip and ensures that the Parish Council have planning permission to use the two accesses into and across it – these accesses to be provided by Muir with the new housing.

8. Muir have offered the Parish Council a legal option on the PC strip which will secure the availability of the land and allow time for suitable community benefit use and any necessary funding and planning applications to be arranged. The legal option would also ensure that the Parish Council would not be responsible for maintaining the proposed accessway or any costs of maintaining it. The Parish Council have agreed to proceed with the option and legal contracts are being prepared.

9. The field adjacent to the PC strip is outside the village settlement boundary and any application to develop this land for any purpose would be subject to usual planning regulations, which would include demonstrating the need for development to the Parish Council and Cheshire East Council.

Taking into consideration all of the above, the Parish Council decided:

- that a public meeting would serve little purpose at present but one would be set up to discuss the possible uses of the PC strip when all legalities were finalised.
- that the Parish Council supported planning application 11/2575N but would additionally request that conditions are added which restrict the surface of the accessway to Toptrek or an alternative agricultural surface.

There being no further business, the meeting closed at 9.15pm.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Neil and Alex Stubbs**

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**From:** "Partridges" <ep.partridges@btinternet.com>  
**To:** "Alex Stubbs" <bunburyclerk@aol.com>  
**Sent:** 31 August 2011 13:09  
**Attach:** Meeting 26 Aug 2011 without Js note.docx  
**Subject:** Fw: Meeting with MGHA, CEC Planning, Housing and Michael Jones

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

**From:** [jill waits](#)  
**To:** [ep.partridges@btinternet.com](#)  
**Sent:** Wednesday, August 31, 2011 10:54 AM  
**Subject:** Meeting with MGHA, CEC Planning, Housing and Michael Jones

Dear Erica,

Hope all is well with you.

I'm sure you know that James has been active in trying to get the recent variation and removal of planning conditions that MGHA are seeking stopped. Much has happened, and on Friday last week Michael Jones facilitated the above meeting with Muir and CEC and James. David Ellis had hoped to attend, but was unavailable, so I went along, making it clear that although I was a Parish Councillor, I was attending the meeting as a resident and not a representative of the BPC.

I am attaching our notes of the meeting for your information. The ultimate outcome was that Steve Irvine of the CEC Planning Department offered to facilitate and attend a meeting between MGHA and Gary McCormack with a view to seeing if there was an acceptable way forward in all this. I don't know when this is to be.

I hope my attendance at the meeting does not give the Parish Council any cause for concern. I don't believe it should, or I wouldn't have gone.

I'm not sending you these with a view to receiving any comment from you, but just to keep you informed.

Regards,

Jill

**Notes from a meeting with Muir Homes Housing Group and Cheshire East Council Officers 26  
August 2011 at Westfields, Sandbach.**

Present: Steve Irvine – CEC Planning, Vikki Jeffrey – CEC Housing, Michael Jones – CEC Councillor,  
Tony Robinson – MGHA, Jill Waits and James Walton – Bunbury residents.

Cllr Michael Jones organised and facilitated a meeting at CEC, Westfields to enable serious issues regarding variation 11/2423N, to be aired between MGHA, CEC Planning, James Walton and Jill Waits. James Walton thanked both Cllr Michael Jones and Stephen O'Brian MP for their support in this issue and their categorical statements regarding their view that Wyche Lane cannot support any further development past that already planned.

Cllr Jones briefly highlighted the difficulties perceived by many residents in Wyche Lane and beyond regarding the proposed variation to condition 2 and removal of condition 17 requested by MGHA for the proposed development of affordable housing on Wyche Lane, Bunbury. The purpose of the meeting was to air these concerns and see if there was a way forward.

Mr Walton explained that he and Mrs Waits did not formally represent parishioners but were present to voice their own concerns regarding the current variation and removal of planning conditions by MGHA. He said that the majority of residents in Wyche Lane feel that the Parish Council and the Borough Council are, rightly or wrongly, dancing to the tune set by Muir Group and that for some reason he appeared to have become their standard bearer on opposing the current planning application variation and removal. Therefore, their main focus and desirable outcome from the meeting and subsequently the full planning committee is that the track through the optional land remains a track of about 3m for agricultural use only.

Mr. Robinson was pressed by Mr. Walton regarding when he knew that MGHA had obligations under the TP1 agreement, originally signed in July 2005. Mr. Robinson eventually agreed that he had known about MGHA obligations since the signing of the TP1. Despite this knowledge, MGHA had pursued the development as outlined in permission 07/0867 through all its procedures and processes, on the assumption (Mr. Robinson's words) that they could sort it out later with the TP1 landowner.

Mr Walton pointed out that errors, omissions and inaccuracies by MGHA had led to many villagers feeling very uncertain about MGHA and their behaviour. What might appear to be unfortunate mistakes and poor timing could and were being perceived by villagers as smoke and mirrors tactics by MGHA, including the current planning application variations, which are seen by many as a reflection of MGHA's ongoing erosion of safeguards that residents had been given in 2007 at a public meeting. These had been further supported by the report of the Inspector of Planning, Mrs K A Ellison. He quoted paragraph 22 of the Inspector's report following the enquiry held on 4 & 5 April 2006 "In the circumstances, I consider that they would be highly likely to expose this land to considerable developer interest, making further erosion of the gap more difficult to resist".

Mr Robinson was asked why MGHA wanted to continue to have an option to build on the field at the rear of the proposed development and the strip. Mr Robinson confirmed that Muir had no intention of building more than the 10 houses currently approved. With this in mind, he agreed to explore the

rescinding of Muir's option. (After the meeting he advised Cllr Jones, Mr Walton and Mrs Waits that based on the legal advice just received the rescinding of the option to buy the field at the rear was not possible.)

Cllr Jones warned that if the current difficulties between the parties involved could not be resolved, it may go to judicial review, with substantial cost all round.

When questioned further by Mr Walton, Mr Robinson agreed that it had been Muir's error to commit to putting in the stipulated access road to the rear field. However the new and current owner of the field wanted something different from the previous owners. Mr Robinson confirmed that Muir's original plan was for 20 houses on the site, but this had not been well investigated and the proposal was quickly reduced to 10.

Mr Walton asked for details of the financing of the proposed scheme in relation to the use of public monies and the responsibility of CEC with regard to their duty of care regarding public funds. Ms Jeffrey said she believed approximately £140,000 (50%) had been allocated in March 2011 from the Homes and Community Agency, plus a commuted sum from the Council of around £100,000. It was confirmed that the total cost of the scheme is expected to be £1.1m and that if the development cannot proceed MGHA will have to repay all the money allocated.

Mr Walton had referred to the strip at the rear of the proposed development as a ransom strip, but Mr Robinson pointed out that this cannot be regarded as a ransom strip. Mr. Robinson agreed that at the July 2007 public meeting he offered the retained land (Ransom Strip) to the PC as a PR offering. This strip of land now has no useful purpose, due to the requested roadway to run through it. If MGHA did not meet its contractual commitments with Mr McCormack by putting in a 4.5m road, an injunction could come from Mr McCormack enforcing this.

Mr Walton pointed out the ridiculousness of the proposed roadway at 4.5m, particularly as Wyche Lane was only 3.2m wide in places but was able to accommodate delivery tankers, combine harvesters, etc. He suggested that a 3m road would look less out of place and should be limited to agricultural use and the use of the Parish Council, their servants and others authorised by the Parish Council.

Cllr Jones asked Mr Irvine for his view from a planning perspective who said that from appearances it looked simple and straightforward. He said the Council was just likely to look at it as a track and not consider future possible developments, as this is what they are charged to do. On this basis they would be likely to approve the variation and removal of the conditions. He also confirmed that 4.5m plus drainage is the minimum standard expected by the Council.

Numerous references were made by Mr Walton and Mr Irvine to the Planning Inspector's report, particularly in relation to her concerns about the unacceptability of the original planning application for the MGHA development. Mr Irvine quoted from the enquiry in relation to the roadway "It must protect the amenity of neighbouring occupiers". He confirmed that a short road built to adoptable standards, off a private courtyard which was not built to adoptable standards, would be unlikely to be adopted. Mr. Robinson asked if a roadway of a private drive could ever be adopted, and Mr Irvine thought it could not be adopted.

In conclusion, Cllr Jones said that MGHA rescinding their option to buy the rear land would reassure residents about Muir's objectives.

Mrs Waits wished to report that, although she is a Parish Councillor for Bunbury, she was there today as a member of the public and not as a Parish Councillor.

Ms. Jeffrey agreed to send details of the selection criteria for the proposed houses to Cllr Jones.

In response to a question Mr Robinson explained briefly the difficulties of mortgages for shared owners, which were discouraging shared ownership generally.

With regard to paragraph 6 of MGHA's letter of 23 August 2011 to CEC, Cllr Jones asked if the changes proposed by MGHA will satisfy the TP1 in full. Mr Robinson confirmed that they would. He also confirmed that in normal circumstances a Section 73 application would go to the Parish Council before going to the Borough Council, but admitted that on this occasion it had not. Mrs. Waits pointed out that it was this kind of error that lead parishioners to feel very uncertain about the actions of MGHA, particularly when the last public interface between MGHA and the public had been in 2007. She believed that parishioners will have left the meeting feeling reassured about the unlikelihood of further development of the field behind the proposed development in Wyche Lane.

Cllr Jones summarised the meeting by highlighting the lack of trust by some parishioners in MGHA and CEC to a degree. The applications made by MGHA could be turned down and Cllr. Jones asked Mr. Robinson to consider the effect this might have on MGHA.

Mr Irvine agreed to offer to be a mediator between MGHA and Mr McCormack at a "without prejudice" meeting to see if a compromise could be found.

Following discussion it was agreed that a public meeting, after the proposed meeting with Mr McCormack, would be called.

Mr Walton agreed to send Cllr. Jones Mr. McCormack's telephone number.

In response to various criticisms of earlier planning difficulties, Mr Irvine said that a new process of pre-application items is being introduced in CEC from October which he hoped would improve matters and smooth the way to a better planning process.

Mr. Irvine asked if a delay in the consideration of 11/2423N by CEC would be helpful. Councillor Jones and Mr Walton agreed to respond to this point.

Mr Robinson agreed to let Cllr Jones have a schedule of meetings held between MGHA and Mr McCormack.

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

4<sup>th</sup> August 2011

Mr. Ben Haywood  
Development Management Town Hall  
Cheshire East Council  
Macclesfield  
SK10 1DP

Cheshire East Council

- 8 AUG 2011

Post Room

Dear Mr. Haywood

Regarding: Variation of planning permission 11/2575N

I am writing to you regarding this particular planning variation and the conduct of Muir Group Housing Association (MGHA) in general.

I understand that specific conditions had been laid down in Planning Application P07/0867 by an appeal court judge, specifically to limit the development of the field behind Wyche Lane to that development approved in P07/0867. I, amongst many other parishioners, was at a meeting with Mr. David Robinson of MGHA in the village hall where he gave specific assurances concerning no further development of the remainder of the field as clause 2 and clause 17 of the original application would stop this from happening. This, and the strip of land to be transferred to the Parish Council, was to be "our security blanket", I think, are the words he used.

I find the timing of this application 11/2575N to have been suspiciously constructed to ease its passage due to the Parish Council not meeting until September and most of the parishioners being away on holiday, thereby limiting any response to the proposed changes.

As I and my neighbours are directly affected by these changes sought, I am just a little surprised that we have not been notified of this proposed variation. Is there a reason for this? I understand that a very small number of people have received a letter regarding Variation 11/2575N dated 29<sup>th</sup> July 2011.

You are no doubt aware that MGHA have started work on the site. Could you please advise me that MGHA's actions are in accordance with current planning laws and regulations, and that the extensive changes to the site plans are correctly documented and are also in accordance with current planning laws and regulations and the currently approved planning permission? Would you mind further confirming that all the subsequent changes to P07/0867 including drawings have been communicated to the Parish Council?

Quite frankly I am appalled that both the assurances given by MGHA at the public meeting and the decisions of an Appeal Court Judge both appear to be being ignored, or brushed under the carpet by MGHA. The Borough Council is surely there to respect and comply with the law and respond to the promises made to the population it is there to defend. Can I ask what is being done to keep, at least, the Parish Council advised of MGHA's seemingly underhand behaviour in this regard?

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

I request that you delay reaching any decision on this matter until the Parish Council and all those people potentially affected by it have time to consider the implications of what MGHA are proposing and submit their views to Cheshire East Council at a later date than the deadline you propose of 24 August 2011. I also, in view of what appear to be major discrepancies in process, may well have to brief counsel to decide on my future actions. I also request that any decision regarding Variation 11/2575N be called in to the full council planning committee. Furthermore could I please have under the Freedom of Information Act 2000 & 2005, all e-mails, minutes, memoranda and records relating to conversations and meeting that past and present Council Officers, past and present Councillors, have had with MGHA regarding the Wyche Lane development.

I look forward to receiving your reply.

Yours faithfully,

James Walton

CC: Chairman Parish Council  
CC: Clerk of the Parish Council  
CC: Councillor Michael Jones.  
CC: Wyche Lane Neighbours



CC. A. Fison

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

12<sup>th</sup> September 2011

Mr. D. Robinson  
Muir Group Housing Association Limited  
PO Box 136  
Frodsham  
Cheshire WA6 1AW

Cheshire East Council  
Received

13 SEP 2011

Dear Mr. Robinson

Thank you for your letter of 9<sup>th</sup> September. The following points are raised as a result of this letter and as a result of the meeting that you attended at Cheshire East Council (CEC) offices on 26<sup>th</sup> August 2011.

In your third paragraph you repeat, yet again, that Muir have no plans to develop the land behind your proposed development, - so nothing is new there then. You miss the point totally, that an assurance from Muir means absolutely nothing to the residents of Bunbury. Muir could sell on the option to purchase the land to another developer. Are they the new option holders then going to be bound by your repeated promises?

In paragraph six, you refer to the variation to 07/0867 to change the width of the track into the field from 3 metres to 4.5 metres, as I understand it, within the provisions of Section 38 of the 1980 Highways Act. These provisions are to be complied with. The Act states that there must be a 4.5m wide road with a 2m curb and path on each side for the roadway with full use. This would be an 8.5m wide road into a field. However, if the road is restricted use, only one of the curbs or paths can be reduced to 1m, which would be a total width of 7.5m road into a field. At the meeting in CEC offices you were unhappy with me describing the retained land as a ransom strip. However, after some discussion it was agreed that this is what it (the retained land) was. This land was to be donated to the Parish Council as a public relations exercise, in that this retained land with a 3 metre track through it would provide total confidence to the people of Bunbury that the field could not be developed. You actually agreed at the meeting in CEC's offices that the retained land with a 4.5 m (or is it 8.5m?) roadway running through it was useless for the purpose that it was offered in the first place, i.e. a ransom strip.

In reading the Parish Council's minutes of their meeting 9<sup>th</sup> August, 2011, item 9) that a public meeting would serve little purpose at present but one would be set up to discuss the possible uses of the PC strip when all legalities were finalised. At the meeting in CEC offices it was agreed by you, Mr. S. Irvine and Councillor M. Jones that a public meeting would be set up and facilitated by Councillor M. Jones. This meeting was to be set up once you had had a three way meeting with the

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

owner of the land, Mr. Irvine (CEC Planning) and yourself, and when you had written to Councillor M. Jones explaining why Muir could not give up the option to buy the land behind the development. Can you please give me your assurances that this has all taken place? Also is your proposed public meeting to be the same public meeting that Councillor Jones kindly offered to set up and facilitate?

In your final paragraph you say that you hope your letter addresses concerns that we may have and whilst this may well have been your intention, I am afraid it does not, as it does not address the real issue that Bunbury residents would only feel confident in seeing a 3 m track into the field as required by Mrs K A Ellison in her Inspector's report and in the original planning permission 07/0867 granted by the officers of Crewe and Nantwich Council's Planning Department.

Yours sincerely

James E Walton

Cc Cllr M Jones, Mr A Fisher (CEC Planning), Bunbury Parish Council, Wyche Lane residents.

**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 TARPOLEY CHESHIRE CW6 0UP
Daytime telephone:	01829 733252
Evening telephone:	01829 733252
Mobile telephone:	
Email address:	bunburyclerk@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**

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**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 18<sup>th</sup> 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 22<sup>nd</sup> 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 16<sup>th</sup> 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 12<sup>th</sup> 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 13<sup>th</sup> 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.



## Comments Relating to Councillor Waits

1. Cllr Waits has a background in senior NHS management and management consultancy which should lead to an understanding of the role of corporate governance in public life. She was provided with a copy of the good councillor guide and code of conduct on her appointment in 2010 (there were no written standing orders then) and she was on the committee which drafted the standing orders. She has also attended a course on dealing with planning applications which I understand included a section on conflicts of interest.
2. I have attached a number of emails which are relevant but I would make the following points :
  - in her email of 18<sup>th</sup> November 2011 she clearly states that she and her fellow Wyche Lane Cllrs are potentially affected by the transfer/use of the blue land. She later claims that she has no interest as she does not own the property in which she lives with James Walton as a couple/family and that she cannot see the land in question (the explanatory notes provided clearly bring this relationship into a personal and/or prejudicial interest);
  - the objections/correspondence (attached) made by James Walton in relation to planning application 11/2423N clearly raise concerns that this could lead to future development on the field at the rear of his property. He also circulated letters to neighbours creating concerns on this point which Cllr Waits assisted in posting. Even if these are erroneous, if they result in the accessway being refused this could impact on the affordable homes being constructed;
  - she incorrectly states that she has not seen Julie Openshaws advice and that she was unaware that she could declare a personal interest and participate (when one councillor does this at virtually every meeting);
  - she incorrectly states that Cllr McCormack has been prevented making statements when she availed herself of this right at a public meeting ;
  - she has sent emails displaying a lack of respect for other councillors and suggesting they resign (she has told me that she received no replies from other councillors)
  - she has sent what I consider to be bullying emails to the Clerk, off the back of Gary McCormack's emails
  - her emails to other councillors appear to me to be seeking to influence their decisions in relation to the Parish Clerk, Cllr Dykes and also their declarations of interest : her email of 22<sup>nd</sup> December 2011 does this particularly in informing all councillors of the confidential matter of her earlier breaches of the code of conduct and including Borough Councillor Michael Jones into this matter. Brian Dykes was formerly a Borough Councillor and on the planning committee, he has explained to me how he always declared his interests correctly on any Bunbury matters and now has no interest and I fully accept this, his manner can be abrasive but he is not intentionally offensive – I find this campaign against him disturbing;
  - she proposed the reopening of the discussions on planning application 11/2423N and voted against the application on the basis that it would look too wide and 'she would not mention the extra houses'
  - she took up Cllrs Burrows request for a letter to be sent to Muir requesting his niece be allocated one of the affordable homes;
  - she has not declared any interest when James Walton's numerous correspondence is discussed and I wonder if she should.
3. James Walton's Role : I have attached quite a number of emails from James Walton to make the situation as clear as possible. He is a private individual and so I accept his behaviour is not a matter for review. My concern is that :
  - his comments follow the same pattern and themes as Cllr Waits and McCormack
  - all the Parish Councillors have denied supplying James Walton with Julie Openshaw's internal email (which means at least one Cllr is actually lying) and he has accessed Cllrs Waits documents as he has not formally requested a copy of the Standing Orders which he quotes;

- his comments include many factual errors and incorrect assumptions (too many to detail here) so I have not included them on the basis that the accusations and insinuations he makes are correct, quite the contrary, and I can comment on each of the erroneous points if requested. I consider his messages to be a targeted bullying campaign in conjunction with Cllr Waits and Cllr McCormack to remove the clerk (in which they have been successful as she has resigned due to their harassment). From the content of the messages I also consider them to be an attempt to bully me as Chairman, and I anticipate further emails in a similar vein once the Clerk has left her post. The constant unsubstantiated references to Cllr (Alderman) Dykes are also effectively bullying myself and they suggest will probably lead to further accusations;
  - James Walton has made a Freedom of Information request for the same information Cllr Waits asked for concerning all discussions of the Muir Sub Committee. He has also contacted Muir with questions relating to those discussions. (The Clerk has been advised by CHALC that the minutes should be split between confidential and non confidential items and only the latter should be released under the FOI request and to the Cllrs with a prejudicial interest and this is being arranged);
  - Mr Walton appears to consider that his bullying behaviour carries influence and entitles him to direct events at the Parish Council and the Borough Council;
  - I was especially concerned at his emails complaining about the Clerk and in particular the email of 6<sup>th</sup> December where he provisionally withdrew his complaint pending the outcome of the Parish Councils response to Cllr Waits request to reopen the discussion on planning application 11/2423N. I considered this to be a threatening email and sought advice from CHALC on how to manage this. I proposed to abstain from the discussion and Parish Council vote on the proposal so the decision could not in any way be viewed to be influenced by this email. Jackie Weaver agreed with this approach. I then disclosed the matter of the complaint and the provisional withdrawal in a later confidential part of the meeting.
4. In summary I have found the combined emails from Cllr Waits/James Walton's home to be threatening and bullying and the whole situation to be extremely disturbing. The Parish Council have now amended their Standing Orders to require a posted letter to the Clerk and a posted response in an attempt to manage this situation.
5. From the above and attached it appears to me that Cllr Waits may be in breach of the following Codes of Conduct :
- 3 (1) 'treat others with respect'
  - 3 (2) (b) 'bullying'
  - 3 (2) (d) 'likely to compromise the impartiality of those who work for your authority'
  - Potentially 4 (a) 'disclosure of confidential information'
  - 7 (1)(a) and (b) 'you must have regard to any relevant advice provided by your authority's chief finance officer and your authority's monitoring officer'
  - 9 (1) ' disclosure of personal interests'
  - Potentially 12 (1) and 12(2) 'effect of prejudicial interests on participation'

## COUNCILLOR JILL WAITS EMAILS REGARDING DECLARATIONS OF INTEREST

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

**From:** Jill Waits  
**To:** Alex BunburyParish  
**Cc:** Erica Partridge ; Gary McCormack ; Sally Beard ; Mandy Jones ; Dave Ellis ; Brian Dykes ; Nick Parker ; Michael Jones  
**Sent:** Thursday, December 22, 2011 4:34 PM  
**Subject:** Code of Conduct Complaint against me

Dear Alex,

I have today received a letter from Caroline Elwood advising that you have raised a complaint against me via an alleged breach of Para 5 and 12(1) of the Code of Conduct.

Unfortunately Ms Elwood's letter gives no details at all of the alleged breaches, leaving me astounded and totally unaware of any breaches I have made under the headings you have quoted (or any other headings). I would therefore be grateful if you would let me know what I have done, or failed to do, that requires the course of action you have taken.

I am copying this email to fellow councillors so that they are aware of what is happening.

I look forward to hearing from you.

Regards,  
Jill

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

**From:** Jill Waits  
**To:** BunburyClerk ; sallypbeard@fsmail.net ; Eric Lord ; Nick Parker ; David Ellis ; Erica Partridge ; Gary McCormack ; Brian Dykes ; Mandy Jones  
**Sent:** Tuesday, December 06, 2011 12:07 PM  
**Subject:** Re: General Advice on Parish Council Member Declarations of Interests

Dear All

You will have received the email below from Alex dated 4 December which also has the email from Julie Openshaw regarding the above. The documents she refers to are very helpful and I now feel much clearer about the need, or otherwise, to declare an interest and whether that is private, or prejudicial, or both. What I had not appreciated before, perhaps wrongly, is that even if it is necessary to declare a personal interest about a matter, one can stay in the meeting, speak and vote on the matter as long as one's interest is not also prejudicial.

This clearly puts matters that have been discussed by the PC on Muir Homes in a totally different light. I have to own that I believe I was the person who raised the issue of whether or not I, and other Wyche Lane residents, should declare an interest.

In any event, it now seems that several issues on the Muir development have been discussed and decided upon by a much reduced PC, due, incorrectly, to the total withdrawal of all Wyche Lane residents, save for Gary McCormack on some issues (even he should have been heard by the rest of us, and that is another issue which, I believe, needs to be addressed, but I do not seek to deal with it here.) Whilst I feel very responsible for this happening in part, I was a relatively new

member of the PC and had not faced this problem previously. My only wish in all this was to do, and be seen to be doing, the right thing. I did not have any other agenda.

I have looked back in the PC minutes and identified that Wyche Lane residents have been withdrawing from all discussions about the Muir development since the PC meeting on 11 January 2011. This raises the question as to how we remedy the only partially representative responses that the PC have put forward since that date. Should we be revisiting some or all matters that have been decided since then? What do other councillors think please?

In the light of Julie Openshaw's comments and the attached documentation, what are we now going to do about the decision made by a reduced PC on 9 August 2011, on which we now understand half of us should have been represented? I believe we are still able to revisit 11/2423N. This is a section 73 variation made by Muir Group Housing Association to change the approved planning permission 07/0867, which would alter the access route and width of roadway from the rear of the proposed housing development in Wyche Lane to the field at the rear, currently owned by Gary McCormack. I understand now that those councillors who had previously withdrawn should have remained in the meeting, had a voice and a vote. I am sure that the "non-Wyche Lane" councillors would not wish to deny them those rights as councillors, or to deny any rights to the parishioners they serve on the PC to represent.

My real concern here is not only that Sally, Dennis, David, I, and to some extent Gary, have incorrectly missed out on a number of important issues relating to Muir, but have not remained in the meeting, spoken and voted on any of these matters since December 2010. I hope we can now seek to remedy this unrepresentative position and work in a different way from now on.

I would be very interested to have fellow councillors' views on this and the need to revisit the Muir variation, based on both the above facts and the strength of feeling against this proposed variation, as shown by the representations of local residents which are available on line on the CEC planning website.

I would be grateful if this could be added to the December PC agenda please.

Sorry to go on at length, but there are some important principles here.

Regards,  
Jill

**From:** BunburyClerk <bunburyclerk@aol.com>  
**To:** sallypbeard@fsmail.net; Eric Lord <ericlord2@hotmail.com>; Nick Parker <nick.parker@homecall.co.uk>; Jill Waits <jillwaits@yahoo.co.uk>; David Ellis <dellis7@tiscali.co.uk>; Erica Partridge <ep.partridges@btinternet.com>; Gary McCormack <GMC@CSQ42.com>; Brian Dykes <b.dykes@btinternet.com>; Mandy Jones <mandyjones21@btinternet.com>  
**Sent:** Sunday, 4 December 2011, 13:37  
**Subject:** Fw: General Advice on Parish Council Member Declarations of Interests

Dear All

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](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> (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



Mobile: 07875 195219

Hi Erica and Brian

Have received the message below from Caroline now. I have confirmed to her that JW is Cllr Waits partner and suggest we now await an answer from Cheshire East to all queries.

Regards

Alex

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

**From:** ELWOOD, Caroline

**To:** 'bunburyclerk@aol.com'

**Sent:** Thursday, October 20, 2011 5:50 AM

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

Alex

I will speak to Julie about all these issues and get back to you ~ we need to be clear on our position as I also have 2 long e mails requesting advice from Mr Walton.

Please can you confirm if he is Cllr Waits partner ?

Thanks Caroline

---

**From:** bunburyclerk@aol.com <bunburyclerk@aol.com>

**To:** ELWOOD, Caroline

**Sent:** Wed Oct 19 19:40:20 2011

**Subject:** Fwd: Openshaw letter Fw: Members' Interests query

Sorry Caroline - got your email wrong the first time.

Alex

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

**From:** bunburyclerk <bunburyclerk@aol.com>

**To:** caroline.ellwood <caroline.ellwood@cheshireeast.gov.uk>

**CC:** ep.partridges <ep.partridges@btinternet.com>; brian.dykes <brian.dykes@cheshireeast.gov.uk>

**Sent:** Wed, 19 Oct 2011 19:11

**Subject:** Fwd: Openshaw letter Fw: Members' Interests query

Dear Caroline

Please could you give me some advice on the email below.

Councillor Jill Waits had previously declared a personal and prejudicial interest following advice from Ms Julie Openshaw. She has now changed her mind and is demanding that all minutes/correspondence is shown to her. Is this a reasonable thing to do and should I provide her with the information?

Please do not hesitate to contact me if you require any further information.

Regards

Alex Stubbs

Clerk to Bunbury Parish Council

01829 733252

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

**From:** jill waits

**To:** Partridges

**Cc:** Brian Dykes ; Bunbury Parish ; Dave Ellis ; Eric Lord ; GMC ; Mandy Jones ; Nick Parker ; sallypbeard@fsmail.net ; Michael Jones

**Sent:** Thursday, October 20, 2011 4:11 PM

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

Erica,

My circumstances have not changed. I did not own a property in Wyche Lane then and I do not own one now. As I did not see the full reply from Julie Openshaw until late last month, I don't think I can have known what bits of it applied to me and what didn't. She must have believed that the councillors in question all owned property in Wyche Lane.

I am emailing Alex to ask her to check that the register of interests is correct in this regard. If it is, as I assume, I can only believe that Julie Openshaw was briefed incorrectly on this point. I am also asking Alex to check with Julie if she believes this means I don't have to declare an interest. I am therefore grateful that you have decided to suspend all further involvement regarding Muir until all matters are clear.

Regards,

Jill

**From:** Partridges <ep.partridges@btinternet.com>

**To:** jill waits <jillwaits@yahoo.co.uk>

**Cc:** Brian Dykes <b.dykes@btinternet.com>; Bunbury Parish <Bunburyclerk@aol.com>; Dave Ellis <dellis7@tiscali.co.uk>; Eric Lord <ericlord2@hotmail.com>; GMC <GMC@CSQ42.com>; Mandy Jones <mandyjones21@btinternet.com>; Nick Parker <nick.parker@homecall.co.uk>; sallypbeard@fsmail.net; Michael Jones <m.jones1@btconnect.com>

**Sent:** Wednesday, 19 October 2011, 16:19

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

Jill

Julie Openshaws advice was only relevant to the Councillors involved, as Alex explained.

You appear to be stating that the legal advice given to the Parish Councillors was incorrect in some respects rather than your circumstances having changed and also raise the point that the circumstances in relation to the Muir land changed over this period. As previously, and as you have already declared a personal and prejudicial interest, I am uncertain as to the procedures in this situation so I think it is best to seek clarification. I will ask Alex to make further enquiries with the Monitoring Officer. All Parish Council matters relating to the Muir land will be deferred in the meantime to ensure they are correctly dealt with. I do not want there to be any further misunderstandings going forward.

Erica

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

**From:** jill waits <jillwaits@yahoo.co.uk>

**To:** Partridges <ep.partridges@btinternet.com>

**CC:** Brian Dykes <b.dykes@btinternet.com>; Bunbury Parish <Bunburyclerk@aol.com>; Dave Ellis <dellis7@tiscali.co.uk>; Dennis Burrows <dennis.burrows@btopenworld.com>; Eric Lord <ericlord2@hotmail.com>; GMC <GMC@CSQ42.com>; Mandy Jones <mandyjones21@btinternet.com>; Nick Parker <nick.parker@homecall.co.uk>; sallypbeard <sallypbeard@fsmail.net>; Michael Jones <m.jones1@btconnect.com>

**Sent:** Wed, 19 Oct 2011 13:48

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

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

**From:** BunburyClerk

**To:** jill waits

**Cc:** sallypbeard@fsmail.net ; Eric Lord ; Nick Parker ; Jill Waits ; David Ellis ; Erica Partridge ; Gary McCormack ; Brian Dykes ; Mandy Jones

Sent: Sunday, October 30, 2011 7:06 PM  
Subject: Re: Openshaw letter Fw: Members' Interests query

Jill

I can confirm that you did not declare that you owned any property in the register of interests.

I have contacted Caroline Ellwood with your query and am awaiting her reply.

Alex

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

From: [jill.waits@btinternet.com](mailto:jill.waits@btinternet.com)  
To: [bunburyclerk@aol.com](mailto:bunburyclerk@aol.com)  
Cc: [b.dykes@btinternet.com](mailto:b.dykes@btinternet.com); [dellis7@tiscali.co.uk](mailto:dellis7@tiscali.co.uk); [dennis.burrows@btopenworld.com](mailto:dennis.burrows@btopenworld.com); [ericlord2@hotmail.com](mailto:ericlord2@hotmail.com); [ep.partridges@btinternet.com](mailto:ep.partridges@btinternet.com); [GMC@CSQ42.com](mailto:GMC@CSQ42.com); [mandyjones21@btinternet.com](mailto:mandyjones21@btinternet.com); [nick.parker@homecall.co.uk](mailto:nick.parker@homecall.co.uk); [sallypbeard@fsmail.net](mailto:sallypbeard@fsmail.net)  
Sent: Thursday, October 20, 2011 4:11 PM  
Subject: Re: Openshaw letter Fw: Members' Interests query

Dear Alex,

You did send me a short email on 15 December giving what you seemed to believe was definitive guidance on the need to declare an interest or otherwise. No details were given at all other than Sally, Dennis and I should declare an interest. I am at a loss to understand why I do need to declare an interest, given the advice in Julie Openshaw's email "Each of them owns their home and has registered it as such in the register of interests". I do not own any property in Bunbury and I don't believe I have made a false declaration in the register of interests stating that I do. I would be grateful if you would check this for me please on the register. Because I didn't see the details of Julie Openshaw's reply until you sent out copies on 26 September this year, I had no way of knowing what it actually said until then. No discussion about it was in the minutes I received of the December BPC, despite the fact that I have been told it was.

Perhaps you would be good enough to contact Julie Openshaw about this issue again in order to clarify if I have to declare an interest or not. Her email seems to suggest not to me. Perhaps I should point out that the "land for sale" cannot even be seen from this house.

Regards,

Jill

From: "bunburyclerk@aol.com" <[bunburyclerk@aol.com](mailto:bunburyclerk@aol.com)>  
To: [jill.waits@yahoo.co.uk](mailto:jill.waits@yahoo.co.uk); [sallypbeard@fsmail.net](mailto:sallypbeard@fsmail.net)  
Cc: [b.dykes@btinternet.com](mailto:b.dykes@btinternet.com); [dellis7@tiscali.co.uk](mailto:dellis7@tiscali.co.uk); [dennis.burrows@btopenworld.com](mailto:dennis.burrows@btopenworld.com); [ericlord2@hotmail.com](mailto:ericlord2@hotmail.com); [ep.partridges@btinternet.com](mailto:ep.partridges@btinternet.com); [GMC@CSQ42.com](mailto:GMC@CSQ42.com); [mandyjones21@btinternet.com](mailto:mandyjones21@btinternet.com); [nick.parker@homecall.co.uk](mailto:nick.parker@homecall.co.uk)  
Sent: Wednesday, 19 October 2011, 18:54  
Subject: Re: Openshaw letter Fw: Members' Interests query

Dear Jill

Just to reply to your accusations - I emailed you on December 15th 2010 following the Parish Council meeting, detailing the contents of the email and the advice that was given. You neither queried the advice nor asked to see the email.

Alex

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

From: [Partridges](mailto:Partridges)  
To: [Brian Dykes](mailto:Brian Dykes); [Eric Lord](mailto:Eric Lord); [Mandy Jones](mailto:Mandy Jones); [Nick Parker](mailto:Nick Parker)  
Cc: [Alex Stubbs](mailto:Alex Stubbs)

Sent: Wednesday, October 19, 2011 4:14 PM  
Subject: Muir sub group

Dear Councillors

I am sure you will have seen the email from Councillor Waits requesting that other Councillors forward all messages and minutes relating to the Muir Sub Group to her.

As this is 'unchartered territory' Alex is seeking legal advice on this situation from Cheshire East to ensure that as a Parish Council our actions are correct, as we have done in the past.

Consequently I have deferred all actions relating to the Muir land until we have that advice, so please do not send any information to Jill as that in itself may constitute a breach of the Code of Conduct which we are seeking to avoid in all respects in relation to all Parish Councillors.

Alex will then respond to Jill's email appropriately in the light of the advice received from Cheshire East. Alex is going on holiday for a week so there will be some delay but I trust you will bear with that as it is important to behave correctly.

Regards  
Erica

Hi Erica,

Thank you for your email below.

However, it does not address the point made in the first full paragraph of my letter. If you feel that you have, then I am afraid you are missing the point. No councillor can request any item of correspondence when they didn't know that it existed, it is not copied to them and that it was discussed by members but not minuted at all. The point I am making is that selective circulation of individual matters to some councillors, but not others, should not be regarded as acceptable. So I would still be grateful to hear your views on this point.

As to the matter of declaring an interest, I agree that it is the responsibility of individual councillors to decide if they need to do that. At the time I raised this point I had been a councillor for less than a year and had never experienced the need to do this before in this forum. I don't think discussion on this point was minuted, but my recollection is that I raised it for consideration and believed that it was the right thing to do at the time. Other councillors in Wyche Lane clearly felt the same. At the time no-one could have anticipated the events that have followed in relation to the Muir development.

In view of what you stated in your email and the advice given in Julie Openshaw's email (even though some of the details were wrong) I wish to withdraw my declaration of interest on matters relating to Muir and hope that other councillors (except Gary on certain issues) will do likewise. Because so much has happened, I hope that Alex will please be good enough to furnish me with all previous minutes and correspondence relating to all issues discussed by the Muir sub-group and perhaps before the sub-group was set up. I suspect that I will also need to request that the other councillors on the group also please let me have copies of communications with each other, Muir or CEC, so that I can bring myself back up to speed with this. I know this is an

email to you Erica, but hope that you and the other relevant colleagues on the circulation list will please take this as a request from me and respond accordingly.

Regards,  
Jill

**From:** Partridges <[ep.partridges@btinternet.com](mailto:ep.partridges@btinternet.com)>  
**To:** jill waits <[jillwaits@yahoo.co.uk](mailto:jillwaits@yahoo.co.uk)>; sallypbeard@fsmail.net  
**Cc:** Brian Dykes <[b.dykes@btinternet.com](mailto:b.dykes@btinternet.com)>; Bunbury Parish <[Bunburyclerk@aol.com](mailto:Bunburyclerk@aol.com)>; Dave Ellis <[dellis7@tiscali.co.uk](mailto:dellis7@tiscali.co.uk)>; Dennis Burrows <[dennis.burrows@btopenworld.com](mailto:dennis.burrows@btopenworld.com)>; Eric Lord <[ericlord2@hotmail.com](mailto:ericlord2@hotmail.com)>; GMC <[GMC@CSQ42.com](mailto:GMC@CSQ42.com)>; Mandy Jones <[mandyjones21@btinternet.com](mailto:mandyjones21@btinternet.com)>; Nick Parker <[nick.parker@homecall.co.uk](mailto:nick.parker@homecall.co.uk)>  
**Sent:** Tuesday, 18 October 2011, 21:19  
**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](mailto: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 <[sallypbeard@fsmail.net](mailto:sallypbeard@fsmail.net)>  
**To:** Jill Waits <[jillwaits@yahoo.co.uk](mailto:jillwaits@yahoo.co.uk)>  
**Cc:** Brian Dykes <[b.dykes@btinternet.com](mailto:b.dykes@btinternet.com)>; Bunbury Parish <[Bunburyclerk@aol.com](mailto:Bunburyclerk@aol.com)>; Dave Ellis <[dellis7@tiscali.co.uk](mailto:dellis7@tiscali.co.uk)>; Dennis Burrows <[dennis.burrows@btopenworld.com](mailto:dennis.burrows@btopenworld.com)>; Eric Lord <[ericlord2@hotmail.com](mailto:ericlord2@hotmail.com)>; Erica Partridge <[ep.partridges@btinternet.com](mailto:ep.partridges@btinternet.com)>; GMC <[GMC@CSQ42.com](mailto:GMC@CSQ42.com)>; Mandy Jones <[mandyjones21@btinternet.com](mailto:mandyjones21@btinternet.com)>; Nick Parker <[nick.parker@homecall.co.uk](mailto:nick.parker@homecall.co.uk)>; Sally Beard <[sallypbeard@fsmail.net](mailto:sallypbeard@fsmail.net)>  
**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

---

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

**From:** [jill.waits](mailto:jill.waits)  
**To:** [BunburyClerk](mailto:BunburyClerk); [Mandy Jones](mailto:Mandy.Jones); [Brian Dykes](mailto:Brian.Dykes); [Gary McCormack](mailto:Gary.McCormack); [Erica Partridge](mailto:Erica.Partridge); [David Ellis](mailto:David.Ellis); [Nick Parker](mailto:Nick.Parker); [Eric Lord](mailto:Eric.Lord); [sallypbeard@fsmail.net](mailto:sallypbeard@fsmail.net); [dennis.burrows@btopenworld.com](mailto:dennis.burrows@btopenworld.com)  
**Sent:** Monday, October 17, 2011 6:04 PM  
**Subject:** Re: Email from Ms. Julie Openshaw dated November 22nd 2010

Alex,

As I have never been given or sent a copy of Julie Openshaw's email I can confirm that it did not come from me.

Regards,  
Jill

**From:** BunburyClerk <bunburyclerk@aol.com>

**To:** Mandy Jones <mandyjones21@btinternet.com>; Brian Dykes <b.dykes@btinternet.com>; Gary McCormack <GMC@CSQ42.com>; Erica Partridge <ep.partridges@btinternet.com>; David Ellis <dellis7@tiscali.co.uk>; Jill Waits <jillwaits@yahoo.co.uk>; Nick Parker <nick.parker@homecall.co.uk>; Eric Lord <ericlord2@hotmail.com>; sallypbeard@fsmail.net; dennis.burrows@btopenworld.com

**Sent:** Monday, 17 October 2011, 12:14

**Subject:** Email from Ms. Julie Openshaw dated November 22nd 2010

Dear All

A resident of Bunbury, James Walton, has received a copy of the above email and claims it is from 'a member of the Parish Council'.

Please could you all confirm whether or not you have forwarded this email on to him.

Regards  
Alex

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](mailto:sallypbeard@fsmail.net), [dennis.burrows@btopenworld.com](mailto: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)

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

**From:** [jill waits](#)

**To:** [Bunbury Parish](#)

**Sent:** Thursday, December 16, 2010 10:35 AM

**Subject:** Re: Land at Wyche Lane



Alex,

Many thanks for letting me know what happened on the above point. I imagine it is often difficult in villages when this potentially important type of land issue is discussed. Thank goodness we don't all live on the perimeter!

I am feeling a bit better but still coughing well thanks, but James is at the GPs as I write, trying to shake off the hacking cough before the big day.

I hope everything went well at the meeting and later.

Many thanks for your words of advice about training. I will come back to you with something solid in the new year.

I hope you have a good break and look forward to seeing you in 2011.

Kind regards,

Jill

--- On Wed, 15/12/10, Bunbury Parish <Bunburyclerk@aol.com> wrote:

From: Bunbury Parish <Bunburyclerk@aol.com>

Subject: Land at Wyche Lane

To: "Jill Waits" <jillwaits@yahoo.co.uk>

Date: Wednesday, 15 December, 2010, 14:21

Jill

Hope you are feeling better today. Just thought I ought to keep you up to date with something that was reported at the last meeting.

Following your disquiet about declaring an interest for the Muir land discussion, I contacted the monitoring officer for advice. She confirmed that she thought both you, Dennis and Sally should declare personal and prejudicial interests in the discussion and abstain. Dennis had already told me that he was going to take no part in the decision making and Sally also declared an interest at the meeting when informed of the email.

Hope this is helpful for future meetings. I will let you have a copy of the minutes when I have completed them.

Cheers

Alex

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

From: jill waits

To: Partridges ; Alex Stubbs

Sent: Monday, July 04, 2011 5:48 PM

Subject: Re: Fw: Muir Homes

Hi Erica (and Alex),

Hope you had a good holiday. I thought you must have been away.

Below is the reply I received - sorry about that. I was at pains in my letter to say that I was writing as a private individual, though David Robinson seems only to see my Parish Council hat. I wrote it more as a favour to Dennis Burrows, although I am all for making housing adjustments that make common sense and offer a family a home that Polly no longer needs. This wasn't done to create difficulties and I sincerely hope it hasn't.

Do let me know if you need anything else.

Regards,

Jill

I'd still be grateful if you'd give me a call Erica, when you have caught up with yourself. My

number is 260195.

Regards,  
Jill

From: David Robinson <David.Robinson@Muir.org.uk>  
Subject: Properties and Wyche Lane, Bunbury  
To: "jillwaits@yahoo.co.uk" <jillwaits@yahoo.co.uk>  
Cc: "bunburyclerk@aol.com" <bunburyclerk@aol.com>, "Tracey Ashton" <Tracey.Ashton@Muir.org.uk>  
Date: Friday, 17 June, 2011, 14:38

Good afternoon Mrs Waits

Many thanks for your letter dated the 8<sup>th</sup> June '11, which I only received yesterday, concerning Mrs Paul Owen potential application for the properties we are building at Wyche Lane.

I have passed your letter on to David Hull our Regional Manager who will be responsible for the allocation of the completed units. I have also asked David to advise you of any other steps Mrs Owen should look to take to ensure her application for these houses is correctly progressed.

I'd also advise that my colleague, Tracey Ashton will be working very closely with you and your colleagues on the Parish Council to ensure that we arrange at least 1 public meeting during the constriction period to give all local people full details of the proposed houses, and more importantly the allocation process that will be followed. Tracey will work with the Parish Council to ensure maximum local publicity not only of the public meeting but of the availability of the houses for local people.

I'd also advise that we will work with the Parish Council to explore the potential for one of the Councillors to sit as an observer on Muir's allocation panel to help us ensure the homes go to households not only with a housing need but also with a clear local connection.

Many thanks for contacting Muir and please do not hesitate to contact either Tracey or myself if you have any further queries or would like any further information.

With regards

David

David Robinson  
Director of Development  
Muir Group Housing Association  
Oakmere House,  
Meres Edge Helsby Cheshire WA6 0DJ  
Tel: 01928 728048 Fax: 0870 7315057

-----  
Registered Office: Muir Group Housing Association Limited  
Old Government House, Dee Hills Park, Chester CH3 5AR  
<http://www.muir.org.uk>

--- On Mon, 4/7/11, Partridges <ep.partridges@btinternet.com> wrote:

From: Partridges <ep.partridges@btinternet.com>  
Subject: Fw: Muir Homes  
To: "Jill Waits" <jillwaits@yahoo.co.uk>, "Alex Stubbs" <bunburyclerk@aol.com>  
Date: Monday, 4 July, 2011, 16:03

Hi Jill/Alex

Just returned from holiday and going through my emails.

The reply from Muir was not attached to the earlier email or the letter from Jill - Jill, can you send these please ?

The BPC must be seen to not influence the allocation of a property in favour of an individual but just ensure the correct process is followed.

Alex will probably need to send a message clarifying this.

Regards  
Erica

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

From: Jill Waits  
To: Erica Partridge ; Alex Stubbs  
Sent: Saturday, June 18, 2011 5:12 PM  
Subject: Fw: Playing Fields Pavilion Consultation village day - Final

Dear Erica and Alex,

I wrote to Muir Homes on 6 June, as a private individual, but mentioning that I was a member of BPC, to support Polly Owen's wish to be relocated from a 3 bed house opposite the church to a 2 bed one in Wyche Lane, when they are built.

I am attaching a copy of the reply which I have shared with Polly and Michael Owen as some of the points David Robinson makes in his email may be of help/importance later, depending on what happens.

Also, despite the fact that I made it clear I was writing as a private individual, he seems to have ignored this and appears only to refer to my Parish Council membership, which was not my intention.

I have no plans to copy it to anyone else at present, unless either of you feels it would be beneficial.

Regards,  
Jill

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

From: Jill Waits  
To: Partridges ; Dennis Burrows ; Nick Parker ; Brian Dykes ; Sally Beard ; Philip Elsegood ; Alex BunburyParish ; Eric Lord  
Sent: Thursday, November 18, 2010 3:49 PM

**Subject: Re: TP1 for Muir Land at Wyche Lane**

Erica, Alex and fellow Councillors,

First, thanks for doing all this work Erica.

I am sure you are right that we need some legal advice on the points you have raised, as several items seem open to interpretation and need to be considered in the light of circumstances moving in a number of different directions.

The crux of the matter is to me, as Alex wrote in her email, that the village is offered no protection with regard to future development of the vacant land currently owned by Gary & Suzie, which is presumably why the strip of land was withheld from sale in the first place.

**I can't help feeling that the Parish Council is being rendered rather powerless in all this, and thus, so are the villagers. I have to admit that this whole business leaves me feeling uneasy, as a Parish Councillor, potentially a neighbour of any future development and as a member of the village.**

However, on another tack, both I, and presumably Dennis, and maybe even Sally, could then be deemed to be affected by the potential development of this land and perhaps should not therefore be involved in the discussion. I don't know how you see this, but I want to point out that I did not become a Parish Councillor to protect my own interests, but those of the village first and foremost. The village will still be here when I am long gone and I would like to believe that the Parish Council has done the right things for the right reasons. I will therefore abide by whatever decision is reached on my appropriateness in being involved or otherwise in decisions relating to this land.

This is already a complex issue and I am sorry to be seen to throw another spanner in the works!

Regards,  
Jill

--- On Wed, 17/11/10, Partridges <ep.partridges@btinternet.com> wrote:

From: Partridges <ep.partridges@btinternet.com>  
Subject: Re: TP1 for Muir Land at Wyche Lane  
To: "Brian Dykes" <brian.dykes@cheshireeast.gov.uk>, "Dennis Burrows" <dennis.burrows@btopenworld.com>, "Eric Lord" <ericlord2@hotmail.com>, "Jill Waits" <jillwaits@yahoo.co.uk>, "Nick Parker" <nick.parker@homecall.co.uk>, "Philip Elsegood" <Philip.Elsegood@eel.co.uk>, "Sally Beard" <sallypbeard@fsmail.net>, "Bunbury Parish" <Bunburyclerk@aol.com>  
Date: Wednesday, 17 November, 2010, 13:16

All

I have now had time to read the TP1 transfer to Muir - the plan provided by Muir at the meeting appears to be the plan referred to, I think we should request the coloured plan for the TP1 from the Land Registry (I would have expected them to provide this) - can . I have attached a pdf of this plan - I have assume the land sold is the area with 'access through to field' marked on (now registered as Muir title CH540350 - attached), and the 'retained land' referred to is the remainder of the title CH 246628 (now owned by Gary - attached). Gary therefore steps into the shoes of the 'transferor' in this document.

The relevant parts of the document are :

The Accessway - defined as any means of access on foot and vehicles

13.3.6 - this grants a right of way to Gary over the Accessway 'in connection with the occupation' of his land but the cost of maintaining the Accessway falls on Muir or their successors in title 'according to user'.

13.4 - Part (a) obligates Muir (or a future owner of the Muir land) to construct the Accessway at the same

time as they construct the dwellings. In this clause references to the Accessway now refer to Muir constructing a road to adoptable standards and maintaining it until it is adopted. Part (b) obligates Muir to erect and maintain a fence and gate to Gary's land.

The route of the accessway is not fixed, so Muir can decide the location to fit with their development.

It appears to me that this means that Gary owns a piece of land to which Muir are obliged to provide access suitable for the use of the land. If the use is grazing then the access can be a simple track but he can argue it needs to be adequate for agricultural vehicles. If Gary obtains planning permission to build on his land, then Muir will have to provide a road to adoptable standards suitable for the housing development.

Legal advice may be needed on the following aspects :

- whether the words in red do relate to Gary's land use
- whether there is an ongoing requirement for Muir to construct suitable access for Gary's purpose ie whether if they have provided a track under 13.3.6, they still have to provide a further upgraded access if needed
- how this would apply to a successor in title of part of the land on which houses are not being built (ie the potential BPC area) ie could the freehold obligation remain with Muir in such a case
- clause 13.3.6 does not say that the right of way is in conjunction with all others entitled to use the access - we need to know if this means the right is exclusive access to Gary's land (but it does not say the right is exclusive either).

I can only assume that when Muir agreed to these clauses they presumed that they would be building houses on the whole area and would be building an adoptable road anyway, so the agreement effectively meant they would just need to provide an access to their road and gate into the field at some point on the boundary. As the position now stands this could prove very expensive to them. It also explains their statement that they are not happy with their position on this site.

So what does all this mean in relation to BPC potentially taking the land offered by Muir ? :

- the freehold land remains subject to these covenants, so when Muir build the houses they will have to put a track through and this may be upgraded to a road in the future;
- BPC could ask Gary to release Muir from the covenants but there would be legal costs and why should he give up this significant benefit to himself;
- if BPC take the freehold they could inherit the obligation to maintain the road (construct relates to the houses) (subject to legal advice on this point);
- BPC could take the land on a long lease (100 yrs +) from Muir, recognising the fact that there will be a track or road maintained by Muir, BPC possibly picking up the fence liability - as Muir are obligated to do this if they keep the land and there has been no stated intention to pass a liability to BPC;
- the BPC interest in this land cannot therefore prevent residential development on Gary's land, it could only prevent sale of the land used for community benefit either side of an access road to Gary's land. A residential developer may consider the community use a benefit (depending on what it is), or may want to acquire this land when BPC would have some leverage;
- sale of the land to Gary for the £6000 mentioned (subject to valuation) may save Muir the additional costs of the track/road (depending on their agreement) which would far exceed the £6k and Gary could offer to buy out their whole title CH 540350 which removes all obligations from Muir.

As Alex says, developers can insure against covenants but this involves a risk assessment of someone with the benefit of the covenant claiming under it - in this case the risk relates to Gary obtaining planning consent for residential development on his land, and the insurance issue would apply on a sale of the Muir land to a third party. The fact that Gary owns adjacent land which would benefit from the covenant keeps it relevant. Again legal advice can be sought if necessary.

If BPC want to proceed with looking further at taking the land, then the feedback to Muir may be a long leasehold, but I do think we would need legal advice on the above interpretation points.

Re the possibility of allotments, the site area is just under half an acre which would give 7 allotments allowing for the access way. The access way may be useful if the area is used for allotments provided all can use it.

It might be worth sharing views by email before the meeting as this is such a complicated issue. All views welcome !

Regards  
Erica

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

**From:** Bunbury Parish  
**To:** Sally Beard ; Philip Elsegood ; Nick Parker ; Jill Waits ; Erica Partridge ; Eric Lord ; Dennis Burrows ; Brian Dykes  
**Sent:** Monday, November 15, 2010 11:47 AM  
**Subject:** TP1 for Muir Land at Wyche Lane

Please find attached PDF scan of the TP1 transfer agreement for the land at Wyche Lane. The contentious point seems to be the covenant on page 7 which mentions the construction of an 'Accessway'. The Accessway is defined as pedestrian and vehicular access between the southerly and northerly boundaries of the property, which would then run through the land that they propose to transfer to the Parish Council.

I think that a developer when faced with a covenant such as this which cannot be carried out, would normally pay a sum of money to the other affected party in lieu of carrying out the covenant. I also think that Muir would still have to create a 'bellmouth' to the land behind, in case a road is needed in the future. This isn't shown on their proposed site plan.

If you can't read the document or you would prefer a hard copy, please let me know.

Regards  
Alex

**COUNCILLOR JILL WAITS EMAILS REGARDING OTHER COUNCILLORS**

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

**From:** jill waits

**To:** Partridges

**Sent:** Monday, October 31, 2011 12:33 PM

**Subject:** Private and confidential

Dear Erica,

I'm sad that we have had a terse exchange of emails between us and, as a result, have decided to email just you in confidence. When I read what you have written to me I wonder if I am in touch with the same person I spoke to some months ago on the phone about my thoughts and frustrations with the parish council.

Since becoming a parish councillor in May last year I have attended PC meetings, where, as you know, I find the behaviour of some of my fellow councillors very unprofessional and, in relation to Brian Dykes' behaviour towards you and other councillors quite unacceptable. I recall you saying that it was Brian's way and you would just carry on regardless. Clearly you are content to put up with this. If I were you, I would not be, but I have to acknowledge that we are all different.

I know that you are aware of the content of an email written by Nick Parker about me and Dave Ellis to Michael Jones is scathing and, in my view, unjustified terms. I can't complain formally about this as it would put Michael in a very difficult position and I am not prepared to do that. You will therefore appreciate, I hope, that I am not in a position to take this matter any further. However, it does show how divided some councillors are and unprofessional in writing in such a way to a CEC councillor.

In the circumstances I can only suggest we put this matter to one side. I believe there are some important things to do for the village in relation to the village plan and hope that we can work together effectively on this in the near future.

Regards,

Jill

**From:** Partridges <ep.partridges@btinternet.com>

**To:** jill waits <jillwaits@yahoo.co.uk>

**Cc:** Brian Dykes <brian.dykes@cheshireeast.gov.uk>; Alex Stubbs <bunburyclerk@aol.com>; David Ellis <dellis7@tiscali.co.uk>; Gary McCormack <GMC@CSQ42.com>; Eric Lord <ericlord2@hotmail.com>; Mandy Jones <mandyjones21@btinternet.com>; Nick Parker <nick.parker@homecall.co.uk>; Sally Beard <sallypbeard@fsmail.net>

**Sent:** Wednesday, 26 October 2011, 18:56

**Subject:** Re: Fwd: Gary McCormack Muir

Dear Jill

I am disappointed with your reply.

If you wish to make a complaint against a Parish Councillor you should contact Alex to take appropriate action.

Your third paragraph continues to be disrespectful whether intended or not. The Parish Council needs a mix of ages/experience/residency and as Councillors resign over a period of time for whatever reason they are replaced by new blood.

Regards

Erica

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

**From:** Jill Waits  
**To:** Partridges  
**Cc:** Brian Dykes ; Alex Stubbs ; David Ellis ; Gary McCormack ; Eric Lord ; Mandy Jones ; Nick Parker ; Sally Beard  
**Sent:** Wednesday, October 26, 2011 5:43 PM  
**Subject:** Re: Fwd: Gary McCormack Muir

Dear Erica,

I'm sorry to hear you have been unwell.

I am sure, like me, you are disappointed to hear about unprofessional behaviour from one parish councillor towards another. Information has been passed on to me, and, I believe, to you, regarding an email that was written by a parish councillor regarding me, in what can only be seen as unfounded and inciteful terms. As I have said already, I presume that councillor knows about whom I write. Unfortunately the email was written about me, not to me, and I therefore feel unable to let you have a copy without implicating others. I regard this as divisive behaviour by a fellow parish councillor and I don't believe you are in a position to tell me otherwise. You write to me as if I had started something, when I see myself as the brunt, and then demand an apology. Am I missing something here?

As to your point about my comments being disrespectful to other parish councillors, I find this an interesting interpretation of what I said. The purpose of writing this was to suggest that several councillors have been in their positions for many years and maybe this was a good time to seek new and younger input as the young parishoners, like Mandy, are the future of the village. No disrespect was intended and I fail to see how you can think there was.

I am afraid I don't understand why you comment on the removal of the fencing in the next paragraph.

I did not say that I am unhappy being a parish councillor. I said that Bunbury PC was not a happy place to be at present. Maybe you feel otherwise, but please don't twist what I say. I am not seeking to "spread discontent" as you put it, just to be honest about how I feel. If fellow parish councillors are unhappy with me doing that, then I am sorry they feel that way, but no-one has implied that to me.

Like you, I just want to get on with the business of the PC. I would be happy to apologise if I could see anything to apologise for and am sorry that you feel that way.

Regards,  
Jill

**From:** Partridges <ep.partridges@btinternet.com>  
**To:** Jill Waits <jillwaits@yahoo.co.uk>  
**Cc:** Brian Dykes <brian.dykes@cheshireeast.gov.uk>; Alex Stubbs <bunburyclerk@aol.com>; David Ellis <dellis7@tiscali.co.uk>; Gary McCormack <GMC@CSQ42.com>; Eric Lord <ericlord2@hotmail.com>; Mandy Jones <mandyjones21@btinternet.com>; Nick Parker <nick.parker@homecall.co.uk>; Sally Beard <sallypbeard@fsmail.net>  
**Sent:** Wednesday, 26 October 2011, 13:24  
**Subject:** Re: Fwd: Gary McCormack Muir

Jill

Although your message below is to Alex, it raises a number of matters to which I am obliged to respond as Chairman. I have been ill recently otherwise I would have responded sooner.



I am at a loss to understand the motivation for or intent of your message in inciting the divisive behaviour which you complain about.

In making open insinuations about Parish Councillors I consider the content of the second paragraph below to be unprofessional and if you have any information (other than gossip) on such matters please provide it to Alex so action can be taken, if appropriate.

Further, your message is totally disrespectful to other Parish Councillors who commit a considerable amount of their time and in some cases their lives to serving the local community.

The advice to which you are referring was supplied by Cheshire East Deputy Monitoring Officer, not Alex Stubbs, and the Code of Conduct states that a Parish Councillor must have regard to any relevant advice provided to them by the authority's monitoring officer. As you know further advice is requested, which as before will be passed on to Councillors. I have already clarified that I reported the change of Muir contractor to the Parish Council meeting in relation to the removal of the fencing.

I note that you are extremely unhappy at being a Parish Councillor. I am sorry to hear that. I am also sorry that you are seeking to spread discontent amongst your colleagues.

Perhaps you have now had time to reconsider and trust you are now able to make an apology to your fellow Councillors.

I hope this can then be put behind us and we can all continue to work together in the future.

Regards

Erica

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

From: jill waits

To: [bunburyclerk@aol.com](mailto:bunburyclerk@aol.com) ; [b.dykes@btinternet.com](mailto:b.dykes@btinternet.com) ; [dennis.burrows@btopenworld.com](mailto:dennis.burrows@btopenworld.com) ; [dellis7@tiscali.co.uk](mailto:dellis7@tiscali.co.uk) ; [gmc@csq42.com](mailto:gmc@csq42.com) ; [ericlord2@hotmail.com](mailto:ericlord2@hotmail.com) ; [mandyjones21@btinternet.com](mailto:mandyjones21@btinternet.com) ; [nick.parker@homecall.co.uk](mailto:nick.parker@homecall.co.uk) ; [sallypbeard@fsmail.net](mailto:sallypbeard@fsmail.net) ; [ep.partridges@btinternet.com](mailto:ep.partridges@btinternet.com)

Sent: Tuesday, October 18, 2011 11:56 AM

Subject: Re: Fwd: Gary McCormack Muir

Alex,

Gary has his own way of expressing himself which perhaps isn't my way. However, I do feel he has a right to point out anything that he perceives as unfair or inappropriate behaviour by you or another member of the PC.

I think we would all recognise that Bunbury Parish Council is not a happy place to be at present. Over the past few months I have become increasingly worried about the divisive behaviour of some members towards others and a hurling of unfounded and ridiculous accusations behind individual councillor's backs, which I find totally unprofessional and unacceptable. I have no doubt that these councillors know who they are. Perhaps this is the right time for some councillors who have served the parish for many years to step away and give new faces and opinions a chance to come forward and do their bit for the village.

Whilst I am sorry to see you go in many respects, what has come about serves to highlight how important it is that the clerk serves all, and is seen to serve all, councillors equally. All councillors should not deny that this is a difficult task with the volume and complexity of the issues the PC is involved in and recognise that this is only likely to increase in the future.

The Muir issues have caused a rift in the PC which are making it look incapable of behaving appropriately. I certainly don't feel that I have been advised correctly about whether or not to

declare an interest in specific matters. Perhaps it would be better if the whole Council was to resign and then it could start again. I would be interested to hear what other councillors think.

I am sure you will find a happier environment to work in than Bunbury PC Alex and wish you well.

Regards,  
Jill

**From:** "bunburyclerk@aol.com" <bunburyclerk@aol.com>  
**To:** b.dykes@btinternet.com; dennis.burrows@btopenworld.com; dellis7@tiscali.co.uk; gmc@csq42.com; ericlord2@hotmail.com; mandyjones21@btinternet.com; jillwaits@yahoo.co.uk; nick.parker@homecall.co.uk; sallypbeard@fsmail.net; ep.partridges@btinternet.com  
**Sent:** Sunday, 16 October 2011, 20:10  
**Subject:** Fwd: Gary McCormack Muir

Dear All

Please can I have your comments on Garys email and if you concur with his opinion.

Regards  
Alex

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

**From:** CSQ Office <gmc@csq42.com>  
**To:** bunburyclerk <bunburyclerk@aol.com>  
**Sent:** Sun, 16 Oct 2011 19:29  
**Subject:** Re: Gary McCormack Muir

Alex

Very disappointed at the cavalier approach you have to reporting news to the members of the PC. I was under the impression that you were the paid Parish Council Clerk who reported to all the Parish Council Members.

From your email it looks as if you report the information that you think is important to one member only. I have made it quite clear in all my emails to you that I have given you as the Clerk information which I assumed you passed on to the other members of the PC relating to all issues regarding Muir.

Reading your email it sounds as if you do not require my permission to forward the email on to Brian. I have made it evidently clear that I and other members of the PC do believe that Brian has a prejudicial interest in the Muir development. It is well documented and Brian never stops talking about Muir.

Regardless. Why did you not inform PC Members?

Why did you not mention any of the above at the PC meeting?

Why did you not support Brian at the meeting by informing the rest of the PC that you had informed Brian some weeks ago but had not thought it important to notify any PC members?

Alex

Our last Clerk Colin Knowles lived in the village and if you have read his correspondence to Muir. You will be aware of what he stood for. From my point of view you treat Bunbury as a job. You have no interest in Bunbury. You do not live in the village and from your actions you have your own inner circle who are receiving information excluding other PC Members.

The proposed development is a very important issue in the Village and if you are not informing members correctly or the minutes are not being updated with information that other PC members should be made aware of then we have a big problem.

I am just flying to the Middle East. So will pick up mails in the morning.  
Alex, I do not have a problem sending this email to all members of the PC.

I await your reply.  
Gary

On 15/10/2011 16:48, "bunburyclerk@aol.com" <bunburyclerk@aol.com> wrote:

Hi Gary

I knew that RBL had gone bust, Tracey Ashton told me it was a possibility ages ago when I phoned her about floor levels at the development. I also checked the internet and found it was true. I've probably told Brian at some point as it wasn't a secret.

Can I forward your email to Brian so that he can answer your accusation directly?

Alex

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

From: CSQ Office <gmc@csq42.com>  
To: BunburyClerk <bunburyclerk@aol.com>  
Sent: Wed, 12 Oct 2011 10:18  
Subject: Gary McCormack Muir

Hi Alex

Re last nights meeting.

Just wanted to raise a concern about Muir. I have been in contact with Stephen Irvine at Cheshire East  
Stephen Irvine  
Planning and Development Manager. He had no information as to what had happened at the Muir site.

His reply was

Gary,

Not a jot I'm afraid. I'll follow it up tomorrow.

Regards,

How come the only person who had any information was Brian Dykes? He informed the PC that RBL  
Construction had gone bust.

Cheshire East had no news.

Michael Jones had no News

My Lawyers had no News.

I did not want to bring this issue up in the meeting as Brian was pleased with his new awarded honour.

As I have highlighted before Brian should be declaring a private and prejudicial interest regarding Muir  
Homes.

Regards Gary

**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 4 - Councillor Jill Waits

1. As I am no longer a Parish Councillor I do not wish to proceed with the following issues raised against Councillor Waits and I request that the information supplied relating to the following areas of the Code of Conduct are withdrawn and discarded and I do not wish them to be considered by the Standards Committee.  
The areas I wish to withdraw are :  
3 (1)  
3 (2) (b)  
3 (2) (d)  
4 (a)  
7 (1) (a)
2. In relation to all other matters 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.
3. Councillor Waits was co-opted on to the Parish Council in April 2010. From recollection, when issues concerning the Muir development were discussed at meetings of the Parish Council and emails between Councillors Councillor Waits did not declare any interest until the meeting on 11 January 2011. On 18 November 2010 Councillor Waits sent an email to all the other Parish Councillors, apart from Councillor McCormack, and to the Clerk questioning whether she, Mrs Beard and then Councillor Burrows had an interest in the discussions that were going on with regard to the land offered to the Council, as they were all neighbours of the site and potentially affected by it. I had already queried with the Clerk the comments that some Councillors were making with regard to the development and the land offered to the Council and, when the email was received, I agreed with the Clerk that she would seek advice from the Monitoring Officer at Cheshire East Council. An email containing advice was received on 22 November from the Deputy Monitoring Officer. This was circulated to those present at the following Council meeting on 14 December. 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 actions and declaration of a personal and prejudicial interest by those present. Councillor Waits was not present at the meeting.
4. Following the meeting, I spoke to the Clerk and she informed me that she had spoken to Councillor Waits, read out the advice from Julie Openshaw and Councillor Waits had indicated that she would accept the advice and this was confirmed in emails between them.
5. 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 19<sup>th</sup> 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 Ms Waits, and other Councillors who were resident in Wyche Land, said 'no'. They said they were happy with their position.

6. Councillor Waits has stated that that she does not own the house, Edinbane, Wyche Lane, Bunbury, where she lives with her partner. In Paragraph 8(2)(a) of the Code of Conduct a relevant person includes any person with whom the Member has a close association. Edinbane is closely located to the field of which the proposed development is sited and the land to be transferred to the Council. Ms Wait's partner objected to planning application 11/2423N for reasons related to his property and his use and enjoyment of the property.
7. I have queried whether in all the circumstances the fact that no interest was declared at the meeting is correct.
8. There is a further issue under interests that is the subject of a separate complaint lodged on 15 October 2011. This concerns Councillor Waits' behaviour in helping her partner to circulate letters to residents in which it was claimed that planning application 11/2423N would open up the field for the development of 50 houses. I have not seen this letter but Ms Waits and her partner have confirmed that this occurred. The vast majority of objections to the planning application refer to the impact of the further development. Ms Wait's partner was invited to a meeting at Cheshire East organised by the Ward Councillor, Michael Jones, to which a representative of the Muir Group was also invited. The Parish Council were invited to send someone but no-one without an interest was available to attend. Councillor Waits accompanied her partner to the meeting.
9. At the meeting on 9<sup>th</sup> August 2011 when the application was being considered, Councillor Waits requested to make a statement before leaving the room in which she requested that the Parish Council arrange a public meeting to discuss all the rumours which were going round the village regarding expansion of the Muir development.
10. I have queried whether the above actions are in breach of the Code of Conduct in relation to 9 (1), 12 (1) and 12 (2) of the Code of Conduct.

Jill Waits  
Edinbane, Wyche Lane, Bunbury CW6 9PS  
01829260195 07714211636 jillwaits@yahoo.co.uk

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

Dear Mr Dudfield,

26 February, 2012

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

Further to your letter to me of 13 February 2012 please find enclosed my response to the complaints submitted with appendices.

As explained in my email to you of 24 February I have not copied Cllr Partridge's (or Mrs Stubbs') evidence in this regard, with a view to keeping papers to a minimum. I will therefore have to ask you to refer to their papers in reading my replies, to avoid them being hard to follow. I hope that this is not a problem for you, but please let me know if it is.

Can I please remind you that in my email to you of 14 February I requested that you interview James Walton and that this request still stands. James is also available on that afternoon. It would be easier for me if you saw him after me.

As confirmed by email, I can make the afternoon of Thursday 8<sup>th</sup> March to fit in with your schedule. Can I please request that it is not before 1pm as I am otherwise engaged that morning?

Do please let me know if you need anything else beforehand. I am away from 28 February to 2 March 2012 and unlikely to access emails.

I remain very sad that my wish to help the village by joining the Parish Council has come to this stressful and unnecessary position.

Yours sincerely,



Jill Waits (Mrs)

## **Complaints under Members' Code of Conduct – CEC/2011/05, 06 & 08**

**26 February, 2012**

### **General points**

I joined Bunbury Parish Council in 2010 in order to do something useful for the village and not for my own ends, an objective which I have made repeatedly clear and still stand by. I do feel strongly that the future of the village belongs to residents who are, in the main, younger than the current parish councillors, me included.

I want to make it clear at the outset that I value my integrity and do not jeopardise that by lying. This can make me an uncomfortable colleague, but my emails often show that I am aware of this and acknowledge that this can make things difficult. As an example, please see my email dated 31 October 2011 to Cllr Partridge attached at **appendix A** where I open by saying "I'm sad that we have had a terse exchange of emails between us" and close by saying "In the circumstances I can only suggest we put this matter to one side. I believe there are some important things to do for the village in relation to the village plan and hope that we can work together effectively on this in the near future". I sent this as private and confidential, but I'm afraid believe it is important to use it here.

My intention was, and is, to do the right thing whenever possible – an aim in which I know I fail from time to time. However, it is never my intention to upset any colleague, but merely to voice my opinions and defend those of other parishioners.

The evidence that has been presented against me is merely a selected series of snapshots from random points in time and cannot put what really happened in clear context for you, or the Council's Standards Committee, to consider. I will, of course, suffer from the same problem in responding. However, I hope you can see for yourself that many of the items of evidence that Cllr Partridge has presented are not pertinent to me or my actions. Others are based on assumptions and innuendo. Also, due to repeated references to my partner, James Walton, who is not a parish councillor, I cannot help feeling that I am being made to pay for his communications with the Parish Council. Forty pages of the copied emails in the bundle sent to me only mention my name in passing and are not relevant to me in any significant way.

Many members of the Parish Council have been Councillors for decades and are, and should be, far more experienced than me in carrying out their duties and understanding procedures and protocols.



It should be noted that of the 5 Parish Councillors from Wyche Lane, one resigned in December 2011 and two more in January and February of 2012. One cannot help feeling that there is a move afoot by the Chairman and the Vice Chairman to rid the Council of all Wyche Lane residents.

I would like to clarify that I am not against the development of affordable housing on the proposed Wyche Lane site in Bunbury.

**Response to the points raised against me and the evidence put forward by Cllr Partridge in the order, and using the numbers, that she has used.**

### **Background**

1. What Cllr Partridge does not say in this paragraph is that Muir Group Housing Association, on 27 June 2011, submitted a planning variation 11/2423N to remove conditions in respect of the existing approved planning application which will result in a 4.5m roadway, as a minimum, being made as an extension of the roadway coming through the proposed housing development from Wyche Lane. The housing roadway will not be built to adoptable standards and will therefore be significantly smaller than the proposed roadway extension into the field owned by Cllr McCormack. Local opposition to this is broadly based on the fact that such a wide roadway would be entirely inappropriate in this setting, particularly as parts of Wyche Lane are no wider than 3.2m in places. Also this raises again the potential for further residential development in the field currently owned by Cllr McCormack to the concern of dozens of Bunbury residents, as indicated by their written opposition to the changes proposed by Muir GHA on the CEC planning website.  
Please note that I did not write to CEC opposing the proposed changes to the current planning application.
- 2 I did not own any property in Bunbury at that time, but now do and have reported this to the Bunbury Parish Clerk so that she can make the necessary amendments to her records.  
  
I note that Cllr Partridge states that she has attached a plan which shows "whether those houses neighbouring the land have objected to planning application 11/2423N ... or not". Our home, Edinbane is identified as objecting. By this, please be clear that it is my partner, James Walton, who objected and not me, as this appears to me to be Cllr Partridge's implication. My reading of this is that Cllr Partridge uses information in a particular way to give her desired outcome, rather than giving the full facts. Neither would I want you to think

that these were the only objections, as there were over 30 in total, not all from Wyche Lane residents.

- 3 I am not, and never have been, a member of any political party. But if I was, is being a member of the Conservative Party, or any political party, a crime? I do not see why this is raised at all.

I am a neighbour of Cllr McCormack who lives 8 doors away and I chat to him and his family as we all do with our neighbours. Until last Sunday, when he and Mrs McCormack (who has been very ill) called in to show that she was on the mend, it must have been at least 6 months since I entered the McCormack house, or he ours, so I hardly think this makes us "close associates and friends". Even if we were, this is not unusual in village like Bunbury.

Cllr Partridge states that "... I regularly discuss(es) Parish Council matters with Michael Jones". I don't think this is surprising as he is our Borough Councillor and regularly attends PC meetings in order to advise and support the PC. I therefore don't think it is irregular or incorrect that I discuss PC matters with Cllr Jones.

Just minutes before the PC meeting on 11 October 2011 Cllr Jones rang me, as he hoped I would not yet have left home for the meeting, to advise that he was unable to attend, having spent 11 hours that day at CEC agreeing budgetary issues. He had not phoned the Parish Clerk as he knew she would have left home for the meeting. He asked if I would advise the PC, for information, of a couple of items that he had actioned and this I gladly agreed to do. I explained the circumstances at the meeting. As my comments were not even recorded in the minutes, or Cllr Jones' apologies, they were clearly thought to be of no consequence at the time, but Cllr Partridge now seems to believe they are. I find this rather confusing and cannot see what the problem is that Cllr Partridge is alluding to.

As to Cllr Jones asking me to lay a wreath on his behalf at the Armistice Day service in Bunbury, I was honoured to be asked by him. I did not offer to do this, so you would have to ask Cllr Jones for his motives, if this is wrong, as I am not my brother's keeper. Is it a crime to lay a wreath when asked to do so in remembrance of those who lost their lives in war? I am not at all sure what my errors are here.

I find paragraph 3 quite offensive in the way that it implicates others who are not being complained against here. Surely I am not to be held responsible for the actions of others.

- 4 I was about to say that the content of this section is made up of facts regarding the Muir GHA lands and land owned by Cllr McCormack. However I have just noticed that Cllr Partridge states “(...as opposers of the houses are claiming the access will open this field to development)”. This shows Cllr Partridge’s total lack of understanding regarding the concerns raised by parishioners to the Section 73 11/2423N variations proposed by Muir GHA, in that those who oppose the variations do not necessarily “oppose the houses”, but simply a 3m track into a field being changed to an adoptable standard 4.5m roadway with sewers and possible footpaths and utilities. A lack of understanding, or is Cllr Partridge trying to distort the facts again?
- 5 I have no comments as there does not appear to be an allegation against me in this section.
- 6 I have no comments as there does not appear to be an allegation against me in this section.

#### **Declaration of Interests and Code of Conduct**

- 7 Cllr Partridge states that “...the necessity for a further planning application did not arise until the summer of 2011.” This is untrue, as Muir GHA has known since 2005 that a further application would be necessary, as would anyone with knowledge of the TP1. This was confirmed by David Robinson of Muir GHA at a meeting on 26 August 2011 with CEC when he confirmed that Muir had pursued the development along the lines of the planning permission from 2007, “on the assumption that they could sort it out later with the TP1 landowner” (see 4<sup>th</sup> paragraph of minutes at **appendix B**). I find it hard to believe that Cllr Partridge did not know that, despite having received a copy of the notes of that meeting which I submitted to her on 31 August 2011, as I thought she would be interested in reading them. (See **appendix B** of my email to Cllr Partridge and the attached notes of the meeting.)
- 8 Cllr Partridge’s comments relating to all Muir matters prior to October 2010 refer to Cllrs McCormack and Burrows in this section, other than her statement “the other Cllrs neighbouring the land did not declare an interest”. As the house in which I then lived (and now part own) does not neighbour any land owned by Muir, I believed my actions in not declaring an interest in Muir items to be correct. Also Ben Haywood of Cheshire East Council wrote to James Walton on 13 October 2011 (see **appendix E**) regarding the planning application 11/2423N and said “...your property does not share a boundary with the application site.”

9 Cllr Partridge is correct in that I emailed her, the clerk and fellow Councillors stating that I and other Wyche Lane residents “could then be deemed to be affected by the potential development of this land and perhaps should not therefore be involved in the discussion...” I don’t see this as “effectively declaring an interest” as Cllr Partridge states, but rather to seek guidance on the matter. This is what the clerk did and Julie Openshaw from the Monitoring Office replied in her email of 22 November 2010 (attached at **appendix C**). Please note that the discussions at the December 2010 PC meeting referred to by Cllr Partridge in her email of 26 September 2011 (**appendix C**) happened either before the meeting started, or after it ended or were just not minuted. I was not present at that meeting but advised of what happened by Cllr Sally Beard on 17 October 2011 (please see **appendix D**). Please note that this was 10 months after the event.

10 I was not present at the December 2010 meeting because I was ill. Cllr Partridge is correct that the clerk sent me a brief email on 15 December 2010, stating “...I contacted the monitoring officer for advice. She confirmed that she thought both you, Dennis and Sally should declare personal and prejudicial interests in the discussion (on Muir) and abstain.” I took this at face value and did as I had agreed to do, declaring an interest in all Muir matters thereafter until December of the following year. However, I did not receive a full copy of Julie Openshaw’s email until **26 September 2011** when Mrs Stubbs finally decided to circulate the full email to all parish councillors (see **appendix C**). If I had known the FULL advice given in the email and the information on which the advice had been based, I would not have declared an interest in the majority of the Muir matters.

As Ms Openshaw makes clear, her advice was given in respect of the need, or otherwise, to declare an interest “in relation to a plot of land which has been offered for sale to Bunbury Parish Council” and in her email of 30 November 2011 to Mrs Stubbs “NOT the later planning application” (see **appendix F**). In her email of 22 November 2010 (**appendix C**) Ms Openshaw keeps stating “you explained” as it appears that the then parish clerk, Mrs Stubbs, requested advice from Ms Openshaw over the phone and explained the not uncomplicated ownership arrangements of parish councillors in relation to the various pieces of land during that phone call. Ms Openshaw states (wrongly) that “each of them owns their home and has registered it as such in the register of interests”. I cannot expect Ms Openshaw to know who owned what, but Mrs Stubbs knew that I did not own any property in Bunbury at that time, as she was the keeper of the register of interests and I latterly checked with her that the entry for me was correct, which she confirmed by email.

Ms Openshaw then advise Mrs Stubbs of her view "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." B, C and D are, I assume, Cllrs Burrows, Waits and Beard.

She continued "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'."

Ms Openshaw then debates the issue of being quorate, which is not relevant here, but finally concludes that "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 fear that Ms Openshaw was not accurately or well briefed by Mrs Stubbs on the topic of the Muir lands and the property ownership of the Wyche Lane councillors. I understand that you are not considering these issues to decide if the advice given was right or wrong, but I hope you will let me explain that it is hard to give credibility to advice, which was wrong in parts, was given on complex ownership and use without the benefit of, at least, a plan. Also, to suggest that the PC's purchase or otherwise of a small strip of land, which appears to serve no significant purpose at all to Bunbury or Wyche Lane residents, could affect the financial position of anyone in Wyche Lane is, quite honestly, a nonsense, and I believe would not stand up if considered by a property expert.

As to the fact that Ms Openshaw refers to "the political persuasion of members involved", which is totally irrelevant and out of order, I'm sorry to state that this defies belief.

I hope you can see that I was unhappy with the response given on several counts and because of its errors and assumptions, I found it hard to give it any credibility. I do believe that Ms Openshaw should have been more accurately instructed in the first place, which

may have lead to a different conclusion. With hindsight, I realise that I should have queried this at the time with Ms Openshaw, in view of its importance but I'm afraid I did not. However, James Walton did receive a letter from Ben Haywood of Cheshire East Council dated 13 October 2011 (see **appendix E**) regarding the planning application 11/2423N which states that "...your property does not share a boundary with the application site."

Please also note that in her email of 30 November 2011 (see **appendix F**) Julie Openshaw states that "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.**" This suggests that my original confusion about whether I and other Wyche Lane Councillors should declare an interest on a number of Muir issues was still not clearly resolved at this stage on several aspects of the Muir housing proposals, and, as Ms Openshaw states "it will be for members of the Parish Council to consider their individual positions if necessary". This is what I have done.

I would like to explain that I raised the whole issue of whether or not to declare an interest on the Muir issues and now wish I hadn't, though it was done with the best of intentions, seeking to be fair, and be seen to be fair. This was never totally resolved, and I and the other Wyche Lane councillors did begin to declare our interests in December 2010, apart from Cllr McCormack who was already doing so. At that point the vice chairman and chairman in particular were firm in their views that we should remove ourselves totally from the room in which the PC was meeting, thus not being allowed to make representations, answer questions or give evidence. However, my reading of section 12 (2) of the Bunbury Parish Council Code of Conduct (**appendix G**) and section 7 d of the Bunbury PC Standing Orders (**appendix H**) both implied, in my eyes, that we should have been able to do this, even if we had declared a prejudicial interest in a matter. It was not until an Explanatory Leaflet Relating to Personal and Prejudicial Interests (Model Code of Conduct) was circulated in December 2011 that I began to feel clearer, albeit not convinced, about these confusing issues. If I have interpreted the BPC Code of Conduct and Standing Orders incorrectly then I am at fault on this point and have to hold my hand up and apologise. I do still find this very ambiguous however and think it should be worded more clearly in order to avoid this kind of confusion in future.

Having read all the advisory documents forwarded by Ms Openshaw, I still believe that I was wrong in declaring a prejudicial interest in the proposed Muir Housing development and the

strip of land to the rear of that site which is being sold to BPC for a peppercorn by Muir. As to the declaration of a personal interest on these matters, I believe it depends if the item on the agenda is purely for information or discussion and decision.

11 Cllr Partridge quotes that a number of Muir matters to be discussed by the Muir Sub Committee, which she claims is actually the full Parish Council excluding the public and Cllrs with declared prejudicial interests, were “subject to contract/commercially sensitive and not suitable for a public meeting”. I am not clear on what basis she makes this claim, as my understanding is that ALL business discussed by the Parish Council is public information, which is what I was advised at my parish councillor training by CHALC. Neither do I know what was discussed and if it was indeed subject to contract or commercially sensitive, but this seems highly unlikely when a strip of land is being sold for a peppercorn.

12 What Cllr Partridge does not say in this paragraph is that the Muir planning application 11/2423N was NOT on the agenda for the Parish Council meeting on 9 August 2011 (see appendix J), which is a direct breach of procedure and ensures that no members of the public can be present at the meeting, thus making any comment from parishioners, which is their right, impossible. Despite this, discussion on the Muir items went ahead and the remaining members of the PC decided to support Muir’s planning application.

On 6 December 2011 I raised the declaration of interests issue on Muir matters in an email to all parish councillors specifically asking for 11/2423N to be revisited as it had incorrectly been discussed and agreed without appearing on an agenda. I requested that it be added to the December PC agenda, quite honestly expecting that some councillors would not support the idea of revisiting it. I had to write to Mrs Stubbs on 8 December (appendix K) to ask where it was on the agenda, as I could see no reference to it and, as such, the public would not be alerted to its discussion. Please see her reply to me of the same date (appendix K) where it is hidden away under another vague heading – ‘Discussion on Muir matters’ which used to appear on almost every agenda and gave no inkling of the actual planning application number, one can only assume to deny the public any right to know, **for the second time**, that this planning application was on the agenda. Either this, or in attempt to silence me once and for all on this subject. This makes me wonder why I am answering all these complaints against me, when the then parish clerk, I suspect with the chairman’s agreement, continued to hide issues that should have been open to public scrutiny from the public’s eyes!

13 Paragraph not relevant to me

14 I am not aware that James Walton is under any kind of scrutiny from this committee or from the Parish Council and am therefore at a loss to know why his actions appear here and in numerous other places. James' actions are not in my control and neither do I wish them to be.

I would like to respond to Cllr Partridge's point about me requesting all the emails etc relating to the Muir Sub Committee discussions. I attended Parish Councillor training in July 2011 and as a result of that and advice given to me by Jackie Weaver from CHALC who ran the course, I raised a couple of issues that were concerning me with Cllr Partridge and Mrs Stubbs (see Appendix J) You will see from the last but one paragraph of my email to them of 4 August 2011 relating to the "position of the sub-committee looking at the Muir Homes issue/s. ...However, I do have concerns about the Parish Council having non-public meetings, where I think I am right in saying the minutes are not available to be seen by any member of the public and am not sure how this fits in with what is happening." I received the attached reply from Cllr Partridge (see appendix L), but I do not know if the content is accurate in view of the advice given to me by CHALC (Cheshire Association of Local Councils).

15 No need to comment, other than please asking you to note that the guidance on the code of conduct, etc was only submitted to councillors on 4 December 2011.

16 Cllr Partridge states that, at my request "matters relating to the Muir land were included in the agenda of the 13<sup>th</sup> December 2011 meeting". Can I please refer you to the second paragraph of section 12 of my evidence where I explain the sequence of events as they happened, rather than as Cllr Partridge presents them here.

Cllr Partridge makes a distinct reversal of events in the presentation of her evidence when she states that "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 rediscuss the matter". Although this was my ultimate aim, I did not expect to be offered the opportunity to discuss it at that meeting. It was Cllr Partridge who said to me "do you wish to re-discuss the matter now" to which I, quite incorrectly, agreed, due to my surprise at the willingness of the others to discuss it. This does not get beyond the fact that we were all out of order to discuss, or even re-discuss, a planning application without it appearing on the agenda, thus precluding the public from participating. I have to admit that I was wrong in this, but so were all councillors



present, including the Chair for suggesting it and the parish clerk for not raising a point of order. So I am not alone in my error.

- 17 I was not living in the village when the original application for affordable housing was made. I have already made it clear that I recognise and support the provision of affordable housing and am not against those proposed in Wyche Lane. However, I do know that Cllr Partridge is wrong on at least two counts in this paragraph. More implications and hearsay rather than facts.
- 18 If Cllr Partridge believed that the Wyche Lane councillors should declare an interest in all Muir issues, why, as chairman, did she not raise it with those councillors? I remind you that I, not the Chairman, was the person who raised this issue initially.

#### **Comments Relating to Councillor Waits**

- 1 Cllr Partridge is correct in her outline of my career and my co-option onto the Bunbury Parish Council in 2010.
- 2 My response to the points raised on emails attached by Cllr Partridge:
  - In my email of 18 November 2011 I did say that I and other councillors "could be deemed to be affected by" the development of the strip of land behind the proposed Muir development. It is evident from the tone of this email that I was still unclear about the need, or otherwise, to declare an interest in various aspects of the Muir issues.
  - What James writes and does is for James to decide and I regard this as inadmissible evidence. I accept that I did post one, or possibly 2, letters for him when we were out together walking our dogs to the village. I explained my actions to Cllr Partridge in an email dated 6 October 2011 which is attached (**appendix M**). I do not see it as unusual behaviour to help a friend or partner in delivering letters, whatever the content. Please see attached email of 7 October 2011 (**appendix L**) regarding James helping me to deliver leaflets for the Playing Fields Committee, of which I was a member, but he was not, as proof of our normal behaviour towards each other.
  - Cllr Partridge is correct regarding Julie Openshaw's advice. What she does not say is that I was not sent a copy until 26 September 2011 despite the fact that it was with the Parish Clerk in December of the previous year. Her comment about "one councillor (declaring a personal interest) and participate at virtually every meeting" is not correct as Cllr McCormack, to whom I assume she is referring, declares a personal and

prejudicial interest and withdraws from the chamber regularly without participating. He very rarely participates on Muir issues, so her comment is a total exaggeration, at best.

- Cllr Partridge accuses me of “incorrectly states that Cllr McCormack has been prevented making statements”. I can see no evidence of this and would request advice as to when I made such a statement.
- I can only assume that the emails I am accused of sending which “display a lack of respect for other councillors and suggesting they resign” refers to one email (not several) dated 18 October 2011 sent by me to Mrs Stubbs and copied to all councillors (attached at **appendix O**). It is evident from this email that I was upset at the time and will explain why shortly. I do not see that I display a lack of respect for my fellow councillors by suggesting that those who have served for many years could step away and give others a chance. One of the longest serving councillors recently told me that he had believed for a long time that the term for a parish councillor should be limited to, say, 5 years. Some of ours have been councillors for decades, and served admirably I might add, but the future of the village is in the younger residents and I feel it is a pity that the PC doesn’t reflect this.

The reason for my upset was the attached email from Cllr Parker to Borough Councillor Michael Jones dated 30 September 2011 attached at **appendix Q** in which Cllr Parker makes a number of disrespectful and unfounded attacks against me and Cllr Ellis, even referring to Putin at one point and very paranoid in its tone. I was so disappointed at this point, I was close to resigning. I privately raised this behaviour with Cllr Partridge who appears not to have seen fit to take any action. I had previously raised concerns about Cllr Dykes’ outrageous behaviour with Cllr Partridge on several occasions and she had responded by saying “it was his way”. I find it very disappointing that Cllrs Parker and Dykes’ behaviours are ignored and mine is complained about in this formal manner.

There seems to be one rule for part of the PC and another rule for the other part.

I have asked Cllr Burrows, who resigned in December, if my reputedly offensive email was at all instrumental in his departure and he stated very strongly that it was not, but mostly due to harassment from Cllr Dykes, which Cllr Partridge is aware of but, to my knowledge, chose to do nothing about. No other councillors have ever complained to me about the content of my email. It would appear that only Cllr Partridge has taken offence and I wrote to her (**appendix Q**) when she raised the matter with me so that I could correct her misinterpretation of my statements and clarify that “I would be happy to apologise if I could see anything to apologise for and am sorry that you feel that way”.

- Cllr Partridge refers to my "bullying emails" to the clerk. I can only assume that she is referring to my one email of 18 October 2011 (**appendix O**) in which I state that I am sorry to see Mrs Stubbs go in many respects and wish her well. I also recognise the difficulty and importance of her task. If there are any bullying emails to Mrs Stubbs, I would be grateful to be pointed to the evidence.
- The elements of this paragraph which are not Cllr Partridge's defence of Cllr Dykes refer to my email of 22 December 2011 to Mrs Stubbs and copied to fellow councillors and Cllr Michael Jones in which I advise that a complaint has been raised against me. The letter from CEC I refer to was NOT marked confidential and I was therefore at liberty to share the topic with anyone I chose. With regard to seeking to influence the decisions of other councillors, I would be the first person to accept that everyone has a right to their opinions and that those opinions should be respected. I don't believe Cllr Partridge has any evidence on this point. I see sharing thoughts and facts on items as a sensible way to behave within the PC.
- I don't understand what Cllr Partridge is getting at in this paragraph.
- I must admit that I made a naïve mistake in seeking to encourage common sense in the rehousing of a Bunbury resident from a 3 to a 2-bedroomed house, so that she could have a smaller home and a larger one would be available for a family. I wrote a letter as a favour and I see now that this could be seen by others to be wrong. I was therefore at fault, for which I apologise.
- I am not clear if I should declare an interest when James' correspondence is discussed. I usually refrain from making any comment, as I believe this is the appropriate action to take. With hindsight, I believe I should have done so and intend to in future.

### 3 James Walton's Role

I don't believe I am involved in this process in order to comment on James' actions. However he is accused by Cllr Partridge of having access to my documents, her proof being that he has not formally requested a copy of the Standing Orders but quotes from them. First, I am not aware that these are secret documents that cannot be shared with parishioners. What Cllr Partridge does not, and cannot, know is that James would never access any document of mine without asking and I would not share it with him unless it was an item that I believed could and should be available to any member of the parish on request. All my computer files and emails are password protected and I do not share those passwords with anyone. The implication of her innuendo is that I feed him information and that I lie about it. I can assure

you that I do not. I find this implication highly offensive from both my perspective and James'.

Cllr Partridge suggests a collective campaign between me, James and Cllr McCormack. I strongly refute such an idea. I have no intention of commenting on the other points she makes.

4 I see no evidence for this statement.

5 Alleged breaches of the Codes of Conduct:

3 (1) 'treat others with respect' I do not believe that Cllr Partridge's evidence has proved me guilty of this breach, whilst sadly feeling that some other councillors have not afforded me the respect that should have been forthcoming. Fortunately, several other councillors, past and present, are very helpful and supportive colleagues to me.

3 (2) (b) 'bullying' No evidence has been presented by Cllr Partridge to support this accusation which I refute strongly.

3 (2) (d) 'likely to compromise the impartiality of those who work for your authority' Again, no evidence has been presented by Cllr Partridge to support this accusation. I have never sought to intimidate Mrs Stubbs in her duties, nor undermine her neutrality.

Potentially 4 (a) 'disclosure of confidential information' Cllr Partridge has presented no evidence of me having disclosed any confidential information to anyone and I deny strongly having done so. No information that I have received from the Parish council has been marked as private and confidential, so I am at a loss to know to what she is referring.

7 (1) (a) and (b) 'you must have regard to any relevant advice provided by your authority's chief finance officer and your authority's monitoring officer' I am guilty of ignoring the advice given in Julie Openshaw's email of 22 November 2010, although I did not receive a full copy of this until 26 September 2011. However, I believe she was inaccurately briefed by Mrs Stubbs as I have stated in my earlier evidence. Neither was I an owner of any property in Bunbury at the time and Ms Openshaw's decision does make the assumption that I was. I accept that the whole issue of the need to declare an interest or otherwise is a difficult one and requires further simplification.

9 (1) 'disclosure of personal interests' and Potentially 12 (1) and 12 (2) Disclosure of personal interests 'effect of prejudicial interests on participation'

As I have stated previously, I was the first councillor to raise the need or otherwise of declaring an interest in the various matters relating to Muir GHA. This former Cllrs Burrows, Beard, Ellis and I did from December 2010 until December 2011. Despite various attempts to

clarify matters on the need or otherwise to declare an interest, personal and/or prejudicial, and whether or not you could make representations, ask questions and give evidence before leaving the chamber, I was then, and continue to be, uncertain about what is required of Councillors, due to the differing content of advice available from the Monitoring Officer, the Bunbury Parish Council Code of Conduct and Bunbury PC Standing Orders.

#### **Response to breach of clauses 12 (c) and 12(a) of the Code of Conduct**

I have already explained in earlier evidence that I did not write James Walton's letter to residents and admitted that I did push 1 or 2 ( I'm afraid I genuinely can't remember exactly how many) through letterboxes for him. No malice or support was intended when I did this. It was just a normal act of behaviour on my part. I don't think this makes me responsible for what James wrote, or implies that I have any responsibility in this regard. He will do what he believes to be right and Cllr Partridge clearly believes is wrong. I'm afraid that Cllr Partridge seeks to present me as some sort of demon, rushing round the village, spreading malicious gossip. Anyone who knows me will know that nothing could be further from the truth.

As to the meeting at CEC offices that I attended as a Bunbury resident I have already touched on this under item 7 on my page 4. **Appendix B** encloses both my email to Cllr Partridge and the minutes in question which I believe sets out my position as I saw it. My only intention here was to be helpful and try to move this whole Muir logjam forward in whatever way I could. I was there as little more than a note taker, but did make my position clear, with a view to it not being misinterpreted. Unfortunately, in this I appear to have failed in Cllr Partridge's eyes.

#### **Summary**

My view of this hugely expensive exercise is that Cllr Partridge has taken extreme and damaging measures to resolve issues that could, perhaps, have been sorted out by face to face conversations with the councillors concerned. She never tried this approach with me. I cannot speak for the other councillors. As with all groups of people, we all view matters differently and believe we have the perfect solution – which will often be different to the person's sitting next to us. Often no-one is wrong or right, just has an alternative point of view. I freely admit that I have made mistakes from time to time, often out of naivety, which I regret and apologise for. However, I believe that I have acted at all times in the interests of the people of Bunbury and of justice, rather than those of me or any fellow councillors. Are not all councillors duty bound to disclose information to those people who are entitled to see it?

I am open, honest and a little direct in my approach, but I do have the interests of the village and all its residents at heart.

Please believe that I drafted my resignation from the PC some months ago and it would have been easier to go through with this than to stop on. However, this is what has happened with many parish councillors, including younger and very able contributors, who have been driven away from the PC by the behaviour of a very small number of long-serving councillors who seem to be able to dominate and rule proceedings. I have therefore stayed on the PC because of my belief in the need for a democratic PC that villagers can respect and believe in. Whether I can continue to work in the face of such pressure and aggression remains to be seen.

I cannot help feeling that I am being attacked in this way, in part, because my partner, James Walton, is perceived by Cllr Partridge as a thorn in her side. I hope that you and the members of the committee will agree that this is an unacceptable way to behave.

#### **Conclusion**

I face the complaints raised against me with a great sense of sadness, in that my sole aim to help the village by joining the Parish Council has come to this. I am not a foolish woman. I had the benefit of a good education and held down challenging and meaningful jobs in the NHS for 27 years, before setting up my own business. I came to Bunbury to retire and hopefully make myself useful to my community and am bitterly disappointed with where I appear to have arrived. I can only put my trust in you, my investigating officer and the members of the committee to do the right thing.

**Subject:** Private and confidential  
**From:** jill waits (jillwaits@yahoo.co.uk)  
**To:** ep.partridges@btinternet.com;  
**Date:** Monday, 31 October 2011, 12:33

Dear Erica,

I'm sad that we have had a terse exchange of emails between us and, as a result, have decided to email just you in confidence. When I read what you have written to me I wonder if I am in touch with the same person I spoke to some months ago on the phone about my thoughts and frustrations with the parish council.

Since becoming a parish councillor in May last year I have attended PC meetings, where, as you know, I find the behaviour of some of my fellow councillors very unprofessional and, in relation to Brian Dykes' behaviour towards you and other councillors quite unacceptable. I recall you saying that it was Brian's way and you would just carry on regardless. Clearly you are content to put up with this. If I were you, I would not be, but I have to acknowledge that we are all different.

I know that you are aware of the content of an email written by Nick Parker about me and Dave Ellis to Michael Jones is scathing and, in my view, unjustified terms. I can't complain formally about this as it would put Michael in a very difficult position and I am not prepared to do that. You will therefore appreciate, I hope, that I am not in a position to take this matter any further. However, it does show how divided some councillors are and unprofessional in writing in such a way to a CEC councillor.

In the circumstances I can only suggest we put this matter to one side. I believe there are some important things to do for the village in relation to the village plan and hope that we can work together effectively on this in the near future.

Regards,  
Jill

**From:** Partridges <ep.partridges@btinternet.com>  
**To:** jill waits <jillwaits@yahoo.co.uk>  
**Cc:** Brian Dykes <brian.dykes@cheshireeast.gov.uk>; Alex Stubbs <bunburyclerk@aol.com>; David Ellis <dellis7@tiscali.co.uk>; Gary McCormack <GMC@CSQ42.com>; Eric Lord <ericlord2@hotmail.com>; Mandy Jones <mandyjones21@btinternet.com>; Nick Parker <nick.parker@homecall.co.uk>; Sally Beard <sallypbeard@fsmail.net>  
**Sent:** Wednesday, 26 October 2011, 18:56  
**Subject:** Re: Fwd: Gary McCormack Muir

Dear Jill

I am disappointed with your reply.

If you wish to make a complaint against a Parish Councillor you should contact Alex to take appropriate action.

Your third paragraph continues to be disrespectful whether intended or not. The Parish Council needs a mix of ages/experience/residency and as Councillors resign over a period of time for whatever reason they are replaced by new blood.

Regards  
Erica

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

**From:** jill waits  
**To:** Partridges  
**Cc:** Brian Dykes ; Alex Stubbs ; David Ellis ; Gary McCormack ; Eric Lord ; Mandy Jones ; Nick Parker ; Sally Beard

**Sent:** Wednesday, October 26, 2011 5:43 PM  
**Subject:** Re: Fwd: Gary McCormack Muir

Dear Erica,

I'm sorry to hear you have been unwell.

I am sure, like me, you are disappointed to hear about unprofessional behaviour from one parish councillor towards another. Information has been passed on to me, and, I believe, to you, regarding an email that was written by a parish councillor regarding me, in what can only be seen as unfounded and inciteful terms. As I have said already, I presume that councillor knows about whom I write. Unfortunately the email was written about me, not to me, and I therefore feel unable to let you have a copy without implicating others. I regard this as divisive behaviour by a fellow parish councillor and I don't believe you are in a position to tell me otherwise. You write to me as if I had started something, when I see myself as the brunt, and then demand an apology. Am I missing something here?

As to your point about my comments being disrespectful to other parish councillors, I find this an interesting interpretation of what I said. The purpose of writing this was to suggest that several councillors have been in their positions for many years and maybe this was a good time to seek new and younger input as the young parishoners, like Mandy, are the future of the village. No disrespect was intended and I fail to see how you can think there was.

I am afraid I don't understand why you comment on the removal of the fencing in the next paragraph.

I did not say that I am unhappy being a parish councillor. I said that Bunbury PC was not a happy place to be at present. Maybe you feel otherwise, but please don't twist what I say. I am not seeking to "spread discontent" as you put it, just to be honest about how I feel. If fellow parish councillors are unhappy with me doing that, then I am sorry they feel that way, but no-one has implied that to me.

Like you, I just want to get on with the business of the PC. I would be happy to apologise if I could see anything to apologise for and am sorry that you feel that way.

Regards,  
Jill



**Subject:** Meeting with MGHA, CEC Planning, Housing and Michael Jones  
**From:** jill waits (jillwaits@yahoo.co.uk)  
**To:** ep.partridges@btinternet.com;  
**Date:** Wednesday, 31 August 2011, 10:54

Dear Erica,

Hope all is well with you.

I'm sure you know that James has been active in trying to get the recent variation and removal of planning conditions that MGHA are seeking stopped. Much has happened, and on Friday last week Michael Jones facilitated the above meeting with Muir and CEC and James. David Ellis had hoped to attend, but was unavailable, so I went along, making it clear that although I was a Parish Councillor, I was attending the meeting as a resident and not a representative of the BPC.

I am attaching our notes of the meeting for your information. The ultimate outcome was that Steve Irvine of the CEC Planning Department offered to facilitate and attend a meeting between MGHA and Gary McCormack with a view to seeing if there was an acceptable way forward in all this. I don't know when this is to be.

I hope my attendance at the meeting does not give the Parish Council any cause for concern. I don't believe it should, or I wouldn't have gone.

I'm not sending you these with a view to receiving any comment from you, but just to keep you informed.

Regards,

Jill

**Notes from a meeting with Muir Homes Housing Group and Cheshire East Council Officers 26 August 2011 at Westfields, Sandbach.**

Present: Steve Irvine – CEC Planning, Vikki Jeffrey – CEC Housing, Michael Jones – CEC Councillor, Tony Robinson – MGHA, Jill Waits and James Walton – Bunbury residents.

Cllr Michael Jones organised and facilitated a meeting at CEC, Westfields to enable serious issues regarding variation 11/2423N, to be aired between MGHA, CEC Planning, James Walton and Jill Waits. James Walton thanked both Cllr Michael Jones and Stephen O'Brian MP for their support in this issue and their categorical statements regarding their view that Wyche Lane cannot support any further development past that already planned.

Cllr Jones briefly highlighted the difficulties perceived by many residents in Wyche Lane and beyond regarding the proposed variation to condition 2 and removal of condition 17 requested by MGHA for the proposed development of affordable housing on Wyche Lane, Bunbury. The purpose of the meeting was to air these concerns and see if there was a way forward.

Mr Walton explained that he and Mrs Waits did not formally represent parishioners but were present to voice their own concerns regarding the current variation and removal of planning conditions by MGHA. He said that the majority of residents in Wyche Lane feel that the Parish Council and the Borough Council are, rightly or wrongly, dancing to the tune set by Muir Group and that for some reason he appeared to have become their standard bearer on opposing the current planning application variation and removal. Therefore, their main focus and desirable outcome from the meeting and subsequently the full planning committee is that the track through the optional land remains a track of about 3m for agricultural use only.

Mr. Robinson was pressed by Mr. Walton regarding when he knew that MGHA had obligations under the TP1 agreement, originally signed in July 2005. Mr. Robinson eventually agreed that he had known about MGHA obligations since the signing of the TP1. Despite this knowledge, MGHA had pursued the development as outlined in permission 07/0867 through all its procedures and processes, on the assumption (Mr. Robinson's words) that they could sort it out later with the TP1 landowner.

Mr Walton pointed out that errors, omissions and inaccuracies by MGHA had led to many villagers feeling very uncertain about MGHA and their behaviour. What might appear to be unfortunate mistakes and poor timing could and were being perceived by villagers as smoke and mirrors tactics by MGHA, including the current planning application variations, which are seen by many as a reflection of MGHA's ongoing erosion of safeguards that residents had been given in 2007 at a public meeting. These had been further supported by the report of the Inspector of Planning, Mrs K A Ellison. He quoted paragraph 22 of the Inspector's report following the enquiry held on 4 & 5 April 2006 "In the circumstances, I consider that they would be highly likely to expose this land to considerable developer interest, making further erosion of the gap more difficult to resist".

Mr Robinson was asked why MGHA wanted to continue to have an option to build on the field at the rear of the proposed development and the strip. Mr Robinson confirmed that Muir had no intention of building more than the 10 houses currently approved. With this in mind, he agreed to explore the

rescinding of Muir's option. (After the meeting he advised Cllr Jones, Mr Walton and Mrs Waits that based on the legal advice just received the rescinding of the option to buy the field at the rear was not possible.)

Cllr Jones warned that if the current difficulties between the parties involved could not be resolved, it may go to judicial review, with substantial cost all round.

When questioned further by Mr Walton, Mr Robinson agreed that it had been Muir's error to commit to putting in the stipulated access road to the rear field. However the new and current owner of the field wanted something different from the previous owners. Mr Robinson confirmed that Muir's original plan was for 20 houses on the site, but this had not been well investigated and the proposal was quickly reduced to 10.

Mr Walton asked for details of the financing of the proposed scheme in relation to the use of public monies and the responsibility of CEC with regard to their duty of care regarding public funds. Ms Jeffrey said she believed approximately £140,000 (50%) had been allocated in March 2011 from the Homes and Community Agency, plus a commuted sum from the Council of around £100,000. It was confirmed that the total cost of the scheme is expected to be £1.1m and that if the development cannot proceed MGHA will have to repay all the money allocated.

Mr Walton had referred to the strip at the rear of the proposed development as a ransom strip, but Mr Robinson pointed out that this cannot be regarded as a ransom strip. Mr. Robinson agreed that at the July 2007 public meeting he offered the retained land (Ransom Strip) to the PC as a PR offering. This strip of land now has no useful purpose, due to the requested roadway to run through it. If MGHA did not meet its contractual commitments with Mr McCormack by putting in a 4.5m road, an injunction could come from Mr McCormack enforcing this.

Mr Walton pointed out the ridiculousness of the proposed roadway at 4.5m, particularly as Wyche Lane was only 3.2m wide in places but was able to accommodate delivery tankers, combine harvesters, etc. He suggested that a 3m road would look less out of place and should be limited to agricultural use and the use of the Parish Council, their servants and others authorised by the Parish Council.

Cllr Jones asked Mr Irvine for his view from a planning perspective who said that from appearances it looked simple and straightforward. He said the Council was just likely to look at it as a track and not consider future possible developments, as this is what they are charged to do. On this basis they would be likely to approve the variation and removal of the conditions. He also confirmed that 4.5m plus drainage is the minimum standard expected by the Council.

Numerous references were made by Mr Walton and Mr Irvine to the Planning Inspector's report, particularly in relation to her concerns about the unacceptability of the original planning application for the MGHA development. Mr Irvine quoted from the enquiry in relation to the roadway "It must protect the amenity of neighbouring occupiers". He confirmed that a short road built to adoptable standards, off a private courtyard which was not built to adoptable standards, would be unlikely to be adopted. Mr. Robinson asked if a roadway of a private drive could ever be adopted, and Mr Irvine thought it could not be adopted.

In conclusion, Cllr Jones said that MGHA rescinding their option to buy the rear land would reassure residents about Muir's objectives.

Mrs Waits wished to report that, although she is a Parish Councillor for Bunbury, she was there today as a member of the public and not as a Parish Councillor.

Ms. Jeffrey agreed to send details of the selection criteria for the proposed houses to Cllr Jones.

In response to a question Mr Robinson explained briefly the difficulties of mortgages for shared owners, which were discouraging shared ownership generally.

With regard to paragraph 6 of MGHA's letter of 23 August 2011 to CEC, Cllr Jones asked if the changes proposed by MGHA will satisfy the TP1 in full. Mr Robinson confirmed that they would. He also confirmed that in normal circumstances a Section 73 application would go to the Parish Council before going to the Borough Council, but admitted that on this occasion it had not. Mrs. Waits pointed out that it was this kind of error that lead parishioners to feel very uncertain about the actions of MGHA, particularly when the last public interface between MGHA and the public had been in 2007. She believed that parishioners will have left the meeting feeling reassured about the unlikelihood of further development of the field behind the proposed development in Wyche Lane.

Cllr Jones summarised the meeting by highlighting the lack of trust by some parishioners in MGHA and CEC to a degree. The applications made by MGHA could be turned down and Cllr. Jones asked Mr. Robinson to consider the effect this might have on MGHA.

Mr Irvine agreed to offer to be a mediator between MGHA and Mr McCormack at a "without prejudice" meeting to see if a compromise could be found.

Following discussion it was agreed that a public meeting, after the proposed meeting with Mr McCormack, would be called.

Mr Walton agreed to send Cllr. Jones Mr. McCormack's telephone number.

In response to various criticisms of earlier planning difficulties, Mr Irvine said that a new process of pre-application items is being introduced in CEC from October which he hoped would improve matters and smooth the way to a better planning process.

Mr. Irvine asked if a delay in the consideration of 11/2423N by CEC would be helpful. Councillor Jones and Mr Walton agreed to respond to this point.

Mr Robinson agreed to let Cllr Jones have a schedule of meetings held between MGHA and Mr McCormack.

**Subject:** Fw: Members' Interests query  
**From:** Bunbury Parish (Bunburyclerk@aol.com)  
**To:** mandyjones21@btinternet.com; b.dykes@btinternet.com; GMC@CSQ42.com; ep.partridges@btinternet.com; dellis7@tiscali.co.uk; jillwaits@yahoo.co.uk; nick.parker@homecall.co.uk; ericlord2@hotmail.com; sallypbeard@fsmail.net; dennis.burrows@btopenworld.com;  
**Date:** Monday, 26 September 2011, 11:30

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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Subject: Re: Openshaw letter Fw: Members' Interests query  
 From: jill waits (jillwaits@yahoo.co.uk)  
 To: sallypbeard@fsmail.net;  
 Cc: b.dykes@btinternet.com; Bunburyclerk@aol.com; dellis7@tiscali.co.uk; dennis.burrows@btopenworld.com; ericlord2@hotmail.com; ep.partridges@btinternet.com; GMC@CSQ42.com; mandyjones21@btinternet.com; nick.parker@homecall.co.uk;  
 Date: Tuesday, 18 October 2011, 9:40

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 <sallypbeard@fsmail.net>  
 To: Jill Waits <jillwaits@yahoo.co.uk>  
 Cc: Brian Dykes <b.dykes@btinternet.com>; Bunbury Parish <Bunburyclerk@aol.com>; Dave Ellis <dellis7@tiscali.co.uk>; Dennis Burrows <dennis.burrows@btopenworld.com>; Eric Lord <ericlord2@hotmail.com>; Erica Partridge <ep.partridges@btinternet.com>; GMC <GMC@CSQ42.com>; Mandy Jones <mandyjones21@btinternet.com>; Nick Parker <nick.parker@homecall.co.uk>; Sally Beard <sallypbeard@fsmail.net>  
 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

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](mailto:Planning@cheshireeast.gov.uk)

TEL: 01270 537502

FAX: 01270 537496

Your ref:

Our ref: 11/2423N

DATE: 13<sup>TH</sup> OCTOBER 2011

Dear Mr. Walton

**RE: PROPOSED VARIATION OF CONDITIONS AT WYCHE LANE  
BUNBURY**

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

As I explained in my letter of 18<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 18<sup>th</sup> August 2011, which I trust answers the questions posed in your letter of 4<sup>th</sup> August 2011.

I trust that the above is of assistance.



E cont.

Yours sincerely

*B.J. Haywood*

Ben Haywood  
Principal Planning Officer

APPENDIX F

Regards,  
Jill

**From:** BunburyClerk <bunburyclerk@aol.com>  
**To:** sallypbeard@fsmail.net; Eric Lord <ericlord2@hotmail.com>; Nick Parker <nick.parker@homecall.co.uk>; Jill Waits <jillwaits@yahoo.co.uk>; David Ellis <dellis7@tiscali.co.uk>; Erica Partridge <ep.partridges@btinternet.com>; Gary McCormack <GMC@CSQ42.com>; Brian Dykes <b.dykes@btinternet.com>; Mandy Jones <mandyjones21@btinternet.com>  
**Sent:** Sunday, 4 December 2011, 13:37  
**Subject:** Fw: General Advice on Parish Council Member Declarations of Interests

Dear All

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](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> (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

<http://uk.mg40.mail.yahoo.com/neo/launch?.rand=dsemmul1n4h1o>

06/12/2011

**Effect of prejudicial interests on participation**

12

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority--
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held--
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

**Part 3**

**Registration of Members' Interests**

**Registration of members' interests**

13

- (1) Subject to paragraph 14, you must, within 28 days of--
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that

APPENDIX H

**BUNBURY PARISH COUNCIL  
STANDING ORDERS – JULY 2010**

transacted.

- d Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

## **8. Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

## **9. Minutes**

- a No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- b Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10. Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

**Subject:** Extra meeting of Bunbury Parish Council - 9th August 2011

**From:** Bunbury Parish (Bunburyclerk@aol.com)

**To:** m.jones1@btconnect.com; mandyjones21@btinternet.com; b.dykes@btinternet.com; GMC@CSQ42.com; ep.partridges@btinternet.com; dellis7@tiscali.co.uk; jillwaits@yahoo.co.uk; nick.parker@homecall.co.uk; ericlord2@hotmail.com; sallypbeard@fsmail.net; dennis.burrows@btopenworld.com;

**Date:** Monday, 25 July 2011, 12:38

Dear all

I'm afraid that I shall have to call an extra meeting of Bunbury Parish Council on 9th August 2011 as we have had a couple of planning applications in. Please find attached agenda. We shall only discuss:

1. Planning application 11/2479N - new farm building at Bunbury Common Lane. I attach the PDF plans for this building on the same site as two other farm buildings.
2. Planning application 11/2441N - amendments to plans at Long Lane, Spurstow. This is mainly amendments to the roofline and to windows. I haven't included the plans as they are complex and the (very minor) changes are easier to see on paper.
3. The LDF process currently taking place at Cheshire East. We briefly discussed this at the last meeting. I have had a chat with spatial planning. At the moment they are concentrating on the towns in the borough but they are planning a rural event for September, no details confirmed as yet. They have also promised to send out a 'Parish Council' pack of information which hopefully we will have for the meeting. Finally they want to encourage everybody to fill in the questionnaire on the website and say we can complete this as a parish council. I have attached a PDF copy for discussion at the meeting. The deadline for the questionnaire is the end of September. The consultation for the site allocations plan is underway at the moment but not due to complete until November 2013 with submission to the Secretary of State in June 2014 so we do have some time to consider this.

Finally please note that I am on holiday from 30th July until 6th August. Please do not hesitate to contact me if you require any further information.

Regards  
Alex

*J cont.*

**BUNBURY PARISH COUNCIL**

A meeting of the Parish Council, Tuesday 9<sup>th</sup> August 2011 at Bunbury Village Hall at 7.20pm.  
All Parish Councillors are requested to attend. Please enter the Village Hall via the rear door.

**AGENDA**

There will be a 10 minute Open Forum where residents are invited to discuss any affairs affecting the Parish.

1. Apologies for absence
2. Members Declaration of Interests
3. Planning applications
  - Applications since last meeting
    - 11/2479N – New farm building – Bunbury Commons Lane
    - 11/2441N – Amendments at Oaklands, Long Lane
4. Discussion of LDF and questionnaire to be returned to Cheshire East
5. Finance Matters:
  - Cheques to be signed
6. Any other business

Alex Stubbs  
Clerk to Bunbury Parish Council  
25/07/2011

**Subject:** Re: Councillor Module Training and queries raised  
**From:** jill waits (jillwaits@yahoo.co.uk)  
**To:** ep.partridges@btinternet.com;  
**Cc:** Bunburyclerk@aol.com;  
**Date:** Monday, 8 August 2011, 12:26

Dear Erica,

Many thanks for your long and informative reply, which does indeed help to clarify matters in my mind. At the end of your Separation of PFC para - no, I wasn't asking Alex anything on this point thanks. As to the meeting tomorrow evening on planning applications, I have a point I prefer to raise with you now, rather than dropping out at the meeting. As I see it, the last public interface that many residents had with Muir and the Borough and Parish Councils was at the public meeting about the proposed development in Wyche Lane. Many people will have left the meeting, believing that the ransom strip would protect against any further development in the vicinity in perpetuity. Now, rightly or wrongly, they may see the current requests for amendments to the planning application as a significant change that could affect that security. I was planning to propose the calling of a public meeting to clear the air on this issue and thought I would feel more comfortable to share this with you beforehand. I am also conscious that I will need to declare an interest and withdraw, so timing of such a request might be difficult. Do you have any thoughts please?

Regards,  
 Jill

--- On Sun, 7/8/11, Partridges <ep.partridges@btinternet.com> wrote:

From: Partridges <ep.partridges@btinternet.com>  
 Subject: Re: Councillor Module Training and queries raised  
 To: "jill waits" <jillwaits@yahoo.co.uk>, "Alex BunburyParish" <Bunburyclerk@aol.com>  
 Date: Sunday, 7 August, 2011, 13:03

Jill

I am pleased the training was useful which is helpful feedback for other councillors.

VAT : Alex has looked into this matter and papers on it have been provided at previous Parish Council meetings. As the Parish Council own the land it is possible for the grant and building works to be commissioned by the Parish Council. The issues you raised were discussed and the Parish Council agreed to assist the PFC as far as possible to save VAT on the project. It was also agreed that until the project is further defined the matter can't be taken any further. The PFC need to have the risks in mind and not make any assumptions on the outcome at this stage. If they ask Alex for further copies of the papers on this I am sure she can provide them.

Separation of PFC : as you know the BPC offered to assist the PFC with reviewing the constitution and the protocols between the two organisations and one matter for discussion would have been potential conflict of interest and how this has been managed and the status of the conflict. Historically the BPC have taken the view that the PFC was effectively run as a 'sub committee' of the PC and therefore there was no conflict of interest. I have stated it is important to keep a quorum of Parish Councillors that are not on the PFC and I have insisted that I am not on that committee. In the usual course of business there is no conflict of interest as the PFC take decisions regarding the management of the playing fields under the lease they have. The PFC are trustees of the charity and are responsible for the running and management of the playing fields so there is separation of responsibility. The new lease will require the PFC to provide an annual assurance report to the BPC so the PFC accept responsibility for their decisions, although they need consent from the Parish Council for anything to do with buildings and interests in land. The Parish Council will protect itself and the village by the right to break the lease if there is a problem in the management of the playing fields. The question for potential conflict could arise where the PFC take a decision on a matter which requires BPC consent/or a funding request and then seek to drive a decision through the Parish Council by the PFC members and I do think this is a concern which is why I raised it as a matter for review. Again it has not been a problem to date as there has not been a disagreement split on these lines. If such a disagreement should arise then the conflict of interest exclusions could be applied. As you know the Parish Councillors on the PFC decided that the PC review/assistance was not required and they would deal with any such matters themselves. The PFC constitution is lodged with the Charities Commission so any change to it would need to be made by the Trustees and dealt with by an application by them to the Charities Commission. The correct place to raise a review of the constitution and PFC membership

L cont.

is the PFC as it is the trustee responsibility. There is clearly a problem achieving the number of councillors on the playing fields committee and maintaining a quorum at the BPC. The BPC as an organisation has no influence on this, but I would be happy to assist if requested as I am sure would others. Are you asking Alex to take advice on whether this is a personal or personal/prejudicial interest which should be declared at each meeting ?

Muir land sub committee : this was originally dealt with by the Parish Council on the basis that one councillor had a personal and prejudicial interest due to a contractual relationship with Muir, which meant he was excluded from the meetings, and the councillors backing onto the land had a personal interest which meant they could stay in the meeting but their views are recorded in this context. Following your enquiry as to the status of conflict of interest of the councillors neighbouring the land, Alex took advice which stated that the neighbouring councillors had a personal and prejudicial interest and cannot therefore take part in the BPC in relation to these matters. A sub committee has therefore been formed to deal with this matter and report back to the Parish Council. Alex can confirm, but my understanding is that a sub committee is not a public meeting but reports it's decisions to the BPC which is a public meeting and that is then minuted. This process has been followed. This is exactly the same as the Standing Orders committee. I am aware that this is causing frustration with the neighbouring councillors but they are all effectively members of the public on this point, and if they are asked questions by villagers they should inform them of the position and ask the villager to contact Alex with their query.

I hope this clarifies the issues raised from my perspective but Alex may have something further to add.

Regards  
Erica

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

**From:** jill waits  
**To:** Erica Partridge ; Alex BunburyParish  
**Sent:** Thursday, August 04, 2011 11:42 AM  
**Subject:** Councillor Module Training and queries raised

Dear Erica & Alex,

I had a very good afternoon at the above on 19 July. It was informative, interesting and fairly relaxed in delivery and I am sure would be helpful to Mandy when she is ready. I seem to have missed the first module somehow, but don't expect to attend everything.

One of the things it did do was enable me to ask about a couple of issues that have been bouncing about in the back of my mind recently, which I think I should share with both of you. I am sure I need to discuss the Playing Fields issue with Brian too, but thought I would raise it with you first.

This relates to the Playing Fields Committee and the matter of reclaiming (or do I mean not paying?) VAT for any replacement Pavilion. There seems to be an assumption at the PFC that the Parish Council will be willing to pay the bills for the works to achieve this and it seems that this would have several implications which should perhaps be faced sooner rather than later. If the PC was willing to do this, Jackie Weaver confirmed that it would have to be responsible for the project, if not to fall foul of Revenue & Customs and commit an offence under money laundering regulations. Also the PFC would have to be willing to give up its powers to the PC for the whole project.

Not least in all this is the potential conflict of interest for those members of the PC that are also Trustees of the PFC. I have thought for a while that it is now time to re-write the constitution of the PFC which is over 20 years old and perhaps needs re-visiting in the light of the growth of activities, time gap, changes that have taken place, etc.. I also wonder why so many members of the PC are required to be members of the PFC and believe that most centres such as this are best run by the people that use them. I am not clear why the Pavilion shouldn't run independently of the PC, as with other lessees of the playing fields.

Another reason for considering this separation is that more responsibilities will be taken on by PCs in the future and members of the PC will inevitably find themselves busier than ever. I worry that this will result in younger villagers not considering becoming Parish Councillors because they will believe they don't have the time - but this is yet another problem!

The other concern of mine is the position of the sub-committee looking at the Muir Homes issue/s. I am striving to be a parishoner here and not a resident of Wyche Lane and close to the development site. I think I was one of the first people to declare an interest in the development



L cont.

and thus be excluded from some of the discussions about it. However, I do have concerns about the Parish Council having non-public meetings, where I think I am right in saying the minutes are not available to anyone not attending the meetings. My understanding is that all PC business should be available to be seen by any member of the public and am not clear how this fits in with what is happening. Please believe that I ask about this only to be sure that the PC is acting correctly and not with any personal objective on my part. I also recognise that I am a newish member and still have much to learn.

I know that both of you work very hard at doing the right things in the right way and for the right reasons, otherwise I wouldn't want to be a Parish Councillor. I just feel I should raise these points and look forward to discussing them further.

Regards,  
Jill

**From:** jill waits  
**To:** Partridges  
**Sent:** Thursday, October 13, 2011 9:21 AM  
**Subject:** Re: letter re housing ?

Dear Erica,  
Thanks for your email. It may well clarify matters that if my memory serves me right I recall I delivered 2 letters for James in total.  
Regards,  
Jill

**From:** Partridges <ep.partridges@btinternet.com>  
**To:** jill waits <jillwaits@yahoo.co.uk>  
**Sent:** Monday, 10 October 2011, 11:48  
**Subject:** Re: letter re housing ?

Dear Jill

Thank you for responding to my query and I note the points you have raised. I also note that you state all your actions are taken independently and you take full responsibility for them.  
The Code of Conduct makes it clear when and how Parish Councillors must consider their prejudicial interests in relation to other actions they may take and Standing Orders dictate how such matters are to be dealt with so I will proceed accordingly.

Regards  
Erica

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

**From:** jill waits  
**To:** Partridges  
**Sent:** Thursday, October 06, 2011 7:05 PM  
**Subject:** Re: letter re housing ?

Dear Erica,  
I have just returned from working in Worcester and found your email. The answer to your questions is as follows:

- did you write these letters ? No, I did not
- did you print them for circulation ? No, I did not
- did you deliver these letters ? I delivered a small number when we were out walking the dogs, as a help to James. I help him to deliver party political leaflets from time to time, as he helps me to deliver letters for the Playing Fields Committee. I see this as normal behaviour between a couple.
- did you receive one of these letters ? No

As I have explained to you before James and I are our own people and do what we will without influence from the other party. We may live together under one roof, but we have two heads, not one. I have no control over James and what he does or says and would not wish to, as I would expect him to afford me the same freedom of action.

I'm not sure where your email is going, but can assure you that nothing James does is driven by me or vice versa. I hope that makes things clear.

See you on Tuesday at 7.30pm.

Regards,  
Jill

**From:** Partridges <ep.partridges@btinternet.com>  
**To:** Jill Waits <jillwaits@yahoo.co.uk>  
**Cc:** Alex Stubbs <bunburyclerk@aol.com>  
**Sent:** Wednesday, 5 October 2011, 10:48  
**Subject:** letter re housing ?

Dear Jill

A matter has come to my attention which, as Chairman, I am obliged to clarify with you to establish the involvement of a Parish Councillor in the matter below.

I understand that a letter was put through the doors of Wyche Lane residents asking if they want to see 50 houses built behind the houses on Muir Lane and that this would be the consequence if planning application 11/2423N is approved and they need to object to the planning application to prevent this happening. It has also been mentioned that you were seen delivering these letters.

Can you please let me know :

- did you write these letters ?
- did you print them for circulation ?
- did you deliver these letters ?
- did you receive one of these letters ?

Apologies for bothering you individually if this is not the case but as you have been specifically mentioned I thought it best to ask you first before asking Alex to make enquiries of all the Parish Councillors.

I look forward to hearing from you.

Yours sincerely

Regards  
Erica Partridge  
Chairman, Bunbury Parish Council

**Subject:** Re: Fwd: Gary McCormack Muir

**From:** jill waits (jillwaits@yahoo.co.uk)

**To:** bunburyclerk@aol.com; b.dykes@btinternet.com; dennis.burrows@btopenworld.com; dellis7@tiscali.co.uk; gmc@csq42.com; ericford2@hotmail.com; mandyjones21@btinternet.com; nick.parker@homecall.co.uk; sallypbeard@fsmail.net; ep.partridges@btinternet.com;

**Date:** Tuesday, 18 October 2011, 11:56

Alex,

Gary has his own way of expressing himself which perhaps isn't my way. However, I do feel he has a right to point out anything that he perceives as unfair or inappropriate behaviour by you or another member of the PC.

I think we would all recognise that Bunbury Parish Council is not a happy place to be at present. Over the past few months I have become increasingly worried about the divisive behaviour of some members towards others and a hurling of unfounded and ridiculous accusations behind individual councillor's backs, which I find totally unprofessional and unacceptable. I have no doubt that these councillors know who they are. Perhaps this is the right time for some councillors who have served the parish for many years to step away and give new faces and opinions a chance to come forward and do their bit for the village.

Whilst I am sorry to see you go in many respects, what has come about serves to highlight how important it is that the clerk serves all, and is seen to serve all, councillors equally. All councillors should not deny that this is a difficult task with the volume and complexity of the issues the PC is involved in and recognise that this is only likely to increase in the future.

The Muir issues have caused a rift in the PC which are making it look incapable of behaving appropriately. I certainly don't feel that I have been advised correctly about whether or not to declare an interest in specific matters. Perhaps it would be better if the whole Council was to resign and then it could start again. I would be interested to hear what other councillors think.

I am sure you will find a happier environment to work in than Bunbury PC Alex and wish you well.

Regards,  
Jill

**Subject:** Fw: Corner Cottage  
**From:** Michael. Jones (m.jones1@btconnect.com)  
**To:** jillwaits@yahoo.co.uk;  
**Date:** Saturday, 1 October 2011, 10:49

For your information

MJ

**From:** Nick Parker  
**Sent:** Friday, September 30, 2011 11:49 PM  
**To:** Michael Jones  
**Subject:** Re: Corner Cottage

Hello Michael,

Thanks for your reply. You will have seen the e-mails from Jill and David both of which I must say I don't feel comfortable about.

They both carry an implicit threat which worries me. As you know they are in the group of councillors who have been stirring up trouble at Wyche Lane and with my cynical outlook I wonder whether they are intended to exacerbate the 'split' in the PC. I don't like it.

I know Alex has taken guidance on whether several councillors or members of the public could successfully push for a vote of no confidence in the PC and the answer was heartening. What we don't know is whether Erica and Alex will continue in their present positions with all the hassle they've had for much longer.

It would be awful if they opted for a quieter life because of the upset orchestrated by the Wyche Lane councillors and the stirred-up residents. There is no doubt what sort of replacement there might be proposed for Erica, were she to go - and it would be engineered to outnumber the non-Wyche Lane councillors.

It might be a stretched comment but we see Putin and co.....

In fifteen years on the PC I have known members to disagree in their views, which always happen, but have never seen so clear a 'them and us' split. As I said to you in July, David and Jill (plus Dennis) haven't by their actions encouraged me to trust them and I suspect a deeper meaning in the messages.

Yes if you'd like to meet to discuss Corner Cottage or have a chat on the phone I'm happy to do either but I feel that Erica, Brian and Alex should be party to what we have spoken about and may even wish to join us.

May I please forward our e-mails to Erica, Brian and Alex?

I try to act truthfully and appropriately and would not choose to damage further any member's relationships on the PC. They are already fragile.

My regards,

Nick

APPENDIX Q

**Subject:** Re: Fwd: Gary McCormack Muir  
**From:** jill waits (jillwaits@yahoo.co.uk)  
**To:** ep.partridges@btinternet.com;  
**Cc:** brian.dykes@cheshireeast.gov.uk; bunburyclerk@aol.com; dellis7@tiscali.co.uk; GMC@CSQ42.com; ericlord2@hotmail.com; mandyjones21@btinternet.com; nick.parker@homecall.co.uk; sallypbeard@fsmail.net;  
**Date:** Wednesday, 26 October 2011, 17:43

Dear Erica,

I'm sorry to hear you have been unwell.

I am sure, like me, you are disappointed to hear about unprofessional behaviour from one parish councillor towards another. Information has been passed on to me, and, I believe, to you, regarding an email that was written by a parish councillor regarding me, in what can only be seen as unfounded and inciteful terms. As I have said already, I presume that councillor knows about whom I write. Unfortunately the email was written about me, not to me, and I therefore feel unable to let you have a copy without implicating others. I regard this as divisive behaviour by a fellow parish councillor and I don't believe you are in a position to tell me otherwise. You write to me as if I had started something, when I see myself as the brunt, and then demand an apology. Am I missing something here?

As to your point about my comments being disrespectful to other parish councillors, I find this an interesting interpretation of what I said. The purpose of writing this was to suggest that several councillors have been in their positions for many years and maybe this was a good time to seek new and younger input as the young parishoners, like Mandy, are the future of the village. No disrespect was intended and I fail to see how you can think there was.

I am afraid I don't understand why you comment on the removal of the fencing in the next paragraph.

I did not say that I am unhappy being a parish councillor. I said that Bunbury PC was not a happy place to be at present. Maybe you feel otherwise, but please don't twist what I say. I am not seeking to "spread discontent" as you put it, just to be honest about how I feel. If fellow parish councillors are unhappy with me doing that, then I am sorry they feel that way, but no-one has implied that to me.

Like you, I just want to get on with the business of the PC. I would be happy to apologise if I could see anything to apologise for and am sorry that you feel that way.

Regards,  
Jill

**Cheshire East Council**

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

**Statement of Jill Waits, Edinbane, Wyche Lane, Bunbury, Cheshire CW6 9PS**

1. This statement is supplemental to my Response, dated 26 February, 2012, to the complaint documents submitted by Mrs Partridge.
2. Since April 2010, I have attended one training course, which was run by ChALC, and that was on planning and related issues. I have not received specific training in respect of the Code of Conduct. There are two basic principles that I would wish to reiterate with regard to my conduct -
  - I do not lie; and
  - Whilst I live with James Walton, we are two independent people who now live as a couple. We may have the same views on some things but he does what he wants to do, as do I. We obviously talk about the issues in the village but there is no connivance between us in relation to the way that I behave at Parish Council meetings and the way that he takes his issues forward as a local resident. In particular, I had no idea that James had made a formal complaint against Alex Stubbs until he told me that he had withdrawn it.
3. In this statement I deal with each of the headings in the Code identified by the Sub-Committee in its decision notice.

**Paragraph 3(1) - treat others with respect**

4. Mrs Partridge has submitted with her complaint three sets of emails that, she suggests, relate to the complaints against me. The first set deals with the question of interests, the second are my 'emails regarding other councillors' and the third are 'James Walton example emails'. There is nothing in the first set that Mrs Partridge suggests is relevant to this aspect of the Code. The only email in the second set where there is any language which could be regarded as showing a lack of respect is that of 18 October 2011 which was sent to the Clerk and copied to all other Councillors. That email was sent following sight of Parish Councillor Nick Parker's email of 30 September to Cheshire East Councillor Michael Jones (see Appendix P of the documents attached to my Response). My Response (page 11) sets out in detail why Nick Parker's email upset me and I feel that the language that he has used is far worse than in my email. My email went to all the Parish Councillors and not one of them has contacted me since to suggest that they were upset with what I said or to suggest that my remarks were out of order, apart from Mrs Partridge. I do not believe that writing to all Councillors suggesting that 'this is the right time for some councillors who have served the parish for many years to step away and give new faces and opinions a chance to come forward and do their bit for the village' is anything other than a reasonable opinion. I do not regard my words as being disrespectful to those Councillors to whom I was referring. There is nothing in the third set of emails that refers directly to my comments on other Councillors.

**Paragraph 3(2) - bullying**

5. Mrs Partridge says that I have sent, what she considers to be, bullying emails to the

former Clerk, Alex Stubbs, 'off the back of Gary McCormack's emails'. She goes on to state that she considers the emails sent by my partner, James Walton, to be a targeted bullying campaign, in conjunction with myself and Cllr McCormack, to remove the Clerk and, from the content of the emails, an attempt also to bully her, as Chairman. My Response contains the comments that I can seriously make to this allegation, all of which refute Mrs Partridge's claims. No specific emails have been pointed out to me as potentially containing offending material which could give rise to such a claim. In the absence of any specific wording, I do not see what further response I can give. I have already categorically denied working together with either Cllr McCormack or James Walton in the manner in which any of us have treated either Mrs Stubbs or Mrs Partridge. At no time have I, or would I, seek to undermine the position of the parish clerk.

**Paragraph 3(2)(d) - likely to compromise the impartiality of those who work for the authority**

6. This seems to follow on from the allegation of bullying. The only employee of the Parish Council is the Clerk and the agreed form of approach to the Clerk is by email. The information that I was seeking during the period August to December 2011 was information that, I believed at the time, I had wrongly been excluded from. I had not been provided with a copy of the 2010 advice from the Deputy Monitoring Officer although it seemed, from what the Clerk had told me, that the advice was that all the Wyche Lane Councillors had a personal and prejudicial interest in anything to do with the Muir land and the two pieces of land behind it. That was the basis on which I had made subsequent declarations of interest and left the meeting. When the amended access way planning application was submitted, I was beginning to believe that I didn't have an interest in that application and that was why there was an increase in the email correspondence to the Clerk, not only from myself but from other Councillors. This was no attempt to compromise the impartiality of the Clerk. In fact, it led to the Clerk circulating the 2010 advice, which clearly stated that the advice only related to the strip of land behind the proposed development, and not the development land itself or the land behind the property where I live. The email correspondence also led to the manner in which certain decisions of the Council had been recorded being questioned. Every Councillor has the right to question, properly, the manner in which the Parish Council operates and this was all that I was doing.

**Paragraph 4(a) - disclosure of confidential information**

7. This allegation appears to relate to my disclosure to the other Parish Councillors of the complaints made against me. I did this on two occasions, the first by email of 22 December 2011 to the Clerk, copied to all Parish Councillors, and the second at the Parish Council meeting on 01 February 2012 (the latter being after the complaints had been raised against me). On both occasions I was relaying information sent to me by Cheshire East Council - neither letter had any confidentiality heading.

**Paragraphs 7(1)(a) & (b) - failure to have regard to relevant advice provided by the authority's chief finance officer or monitoring officer**

8. This presumably relates to the alleged failure to follow the 2010 advice from Julie Openshaw. As I say in my Response, I believe that the advice was given following an improper briefing and is flawed in relation to my potential interest. Further, any decision by a councillor as to whether or not he/she has a declarable interest is one for the councillor concerned. If there is advice from the Monitoring Officer that advice should be considered



by the councillor before the councillor makes a decision. In this case, the advice stated that it related to the strip of land and the matter being discussed by the Parish Council on 13 December 2011 was an amended planning application in relation to the development of the Muir land. It is therefore questionable whether the 2010 advice was directly relevant to that planning application and, in any event, it was not given to me in full until 10 months later. For other reasons, as set out in my Response to the alleged interest breaches and below, I determined that I did not have any interest. Whether that conclusion was right or wrong, I did not breach paragraph 7(1) of the Code.

#### **Paragraph 9(1) - failure to disclose a personal interest.**

9. The first point to make is that I did not have any legal interest in any property in Bunbury until the end of December 2011, when I acquired a half interest in Edinbane from my partner, James Walton. From discussions with the Investigating Officer, I accept now (but did not at the time) this fact does not make any difference to my position as prior to having that ownership, Edinbane was wholly owned by my partner and he comes within the definition of 'close associate' in paragraph 8(2)(a). The personal interest requirements in paragraph 8(1)(a)(ix) (beneficial interest in land) applied by applying paragraph 8(1)(b). Since my acquisition they apply direct through paragraph 8(1)(a)(ix). The second matter that influenced my previous decisions in relation to declaration was a letter from Cheshire East Planning Officer indicating the basis on which certain residents, including James and myself, had not been consulted. This stated that only the owners of property directly adjoining the planning application site were consulted on an application. I understand now that Cheshire East Council's neighbour consultation policy does not set the parameters used by the Standards Committee when considering paragraph 8 of the Code. I appreciate now that I should have declared a personal interest when any aspect of the Muir development land, the strip of land beyond that and the field at the rear were the subject of discussion by the Parish Council.

#### **Paragraph 12(1) - effect of prejudicial interest on participation**

10. On those occasions where I mistakenly did not declare a personal interest, I did not give any consideration to existence or otherwise of a prejudicial interest. From the period December 2010 to November 2011 I did not participate in any consideration of business relating to any aspect of the whole field as, at those meetings where I was present, I declared a personal and prejudicial interest in according with the 2010 advice from Julie Openshaw.
11. I came on to the Parish Council in April 2010 and, in the period prior to the meeting on 14 December 2010 there may well have been instances where the Muir development or the field to the rear were discussed. Mrs Partridge has not identified any specific dates where breaches took place and, virtually two years later, I am unable to say what course of action I would have taken in each case. The one specific meeting that has been put to me is that of 13 December 2011. I have discussed the minutes of that meeting with the Investigating Officer. I accept that I was the person who raised the reconsideration of the previous Parish Council response to the planning application for the amended access way and that I chose the option of the discussion taking place then rather than at the January 2012 meeting. I did make the point that the proposed wider access way would look unsuitable across the field and, although I think that they made their points in a different context, the remarks attributable to David Ellis and Sally Beard were made at the meeting and there was concern expressed that the larger access way could open up the field behind Edinbane

for future development.

12. The Investigating Officer has explained to me the test in paragraph 10(1) of the Code and that it is what a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it was likely to prejudice my judgement of the public interest. On the basis on which the discussion took place on 13 December 2011, I understand that such a person would regard my interest as likely to prejudice my judgement. All I can say is that myself and other Parish Councillors appeared to be confused by the advice that had been given over time and that there was some ambiguity in the advice received, coupled with a suggestion that the briefing for the original advice had not been accurate. Neither the Chairman or the Clerk were clear as to what the position of various Councillors was under the interest provisions, particularly those residing in Wyche Lane and I cannot help feeling that some steps should have been taken to resolve the matter rather than to continue for over twelve months in the manner in which the Council did. The feelings set out in a number of the emails are as a result of that situation remaining unresolved.
13. There also did not seem to be any attempt to differentiate between a personal and a prejudicial interest and it is now clear to me that there may be issues that come before the Parish Council where I will have a personal interest but not a prejudicial one.

**Paragraph 12(1)(a) - attending meeting on 26 August 2011 on business where had previously declared a personal and prejudicial interest**

14. This meeting was held following the making of objections against the amended access way application and was facilitated by Councillor Michael Jones and hosted by Cheshire East planners. Representatives from Muir Homes attended. It had been hoped that Councillor McCormack or his representatives would attend but it was clear that this wasn't going to happen and that neither Council could get directly involved in any land ownership dispute between the two. The Parish Council was invited but were unable to send anyone. James Walton was invited, as one of the objectors, and he was to be accompanied by David Ellis but at the last minute David was unable to go. I thought long and hard about attending but decided that I would support James, as a local resident, and make this clear to everyone present. I only contributed once to the discussions apart from making my position clear.
15. It is clear to me now that I should not have attended the meeting, even as a local resident.

**Paragraph 12(1)(c) - seeking improperly to influence a decision about Council business when I had a personal and prejudicial interest**

16. As the Parish Council representatives were not present at the meeting on 26 August 2011, I could not have influenced a decision about Parish Council business on that occasion. I did not go there with that intention and, as I have already acknowledged in the previous paragraph, I should not have attended that meeting.
17. As to the circulating of letters from James Walton, as I have said in the Response and an earlier document, the letter was solely James' and I delivered a very small number when walking. I did not knock on any doors or seek to encourage residents to support James' stance, I simply delivered them.

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

*Phil Waits*  
.....  
Date *20/3/12* .....

**To : Mike Dudfield**  
**Comments on draft reports dated 7 April 2012**

**Draft Reports re Former Councillors Beard and Ellis**

I have no comments to make on these.

**Draft Report re Former Councillor Waits**

I have the following comments to make in relation to this draft report. Although I have stated that I only wish to proceed with the issues relating to declarations of interest and wish to withdraw all other comments, I feel that a number of comments in the draft require further clarification. The numbers below relate to the paragraphs in your report :

34 : The Muir Sub-Committee did not meet every month. It only met as necessary and the meetings were either excluding the public (were commercial sensitivity made this necessary) or in public at the end of the Parish Council meetings.

I have amended this paragraph to reflect the true position.

9, 43 and 79 : My suggestion of 'seeking to influence' related to other Parish Councillors only in which aspect it was successful. If Clause 3(2)(d) of the Code of Conduct would only apply in relation to the Clerk then I am happy to accept that it would not be applicable. I have withdrawn this aspect of the complaint anyway.

Noted.

51, 70, 72: As my complaints in relation to Councillor McCormack have been withdrawn is there a need to mention him by name in this report ? As he has not yet had an opportunity to respond including him by name might be inappropriate and I respectfully request it be deleted or referred to generically if/where possible as eg any other councillor'.

There are various references to Councillor McCormack in the report and the Committee will be aware of the extent of his 'involvement' even though they will not be considering his case. I do not think that giving anonymity to one or two references will make any difference to the understanding of the Committee.

10, 53 and 81 : Although I have withdrawn this aspect of the complaint I feel these statements require further clarification and possibly further enquiry as the stated facts may be inaccurate, and I am concerned that if I do not comment this may be taken as agreement of the factual position. I did not receive any correspondence relating to the first complaints, those went to Mrs Stubbs. The correspondence I received on the second complaints dated 2<sup>nd</sup> February arrived in an envelope clearly marked that it was from Cheshire East Council and with 'private and confidential' (or something to that effect) clearly marked on the envelope, but not on the letters inside. It may be that correspondence to individual councillors concerned are treated differently, but enquiry of the Council as to their procedures would clarify this point. Clause 30 of the Standing Orders also states that all notifications relating to breaches of the code of conduct are confidential, although I appreciate you are not investigating a breach of standing orders. My comments here are just to ensure that the facts are correct.

At my interview with you on 27<sup>th</sup> February, I handed to you a further email from Mrs Waits dated 26<sup>th</sup> January 2012, in which she emailed all Parish Councillors advising them of further details of the complaint and stating that I had made the complaint. I also advised that in the public Parish Council meeting of 14<sup>th</sup> February Mrs Waits

stated that she was in dispute regarding her declaration of interest in relation to the Muir issues and that the complaints made against her were being investigated and she would keep other Councillors informed. I do not know whether or not this was minuted. You did inform me that you would decide whether to incorporate this further evidence or not. I do not dispute this, I am just raising the point in case it was missed as this information does not appear in the report and it is relevant to this aspect.

Mrs Waits received two letters relating to the different complaints each of which had no confidentiality heading. Although we discussed subsequent events at our meeting on 27 February, following our later discussions and your 'withdrawal' of this complaint I decided that it was inappropriate to consider the later evidence and that is why it does not feature in my report.

55. The last sentence is incorrect. It was always clear that different declaration of interests may apply to different aspects of the Muir matters, although Mrs Waits may not have thought about the matter that way. This was made explicitly clear by the clerk at my request at the meeting on 14<sup>th</sup> February where both the planning application and the option strip of land were under discussion.

The last sentence is Mrs Waits' view up to the submission of the complaint. I appreciate that you do not accept that and that other Councillors have declared personal interests at Council meetings, one on a regular basis.

56. I do not understand this statement. Declarations of interest were declared and when they were queried by the Councillors involved further advice was requested and this took place in the autumn of 2011.

Paragraphs 47-56 of the report are a summary of the views of Mrs Waits. It may not be logical given what happened but it is the view that Mrs Waits has.

8, 51, 75, 77 – I am surprised that the report does not include any comments from Mrs Stubbs (who actually submitted the complaint) on this point.

Mrs Stubbs has made her own complaint and I am dealing with that separately. Whilst Mrs Stubbs submitted the complaints against the four Councillors, the supporting statement came from yourself and you are the person I have looked to for the initial supporting evidence. I have interviewed Mrs Stubbs. The emails for the period leading up to her resignation are with the documentation you supplied. There is one particular email that specifically led to both her resignation and her complaint, and that email is not from Mrs Waits.

5, 65. I am happy to accept Mrs Waits statement that she did not draft the letter. However, she was aware of the content of the letter that she was delivering and that it related to a planning application which was Parish Council business and in which she had declared a personal and prejudicial interest. I am unclear as to why the code of conduct would not apply and respectfully request that this is clarified further in the report.

The Code of Conduct does not prevent a Councillor who has a personal and prejudice interest from doing anything in relation to the subject matter of that interest. I have not seen the letter from Mr Walton but I understand it to comment on the planning application submitted by Muir under section 73. There is no reason why a Councillor with an interest cannot garner local support against that application and seek to encourage other residents to raise their concerns. Your complaint tied Mrs Waits' possible involvement in the drafting of the letter and its distribution with her subsequent request at the August 2011 Council meeting for a public meeting. The

Code allows a Councillor with a P&P interest the same rights at meetings that residents have in relation to the same subject matter. A Councillor with a P&P interest may address the Council, having first declared the P&P interest, on aspects of a planning application in that part of the meeting where residents could do so. When the Code was changed in 2007, paragraph 2 was changed to restrict the application of the Code to the business of the Council and not to impose unreasonable restrictions on their personal life. I do not intend elaborating on this in the report. The Committee members understand the current Code and the restrictions in its application. They will have a copy of this note and reply.

71 – I have no objection to being described as dealing with the issues in a professional manner. However, I respectfully request that the words 'used her professional expertise in considering the issues involved' be deleted as the matters concerned were dealt with by me in the capacity of a parish councillor only. Could this be corrected please ?

Yes, have done.

73. I assume the word 'vitriolic' does not refer to emails from myself as I intended to always be polite, perhaps this could be clarified.

That interpretation came from a former Councillor and I am sure he was not referring to your emails.

77. In my email to you of 6<sup>th</sup> March I requested that all information relating to James Walton be discarded and withdrawn as it is no longer relevant to the complaint. As the complaint has never been directly against James Walton, and as stated in paragraph 77 these details cannot be taken into account I respectfully request that they are removed from the information and not referred to. The details were only supplied on the basis that they would be treated confidentially in relation to the complaint.

12, 13, 27, 31, 35, 36, 37, 39, 40, 42, 46, 47, 49, 51, 54, 58, 61, 63, 67, 70, 72, 77, 86, 87, : James Walton is mentioned by name in all these paragraphs (and there may be others I have missed). In the circumstances I respectfully request that these references are more suitably dealt with in a different way eg by being replaced by 'a close associate' or 'a resident'. I hope you agree this would fit better with his context in this matter.

There are two separate issues here - Mr Walton's emails and the references to Mr Walton in the report. I will raise the circulation of the emails with the Monitoring Officer given the circumstances and your request, but I would point out that I have considered these during the investigation and the preparation of the report - see paragraph 77. The specific references to Mr Walton, given that he is the partner of Mrs Waits, are, I feel, appropriate. Mr Walton has involved himself in the issues that were being considered by the Parish Council and, indeed, in the manner in which the Council was being advised. I am not sure, therefore, that Mr Walton is entitled to any anonymity.

In respect of the comments that I have made in paragraph 77, the report does not say that I have not considered the emails, in fact the paragraph states the contrary. The penultimate sentence effectively states that I cannot equate Mr Walton letters as being those of Mrs Waits for the purposes of the Code. It is Mrs Waits' conduct that is the subject of the report.

I also respectfully request that any consideration of this matter be held in private, due to the necessary references to details relating to a private individual.

The initial consideration of my report will be in private. If the Committee decides to hold a hearing, it will be a decision for the hearing Committee to decide whether the hearing will be public or private and, if public, whether any parts of my report or supporting documentation should be excluded from public consideration. The Committee will have this letter and will consider your request.

Thank you for reading and considering the above comments.

Erica Partridge  
8<sup>th</sup> April 2012

APPENDIX H

**mikedudfield**

**From:** "mikedudfield" <mikedudfield@btinternet.com>  
**To:** "jill waits" <jillwaits@yahoo.co.uk>  
**Sent:** 11 April 2012 15:56  
**Subject:** Re: Bunbury PC - Investigation Report  
 Dear Mrs Waits,

Please see my replies to your comments below in bold. Your response and my reply are being appended to the report.

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

**From:** jill waits  
**To:** mikedudfield  
**Sent:** Monday, April 09, 2012 3:29 PM  
**Subject:** Re: Bunbury PC - Investigation Report

Dear Mr Dudfield,

Many thanks for your email of 7 April enclosing your draft report and Mrs Partridge's statement.

I have read these and have the following comments which I would be grateful if you would record.

First, the bulk of the content of your report is acceptable to me and reflects the meeting we had to discuss the various complaints raised against me by Mrs Partridge.

I believe it would be fair to state that the allegation against me in 1(2) that I "...participated in the production...of letters to residents..." has not been proven, as Mrs Partridge has no evidence that can prove it. The lack of comment on this item in your report may lead the committee to believe that I lied, and I do not wish this to happen as I did not and the accusation is untrue.

**I have reviewed the various paragraphs where this is dealt with. I have amended para 49 to read -**

**49. The letter that was sent by Mr Walton at the beginning of August 2011 to local residents was solely his and Mrs Waits says that she had no part in its preparation. All she did was deliver a small number. She did not knock on doors or seek to encourage residents to support Mr Walton's stance, she simply delivered a few letters. In requesting the Parish Council to hold a public meeting on 09 August, she was simply making a point to the Parish Council that residents were concerned regarding the intentions behind the planning application. The whole issue was not the strategic affair suggested by Mrs Partridge.**

**Para 60 is the finding of fact and I think this is clear.**

I accept the failures regarding my interpretation of the Code of Conduct in that I failed to declare an interest when I should have done. Thanks to your succinct explanation I now understand that I should always have taken the view that perception was reality as far as parishioners were concerned and I am happy to apologise for that. It would never have been my intention to behave inappropriately on any Parish Council business.

In para 33 I consider it important to note that both Mrs Stubbs and Mrs Partridge had seen it as important that they obtain advice from Julie Openshaw, share that advice, in full, with those councillors who were present, but find it very strange that they saw fit not to minute the matter at all. I would also like it to be made clear that I was advised of a summarised version (not the full response that some other councillors had seen) by email the following day. I did not receive a copy of the full response for a further 9 months, and then only because Mrs Beard

11/04/2012



kindly sent me one - not the parish clerk or Mrs Partridge. In any event this advice only related to the ransom strip behind the proposed housing development and, as Julie Openshaw has made very clear, not to any other planning matters in respect of the Muir site.

**Paras 30-46 of the report are a summary of the various issues raised by Mrs Partridge and paras 47-56 summarise your response. My determinations do not start until para 57. In this instance I have amended para 33 to clarify what you received and when.**

Now to para 37 regarding the letter sent by Mr Walton to local residents. I am not clear what Mrs Partridge means when she says that she believed that I was "associated with the letter". This, to me, still implies that I had some sort of hand in its preparation, presumably because I was helping James when I pushed 1, or perhaps 2, through letterboxes in Whitegates, which incidentally only has 4 properties in it. Mrs Partridge may find it hard to believe, but it is the truth when I state that James and I were operating independently of each other, with James taking the initiative to protect his own position and that of other fellow property owners. My later suggestion to hold a public meeting was with the sole intention of creating clarity - nothing more - and this is what I said at the time.

**This is dealt with in the revised para 49 and para 60.**

Para 38 If Mrs Partridge was concerned about my behaviour in respect of any aspect of the Code of Conduct, or Standing Orders, then why did she not raise this with me for discussion rather than going behind my back to the Monitoring Officer? She was entitled to discuss it with me at any point, but she did not do so.

Para 40 I was the person who sent Mrs Partridge the notes of the meeting with CEC planning, Cllr Jones and Muir held on 26 August 2011 as I believed she would be interested in the content. I fear your/Mrs Partridge's statement that "Mrs Partridge subsequently received the notes of the meeting and found that Mrs Waits had accompanied Mr Walton..." implies that someone else, other than me, sent them to her and that I had been "found out". This is far from the truth as I attached them to an unsolicited email sent to Mrs Partridge on 31 August for her information. I even said in the email "I hope my attendance at the meeting does not give the Parish Council any cause for concern. I don't believe it should, or I wouldn't have gone." Once again she did not raise the issue with me in respect of any matter of conduct.

**I have amended para 40 to clarify that the notes came from you.**

45 It is not totally accurate to say that I "...raised a motion requesting that planning application 11/2423N be re-visited..."

I had requested that the Council consider if the item should be revisited, but did not expect that it would be considered there and then. If the Council had agreed, I would have expected it to go on a future agenda. It was Mrs Partridge who asked if I wanted the item raised as a motion for discussion immediately. I was surprised by her suggestion, which she should not have made and equally I should not have accepted. Perhaps we should both be seen as guilty here, because if I am guilty of a breach, then so is she.

**The wording is direct from the approved minutes of that meeting!**

75 I am sorry if you find the tone of my email of 18 October 2011 potentially sarcastic, as this was not my intention. However, I still have the view that Mrs Stubbs did not treat all councillors equally, a view which I know others would support and have proof of.

**I did not say that I did, merely that some may.**

Now to Schedule 4 and Mrs Partridge's further comments

Para 4 Mrs Partridge's statement "I spoke to the clerk and she informed me that she had spoken to Councillor Waits, read out the advice from Julie Openshaw and Councillor Waits had indicated that she would accept the advice and this was confirmed in emails between them" is totally untrue. I received an email, only, from the Clerk with a very brief summary of Julie Openshaw's advice. No telephone conversation or face to face conversation took place between me and Mrs Stubbs on this matter. I can only suggest that Mrs Stubbs had a faulty memory on this point and had incorrectly advised Mrs Partridge. Why would she have emailed me the following day and then spoken to me, reading out the full text? If she had, I would have asked for a copy, as I would then have known some of Ms Openshaw's points were based on inaccurate briefing, rather than having to wait 9 months to find this out by chance.

Para 6 I do not accept that our house, Edinbane, is "closely located" to the field of which the housing development is planned or the ransom strip being transferred to the council, when these areas are only visible part of the year from our house and then by hanging out of an upper window.

I fear that I am beginning to split hairs here due to my frustration with Mrs Partridge's wish to continue using inaccuracies and innuendo to support her arguments because of the lack of evidence for several of her accusations. I am surprised that I have had so many points I found it necessary to comment on, as I am generally content with your report.

This matter has now been running since before Christmas last year and, not surprisingly, I shall be very pleased to see an end to it.

I hope your knee is improving.

Regards,  
Jill Waits

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**From:** mikedudfield <mikedudfield@btinternet.com>  
**To:** jill waits <jillwaits@yahoo.co.uk>  
**Sent:** Saturday, 7 April 2012, 10:11  
**Subject:** Bunbury PC - Investigation Report

Dear Mrs Waits,

I have completed the draft report in relation to yourself and attach a copy. The appendices 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