

CONFIDENTIAL

Cheshire East Council

Standards Committee Complaints CEC/2011/06 & 08

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

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

28 July 2012

Executive Summary

1. Allegation has been made by Mrs Alex Stubbs, who at that time was Clerk to the Bunbury Parish Council, that Councillor Gary McCormack is in breach of paragraphs 3(1) and/or 3(2)(b) of the Bunbury Parish Council Members' Code of Conduct in that, emails sent by Councillor McCormack to Mrs Stubbs during October 2011 and particularly one dated 16 October 2011, did not treat Mrs Stubbs with respect and/or bullied her as to the manner in which she should undertake her duties as Parish Clerk.
2. A further allegation has been made by Mrs Alex Stubbs, on behalf of the then Chairman of the Parish Council, Erica Partridge, that four Councillors are in breach of various provisions of the Bunbury Parish Council Members' Code of Conduct. In relation to Councillor McCormack it is alleged that he failed to comply with paragraphs 3(1), 3(2)(b) & (d) and 4(a) 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; and
 - (3) he may have disclosed confidential information.
3. This report deals with the first allegation and the second insofar as it relates to one of those four Councillors, Gary McCormack. There appears to be a duplication of the allegations insofar as they allege behaviour constituting a lack of respect and/or bullying of the former Parish Clerk, Mrs Stubbs. I have dealt with all matters concerning these two issues under the first allegation only.

In respect of the first allegation

4. I conclude that there has been **failure** by Gary McCormack to comply with paragraph 3(1) of the Code of Conduct for Bunbury Parish Council in that, the contents of the email dated 16 October 2011 go beyond reasonable criticism of an employee and show a complete lack of respect for the position of Parish Clerk.
5. I conclude that there has been **no failure** by Gary McCormack to comply with paragraph 3(2)(b) of the Code of Conduct for Bunbury Parish Council in that, the contents of the email dated 16 October 2011 do not constitute bullying of Mrs Stubbs.

In respect of the second allegation

6. I conclude that there has been **no failure** by Gary McCormack to comply with paragraph 3(1) of the Code of Conduct for Bunbury Parish Council in that, in email correspondence to Mrs Partridge during 2011, he did not fail to treat others, with respect.
7. I conclude that there has been **no failure** by Gary McCormack to comply with paragraph 3(2)(b) of the Code of Conduct for Bunbury Parish Council in that, in

email correspondence to Mrs Partridge during 2011 and his general conduct towards Mrs Partridge during the same period, he did not bully Mrs Partridge.

8. I conclude that there has been **no failure** by Gary McCormack to comply with paragraph 3(2)(d) of the Code of Conduct for Bunbury Parish Council in that, his conduct towards the then Parish Clerk, Mrs Stubbs, did not seek to compromise the impartiality of Mrs Stubbs.
9. I conclude that there has been **no failure** by Gary McCormack to comply with paragraph 4(a) of the Code of Conduct for Bunbury Parish Council in that, he did not breach confidentiality regarding the work of the Muir Sub-Committee.

Relevant Legislation

10. On 24 January 2012, Cheshire East Council's Standards Assessment Sub-Committee decided to refer the allegations made against Councillor McCormack to the Monitoring Officer for investigation under section 57A(2) of the Local Government Act 2000.
11. 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.
12. The Standards Committee (England) Regulations 2008 applied to the conducting of this investigation, although those Regulations have recently been revoked and, under the Localism Act (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012, Article 7(4) and (6), this report will be considered by the Standards Consideration Sub-Committee under the provisions of Chapter 7 of Part 1 of the Localism Act 2011.

Relevant Paragraphs of the Code of Conduct

13. 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).*”
14. Paragraph 3(1) states -

 “You must treat others with respect.”
15. 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."

16. 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)"*

Councillor Details

17. Councillor McCormack has been a Bunbury Parish Councillor for 10 years. He has had no training on the Code of Conduct.

The Evidence Obtained

18. I have interviewed -

- the first complainant Alexandra Stubbs;
- the second complainant Erica Partridge; and
- Councillor McCormack

Allegation by Alexandra Stubbs

19. The complaint (Appendix A) relates to emails that passed between Mrs Stubbs and Councillor McCormack in September and October 2011 and the content of one particular email, that of 16 October, which led to the making of this complaint and the resignation of Mrs Stubbs as Clerk of the Parish Council. These emails should be read in conjunction with the emails attached at Appendix B, insofar as they apply to Mrs Stubbs.

20. Mrs Stubbs says that she was appointed Clerk to Bunbury Parish Council in April 2010 and that she was contracted to work 11 hours per week. Mrs

Stubbs says that she was aware from the beginning of the tensions regarding the proposed development of the land at Wyche Lane, Bunbury by the Muir Housing Group and Councillor McCormack's interest in that matter. She says that she was, therefore, very aware of receiving confidential information and ensuring that it was dealt with without breaching the confidentiality.

21. Mrs Stubbs says that initially Councillor McCormack's interest was not a problem but since August 2011 Councillor McCormack, along with former Councillor Waits and her partner, James Walton, started bombarding her Parish Clerk email address with emails regarding the Muir development and associated issues. As time went on the tone of the emails worsened and there was a lot of criticism of her actions as Clerk, which she believes are totally unfounded. To answer all these emails necessitated her working much longer periods than those for which she was contracted.
22. On 16 October 2011 Mrs Stubbs received another email from Councillor McCormack (see Appendix A). The manner in which Councillor McCormack expected her to do her job was completely unprofessional, its contents were derogatory and she believed it was an attempt to bully her to do what he wanted. Immediately prior to that date, Mrs Stubbs had been considering resigning from her position and, on receipt of the email, she promptly did.

Allegations by Erica Partridge

23. Although the complaint form (Appendix B) was 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 the second complaint. 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 E) that she does not wish to proceed with the complaints in respect of any matters against Councillor McCormack. 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.
24. 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 Councillor McCormack are attached at Appendix C.
25. In the complaint Mrs Partridge says that Councillor McCormack has displayed a lack of respect for her in the emails that he sent to her and she believes this contravenes paragraph 3(1) of the Code. Mrs Partridge also says that she considers those emails, when coupled with those sent by Mrs Waits and Mr Walton have been threatening and bullying which has made the whole situation disturbing to her.
26. Mrs Partridge claims that the emails from Councillor McCormack to Mrs Stubbs were seeking to compromise the independence of the Parish Clerk in her duties which she believes contravenes paragraph 3(2)(d) of the Code.

27. Whilst the complaint refers to a potential breach of paragraph 4(a), there is nothing in the complaint documentation to suggest that Councillor McCormack has disclosed confidential information.

Response from Councillor McCormack

The first allegation

28. Councillor McCormack's approach towards the development proposal is set out in some detail in his statement (Appendix F, paragraphs 4-10). Whilst he acknowledges that he has a personal and prejudicial interest in matters concerned with the development because of his landholdings in the vicinity of the development site, he says that the manner in which the proposed developer, Muir Housing Group, has conducted itself has created a lack of trust. He quotes examples where Muir's representatives have accepted that they 'had been less than economical with the truth' to the Cheshire East planning department, the Parish Council and the Planning Inspectorate. The original proposals had drawn overwhelming objection from the village and the present proposal for which planning permission has been granted is still not welcomed by many in the village.
29. When Mrs Partridge became Chair of the Parish Council and Alex Stubbs joined as the new Clerk, the manner in which Council meetings were run changed and became much more formal. At this time, 2010, the proposed development was, in Councillor McCormack's view, the most controversial issue on the Council agenda and, although planning permission had been granted there were still planning and legal issues that required resolution. In September/October 2010, at a Parish Council meeting, Councillor McCormack asked the Chair and the Clerk whether they had read all the files relating to Muir. He advised the Clerk of the discussions that he had had with Muir and decided to give the Clerk a file on the contractual issues that he had with Muir so that she could inform the Parish Council. He was very concerned that Muir would not necessarily be totally truthful with the Parish Council and that the Council could end up being embroiled in a legal dispute which they could not afford.
30. Prior to this period, the relationship between the previous Chair and Clerk and Muir had been very formal and they did not trust Muir. His view was that the Company's relationship with Mrs Partridge and Mrs Stubbs had become very informal and Mrs Stubbs appeared to him to be very 'chummy' with Muir which he found unsettling. Shortly after this Councillor and Mrs McCormack received letter from the Parish Council asking them if they would surrender the access to the field at the back of the development, a request that had previously been made to them by Muir and refused by the McCormacks. It seemed strange to him that the Parish Council was seeking something the developer wanted. Later he saw a note of a meeting involving the developer and a neighbouring resident, James Walton, at which Muir had said that the McCormacks could cancel an option agreement which, legally, was incorrect.
31. Running in parallel with this was the position of a long serving Parish Councillor, Councillor Dykes, who had always supported Muir. Councillor McCormack believes that Councillor Dykes has a personal and prejudicial interest in respect of the Muir Group and the manner in which Councillor Dykes was treated by the Chair and Clerk was very different to the manner in which

they treated other Parish Councillors. At the Parish Council meeting on 11 October 2011, Councillor Dykes told the meeting that Muir's selected contractor had gone bust. Neither the Chair nor the Clerk confirmed or denied this and Councillor McCormack was concerned that Councillor Dykes had information that was not available to the other Parish Councillors or even Cheshire East planners. He therefore wrote to the Clerk the following day expressing his concern at that situation.

32. The response from the Clerk of 15 October was read by Councillor McCormack in the lounge of Manchester Airport on 16 October when he was waiting to board a plane for a business trip to the Sultanate. Councillor McCormack says that the response seemed to him to confirm his concerns regarding the relationship between the Clerk, the Chair, Councillor Dykes and Muir. He says that he replied immediately because he wanted the Clerk to appreciate how important the development argument is to many people in the village and that her actions did not reflect that importance. He says that he was not trying to bully her or show her lack of respect but merely trying to get her to understand the situation and to represent the village.

The second allegation

33. Councillor McCormack says that he does not socialise with Mr Walton, Mrs Waits, Dennis Burrows (who he has known for 21 years), Davis Ellis or Sally Beard, although, living near to them, he does come into contact with them from time to time. He says that he has had no discussion with any of them regarding the manner in which village issues should be approached on the Parish Council. He says that he sent very few emails to Mrs Partridge and that he has not been disrespectful to her even though he had concerns at the manner in which she was undertaking her role.
34. Councillor McCormack denies conniving with the other Councillors and says that he has never sought to influence improperly the position of other Councillors.

Facts

35. All the allegations relate to matters flowing from the various emails attached as Appendices or part Appendices to this report. All were sent and received by the persons identified in them. There are no other material findings of fact.
36. At this stage I should point out that there are a number of side issues which have been introduced by Councillor McCormack which may well have influenced his conduct. Those side issues do not directly relate to the substantive issues alleged in the complaint documents and it is not for me to determine the accuracy of Councillor McCormack's concerns e.g. regarding Councillor Dykes' potential interest and the relationship between Mrs Partridge, Mrs Stubbs, Councillor Dykes and Muir.

Application of the Code to the facts found

37. The first matter to determine is the application of the Code of Conduct. The emails sent by Councillor McCormack were sent to Mrs Stubbs and Mrs Partridge in their respective capacities as Clerk and Chair of the Parish Council

and related to the business of the Parish Council or the manner in which Mrs Stubbs was undertaking her duties as Clerk. Therefore paragraph 2(a) applies and Councillor McCormack was conducting the business of the Parish Council.

The first allegation

38. Officers of a local authority must expect, from time to time, that Councillors will be critical of actions taken or proposed by them, particularly where there are differences of opinion. Such criticism, provided it is fair and reasonable, will not cross the threshold to bring it within paragraph 3(1) of the Code. The issue is whether the content of Councillor McCormack's emails and, particularly, the one of 16 October 2011 lacked the level of respect required of a Councillor. The threshold above which conduct would breach the Code under this paragraph was considered in Adjudication Panel decision APE 0409 (March 2009) where the Tribunal said -
51. "In the Tribunal's view it was desirable that the threshold for a failure to treat another with respect be set at a level that allowed for the minor annoyances and on occasions bad manners which are part of life. During the course of their work people often show a lack of consideration or bad manners but it is not desirable that every such slight should be considered a breach of the Code. To set too low a level might lead to complaints that were about little other than a difference of opinion over the wording of a letter or what amounts to rudeness and for this reason the Tribunal thinks that not every instance of bad manners or insensitive comment should amount to a failure to treat another with respect."
39. It is therefore necessary to consider the wording of the email in the context of the points made by Councillor McCormack in his statement (Appendix F, paragraphs 4-10). A lot of the early criticism in the email, in my opinion, does not cross the threshold set out in the above decision. The fifth paragraph compares the manner in which the previous Clerk undertook the role with the manner in which Mrs Stubbs was doing so. Councillor McCormack appears to be saying that the previous Clerk undertook the role as a local resident and not as a professional person and that he expected Mrs Stubbs to adopt the same stance. Parish Clerks should be professional and objective and should not be influenced by personal views on a parish issue, regardless of whether or not they live in the village or parish. In my opinion, these statements go beyond the threshold in the above decision - they are not insensitive comments; they are effectively saying that 'you should not be in the job, because you are not considering matters from the villager's perspective'. A Clerk must never allow a personal view to supersede a professional one.
40. Whilst I understand Councillor McCormack believed that Muir were manipulating the position and that Mrs Partridge and Mrs Stubbs appeared to be leading the Parish Council down a route that was against the villagers' wishes, I also understand the manner in which Mrs Partridge in particular was seeking to use her knowledge to give the village a measure of protection, given that planning permission had, by this time, been issued for a limited development. The more formal approach to Council business adopted by Mrs Partridge ensured that action taken was in accordance with decisions made by the Council. The extent to which villagers are against the approved development may not be as strong as Councillor McCormack makes out and there is no doubt in my mind that Councillor McCormack's personal

involvement with Muir, particularly with regard to various legal issues that were outstanding between he and his wife and Muir, were influencing his approach as a councillor and that some of the issues that he was raising were issues which, if discussed at an open meeting of the Parish Council, would have needed him to declare a personal and prejudicial interest and to leave the meeting.

41. I conclude that there has been **failure** by Councillor Gary McCormack to comply with paragraph 3(1) of the Code of Conduct for Bunbury Parish Council in that, the contents of the email dated 16 October 2011 go beyond reasonable criticism of an employee and show a complete lack of respect for the position of Parish Clerk.

The second allegation

42. The first three parts of this allegation relate to lack of respect to and/or 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.
43. 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 ensured that the Muir business was properly dealt with by 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.
44. From August 2011 the email correspondence increased, far beyond the capacity of the Clerk in terms of her contracted hours. The tone of the emails also changed - when I interviewed another former Councillor in connection with a parallel complaint, he used the word 'vitriolic'. Advice had previously been obtained from the Deputy Monitoring Officer 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.
45. Turning to the specific issues, the first is an allegation of a failure by Councillor McCormack to respect Mrs Partridge. Mrs Partridge refers to the emails attached at Appendix B. These are the only emails that have been submitted in support of the complaint against Councillor McCormack. People holding responsible positions within local government must accept the possibility of criticism from fellow Councillors and members of the public. I find nothing in those emails that I believe shows any disrespect to Mrs Partridge either in her capacity as Chairman of the Council or in her personal capacity.

46. I conclude that there has been **no failure** by Councillor Gary McCormack 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, he did not fail to treat her with respect.
47. Mrs Partridge in the complaint documents considered herself to be the subject of a bullying campaign against her by Councillor McCormack as a result of the emails from Councillor McCormack and those from Mrs Waits and Mr Walton covering the same issues. She says that she felt extremely uncomfortable and threatened by her conclusion as to the combined approach from the three individuals. 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, as, at all material times, he was a member of the public, and there is insufficient adverse commentary in the other emails for me to conclude that there has been a campaign of bullying against Mrs Partridge by Councillor McCormack. I have reached a similar conclusion in respect of the complaint against Mrs Waits.
48. I conclude that there has been **no failure** by Councillor Gary McCormack to comply with paragraph 3(2)(b) of the Code of Conduct for Bunbury Parish Council in that, in email correspondence to Mrs Partridge during 2011 and his general conduct towards Mrs Partridge during the same period, he did not bully Mrs Partridge.
49. 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 information given to her by other councillors regarding the conduct and expectations of Councillor McCormack towards those councillors. 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 material before me relating to Councillor McCormack, whilst there is criticism, justified or not, I find nothing to suggest that the Clerk was being coerced into a compromised position.
50. I conclude that there has been **no failure** by Councillor Gary McCormack to comply with paragraph 3(2)(d) of the Code of Conduct for Bunbury Parish Council in that, his conduct towards the then Parish Clerk, Mrs Stubbs, did not seek to compromise the impartiality of Mrs Stubbs.
51. As I have already said at paragraph 27 above, there is nothing in the complaint documentation which suggests that Councillor McCormack has breached confidentiality. I can only assume that Mrs Partridge was referring here to Councillor McCormack's various attempts (see paragraph 3 of Appendix C) to obtain information about the decisions that were being taken with regard to the Muir development. Whilst Councillor McCormack and other Parish Councillors had declared personal and prejudicial interests in the development site and adjoining land the Muir Sub-Committee should have been issuing minutes of their meetings for public consumption even if those minutes would have been short of substance on occasions through confidentiality or the existence of exempt information. From what I have been told, it appears that this was not

happening although that situation has now been rectified. However, whilst Councillor McCormack's behaviour at times may appear to be inappropriate, bearing in mind the existence of his personal and prejudicial interest, such conduct does not breach paragraph 4(a).

52. I conclude that there has been **no failure** by Councillor Gary McCormack to comply with paragraph 4(a) of the Code of Conduct for Bunbury Parish Council in that, he did not breach confidentiality.

Response to Draft Report

53. I have received responses from Mrs Partridge and Councillor McCormack and these are attached at Appendices G & H. I have received no response from Mrs Stubbs. I have made minor amendments to certain paragraphs as a result of the comments

Finding

54. My finding is that there has been failure to comply with the Code of Conduct of Bunbury Parish Council.


Mike Duffield
Investigator

28 July 2012

Schedule of Evidence

- Appendix A Copy complaint form from Mrs Alex Stubbs with supporting documentation in relation to the first allegation
- 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 Councillor McCormack
- Appendix D Copy statement from Mrs Alexandra Stubbs dated 05 March 2012
- Appendix E Copy statement from Erica Partridge dated 20 February 2012
- Appendix F Copy statement from Councillor Gary McCormack dated 25 June 2012
- Appendix G Copy comments from Mrs Partridge to draft report
- Appendix H Copy emails from Councillor McCormack re draft report

7. NOV 2011

APPENDIX A

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 TARPORLEY 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
MR	GARY	MCCORMACK	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 attached email dated 16th October 2011 received by myself from Mr. McCormack. In it, he accuses me of having no interest in the village and treating the clerkship as a "job". I feel that this email is derogatory and bullying.

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

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

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

7. Additional Help

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

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

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

Neil and Alex Stubbs

From: "CSQ Office" <gmc@csq42.com>
To: <bunburyclerk@aol.com>
Sent: 16 October 2011 18:29
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 <bunburycerk@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

COMPLAINT FORM

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

Your details-

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

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

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

- 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)

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

Please submit to -

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

How to make a complaint

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

Timeframe

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

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

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

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

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

PLEASE SEE ATTACHED NOTES
+ EMAILS.

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

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

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

7. Additional Help

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

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

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

Neil and Alex Stubbs

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

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

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

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

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

Yours sincerely

Erica Partridge
Chairman, Bunbury Parish Council

09/01/2012

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

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

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

Background

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

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

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

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

Declaration of Interests and Code of Conduct

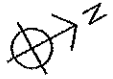
7. It has been necessary for the Parish Councillors who live in Wyche Lane to consider whether they have a personal and/or prejudicial interest to declare in relation to the above matters. The sequence of relevant events are set out below. Copies of relevant correspondence and emails are in separate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

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

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

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

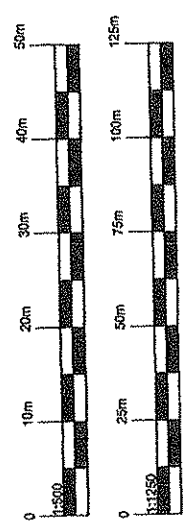
17. Original Application : I was not a councillor at the time but my understanding from those who were is that no personal or prejudicial interests were ever declared. The Chairman at the time was Cllr Dennis Burrows and the then Clerk, Colin Knowles, was a close associate with him from their membership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



- ☐ MUIR APPROVED HOUSING LAND (HOBIES NOT CONSIDERED)
- ☐ MUIR LAND OFFERED TO PARRISH COUNCIL
- ☐ ACCESSWAY SUBJECT OF PLANNING APPLICATION 11/2423N
- ☐ LAND OWNED BY COUNCIL (RESIGNED LAST WEEK) (NO OBJECTION)
- ☐ SECURED BY COUNCIL SURVEY (RESIGNED LAST WEEK) (NO OBJECTION)
- ☐ SECURED BY COUNCIL SURVEY (RESIGNED LAST WEEK) (NO OBJECTION)
- ☐ OWNED BY COUNCIL (RESIGNED LAST WEEK) (NO OBJECTION)
- ☐ OWNED BY COUNCIL (RESIGNED LAST WEEK) (NO OBJECTION)
- ☐ OWNED BY COUNCIL (RESIGNED LAST WEEK) (NO OBJECTION)



LOCATION PLAN - Scale 1:1250



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

BLOCK PLAN - Scale 1:500		CLIENT/PRODUCER		DWG. TITLE		DWG. No.	
TWEED, NUTTALL, WARBURTON ARCHITECTS/URBAN DESIGNERS CHAPEL HOUSE, CITY ROAD, CHESTER CH1 3AE TEL: 01244 310388 FAX: 01244 325643 EMAIL: tennison@tw-architects.co.uk WEBSITE: www.tw-architects.co.uk		DEVELOPMENT AT WYCHE LANE, BUNBURY FOR MUIR GROUP HOUSING ASSOCIATION		Revised access arrangements to accommodation land. PROPOSED BLOCK PLAN & LOCATION PLAN (Option B)		1101/204	
				SCALE		DATE	
				1/500, 1/1250 @ A3		May 2011	
						DWG. SH.	
						SQ	
						REV. A	

Comments relating to Councillor McCormack

1. Councillor McCormack attends Parish Council meetings only occasionally (he travels abroad a lot) and undertakes few of the tasks he is allocated. He is most affected by the Muir housing development as he owns land all round it. His home is Fairview and he has recently purchased 'The Grange' which is a dilapidated property. He is open about seeking to prevent the development and that his solicitors will serve injunctions on Muir if they do not behave in accordance with their contract, which could be the case if planning consent is refused for a suitable accessway.
2. He could resolve a number of residents concerns relating to the planning application 11/2423N but has declined to do so, which I accept is his right as a private individual :
 - the Parish Council have asked if he would agree to abandon the requirement for the accessway as he now has alternative access to the purple field, but he has declined
 - Muir have asked if he will agree to them rescinding the option agreement on the purple field but he has declined
 - in a meeting with Muir he requested the access be wider and to adoptable standard.
3. Under Muir's option agreement for the purple land the landowner must support Muir's planning applications and this prevents Cllr McCormack from overtly objecting to the application. Consequently Cllr McCormack consistently seeks to raise concerns with others to influence them to raise objections. This has become evident in a number of ways :
 - whenever he has an opportunity he raises questions with the Muir Sub Committee members to seek information on what was discussed, this became such a problem at one meeting that I afterwards had to remind Cllrs that the Muir Sub Committee meetings were confidential ;
 - Cllrs Burrows and Ellis have told me that he consistently approaches them to discuss the matter if he sees them in their garden to the extent that it is a nuisance;
 - when discussing his objection to application 11/2423N with me Cllr Ellis said he was 'sick of being Gary's stooge';
 - Cllr Eric Lord contacted me in a very worried state because Cllr McCormack had told him that taking the blue land could cause a considerable financial liability for the Parish Council and he was extremely worried about this (he is 83 years old). I had to assure him that the matter was covered in the legal advice received and contract agreements and he resolved not to discuss this further with Cllr McCormack;
 - Cllr McCormack aggressively queried the declarations of interests of other councillors but could not progress this as his own position was clear;
 - he stated he was discussing setting up a counter Muir sub committee comprising Wyche Lane Cllrs to protect their interests.
4. Cllrs McCormack's emails to the clerk have been aggressive and bullying. He made an unimportant matter of a change in Muir's contractor into an abusive personal attack on the clerk claiming she should distribute all information to every councillor. In the December Parish Council meeting he criticised the Clerk for sending him too many emails containing council information and requested that she should edit what he receives.
5. They also raise the same issues in the same time frame as Cllr Waits and James Walton. No other councillors raise these issues. This bullying campaign is extremely unpleasant. I consider myself also to be bullied by these emails as they appear to be demonstrating how they (James Walton, Gary McCormack and Jill Waits) will approach individuals who exercise disagreement with them. This makes me feel extremely uncomfortable and threatened.

5. It therefore appears to me that Cllr McCormack may have broken 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'

EMAILS RELATING TO COUNCILLOR GARY MCCORMACK

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

From: David Robinson
To: 'IRVINE, Steve' (Steve.Irvine@cheshireeast.gov.uk) ; 'JONES, Michael (Councillor)' ; JEFFREY, Vikki (Vikki.Jeffrey@cheshireeast.gov.uk) ; Sheila Whitton (Sheila.Whitton@Weightmans.com) ; bunburyclerk@aol.com
Cc: Tracey Ashton
Sent: Thursday, December 08, 2011 2:25 PM
Subject: Wyche Lane, Bunbury

Good afternoon all

I wanted to take this opportunity to advise you of Muir's position regarding the above:

1. Section 73 Application

The Application has been submitted, we understand that this will not be considered via delegated authority but will go to a full planning committee. No date for this has been given to Muir.

I reiterate the application is to ensure that we can comply with our access obligations to the rear land and is, in no way, an attempt for Muir to open up the rear land for future development.

a. Meeting with Muir, Planners and Mr McCormack

This has still not taken place, nor is there any date arranged.

I have given multiple dates that I can make a meeting to Steve and Ben, these included dates where I had previous appointments but would have cancelled them. I also confirm that I will be able to make any day, or evening in January (again this may be cancelling current appointments but so be it). There is no benefit at all for Muir to delay this meeting; I will let you decide if others feel they can benefit from an on-going delay.

2. Building Contract

The original contractor has now gone into liquidation. We have a new contractor ready to start on site once the section 73 is approved by the LA.

3. Rear Land and Muir's Future intentions

a. In Muir's ownership

We are finalising the Option Agreement with the Parish Council to transfer this land at a peppercorn to the Parish. It is hoped that the Option will be in place early in the New Year.

b. Remainder of the Field (in Mr McCormack's ownership)

Muir has an Option on the remainder of the field owned by Mr McCormack. Our lawyers advise that we cannot rescind this unilaterally, nor issue a Unilateral Undertaking (this would be against the terms of said Option Agreement). Our Lawyers have formally contacted Mr McCormack's lawyer to ask for his approval to rescind the Option Agreement. Despite chasing we have had no response from Mr McCormack nor his lawyer.

In this case it is quite obvious that there seems very little chance of Mr McCormack releasing Muir from this Option Agreement when the Option Agreement is being used against us by people objecting to this scheme.

c. Muir's Future Intentions

For clarity purposes I reiterate that Muir has no intention of building any more units at Wyche Lane. The proposed 10 affordable homes for local people constitute 100% of the housing development that we wish to undertake on this site. We are, however, very happy

to continue to work with the Parish council to develop community uses of the land to be transferred to them.

I really am at a loss to understand the on-going reasons for the delay in allowing Muir to build out these 10 affordable homes for local people; the reason for the section 73 application is clear and has nothing at all to do with any further plans to develop and I fear that local objectors to this scheme are simply using this as a further attempt to kill off this development.

I trust the above helps set our Muir's position

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

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

From: Nick Parker

To: Partridges

Sent: Monday, October 17, 2011 3:46 PM

Subject: Fw: Gary McCormack Muir

Dear Erica,

I am terribly upset to hear that Alex has felt the need to resign. I'm sure that you said everything which was appropriate when you spoke with her earlier today.

Last evening I sent a lengthy reply to Alex about Gary's e-mails to her which I think were nasty and unreasonable. I have forwarded my reply to Alex to you. I'm sorry it's long when you also are having to read all manner of e-mails without my adding to it.

I tried to be as supportive as I could because I know you and Alex have been inundated with lots of unreasonable e-mails from James, Gary and others they've leaned on to send them to you both.

I suspected last night that Alex might be close to feeling "Enough was enough."

To be truthful I'm feeling devastated by Alex's resignation. She is a lovely lady and has served the Parish Council way beyond what we asked her to do when she was appointed. Alex has been a brilliant clerk throughout her time with us and has gone beyond the call of duty.

I seriously think that Jill most certainly and probably Gary need to consider their position on the Parish Council. Maybe that is for another time. I don't believe they have done the 'right' thing in all of the Muir subject.

Would it be appropriate for me to send a carefully worded message to Alex or do think I should hold back while she is so upset?

Regards,

Nick

Dear Alex

I was extremely sorry to receive your letter of resignation and I accept it with regret. I will send a hard copy of the attached letter in the post.

Thank you once again for everything you have done to help me and the Parish Council.

Kind Regards

Yours sincerely

Erica Partridge
Chairman, Bunbury Parish Council

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

From: bunburyclerk@aol.com
To: ep.partridges@btinternet.com
Sent: Sunday, October 16, 2011 8:12 PM
Subject: Letter of Resignation

Hi Erica

I actually wrote this before I received Garys email but it doesn't really make any difference. I'm fed up with him and his insinuations.

Regards
Alex

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

From: Partridges
To: [Eric Lord](#) ; [Dennis Burrows](#) ; [Gary McCormack](#) ; [Jill Waits](#) ; [Sally Beard](#) ; [Nick Parker](#) ; [Mandy Jones](#) ; [David Ellis](#) ; [Brian Dykes](#)
Cc: [Michael Jones](#)
Sent: Monday, October 17, 2011 3:43 PM
Subject: Fw: Gary McCormack Muir

Dear All

Alex has asked for Councillors opinions on the message below and she has consented to me including her further reply to Councillor McCormack.
Councillor McCormack has not contacted me about this directly nor has he made any formal complaint to me in respect of the Clerk. In the circumstances, I find the content of that part of Councillor McCormacks email both distressing and shocking. I trust that Councillor McCormack will see fit to apologise to Alex as she has requested.

On other matters I make the following observations.

As Alex correctly states, the Code of Conduct applies to conflicts of interest and a number of Parish Councillors have declared a personal and prejudicial interest in relation to the Muir Homes land. All Parish Councillors have recently been reminded of their obligations relating to conflicts of interest and how they need to consider this in relation to other actions and activities.

Most of the message appears to be about the reporting of the position on the Muir site to the Parish Council last week. To clarify matters the sequence of events was as follows :

- I received a call from Alex advising that she had been contacted by Dennis to say the fencing had been removed from around the Muir site
- an email was also received from David Ellis on the same matter
- as there was likely to be further questions to the Parish Council regarding this Alex said she would contact Muir to establish the position
- as Alex was having to work from a public area due to internet problems I offered to contact Muir on this point as it was important to have this information for last Tuesdays meeting

- I contacted Muir and I reported this to the Parish Council at Tuesdays meeting. I asked Muir to confirm the position in writing to Alex which I note they have now done.

Regards
Erica

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

From: bunburyclerk@aol.com
To: gmc@csq42.com
Cc: ep.partridges@btinternet.com ; brian.dykes@cheshireeast.gov.uk ;
michael.e.jones@cheshireeast.gov.uk
Sent: Sunday, October 16, 2011 8:26 PM
Subject: Re: Gary McCormack Muir

Gary

As you have declared a personal and prejudicial interest in the Muir development, I did not think it fitting that this information was passed onto you from the Parish Council - you are in your own talks with Muir and I would expect this information to come via this route, just as I would not expect you to pass information back from your meetings.

Brian is certainly not the only member of the Parish council who has the information. If you think that Brian has a prejudicial interest then why do you not complain to the Standards Board?

I find your accusations outrageous and bullying. Yes, the Parish Clerk is a job which I approach as a professional. I know I don't live in the village but think that this is a good thing as I provide an impartial view and am not affiliated with an village groups. As far as I am concerned members are provided with the correct information at all times. The minutes are a record of Parish Council decisions and are not there to record gossip.

I await your apology.

Alex

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 night's 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

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

From: [Bunbury Parish](#)
To: [Gary McCormack](#)
Cc: [Erica Partridge](#) ; [Brian Dykes](#)
Sent: Monday, September 19, 2011 10:11 AM
Subject: Member's Interests query

Dear Gary

With regards to your emails dated 15th and 18th September, the letter was reported to all
members during the December 2010 meeting which you didn't attend. I reported this fact to
you in an email dated 16th December 2010. It was also discussed when Mandy joined the PC
but it was decided that she didn't directly abut the site or overlook it and the exclusion criteria
would not therefore apply. The exclusion criteria does not apply to Brian either. David Ellis was
not a councillor at the time the advice was received but his circumstances are such that the
advice applies to exclude him as having a personal and prejudicial interest on this point.

I do realise that you have been fighting this application and that it is happening next to your
property which is exactly why you and the other councillors concerned have to declare
personal and prejudicial interests. Both Erica and myself are fully aware of the history of the
site. Planning permission has been granted for the houses - that has happened. We are now
trying, in a professional and impartial manner, to facilitate the transfer of the land behind the
site which Muir offered to the PC and this is the land referred to as being for sale. The village
are expecting this to occur.

Since taking its decision, the PC has had no notification from Cheshire East regarding the
progress of the latest variation planning application relating to the accessway to a field. If it
does go to committee, then the PC will be invited to put forward a member to speak and put
forward the PC's view (not Muir's!). This has not yet happened and nobody has been appointed
to speak. The PC will take a decision on this if and when notification is received of a planning
committee date.

As the remaining members of the Parish Council have always been quorate, we have never had to consider the implications of the last paragraph.

Regards

Alex

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

From: CSQ Office

To: Bunbury Parish

Sent: Thursday, September 15, 2011 6:39 PM

Subject: Re: Members' Interests query

Alex

I have read your email but I am concerned as to why this letter was not shown to the PC Members who have been excluded from all the PC meetings?

Correct me if I am wrong but the letter is incorrect?

No land is for sale.

PR Councilors A B C D What about E?

You have had an opinion from Julie Openshaw but the facts that were discussed are wrong, you are a PC member short. You may be two PC members short as Mandy also lives off Wyche Lane.

I did point out at the last meeting I attended that both Erica and yourself are not fully aware of the history about this very strongly objected to planning issue. All the information is available to read. I do get the feeling that you and Erica are treating this as an issue on an Agenda rather than the serious issue that is and still is. You must be aware that 5 members that live around the field have been fighting this planning application since 2004. It would be advisable for you and Erica to put yourselves in the same situation. This is not happening next to your property. The whole village who we also represent were against this from the start. The only person who was for the planning issue and is still championing the issue is Brian Dykes. From what I have heard Brian wants to speak for Muir. Surely as I pointed out before in my previous emails, my concern is Brian has a personal and prejudicial interest in this development and always has. Therefore it makes the Pc look very unprofessional especially over the recent debacle.

Gary

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

From: Bunbury Parish

To: Gary McCormack

Cc: Erica Partridge

Sent: Thursday, September 15, 2011 3:10 PM

Subject: Fw: Members' Interests query

Dear Gary

Further to your email of 12/09/2011, please find below email received from Julie Openshaw, legal team manager at Cheshire East Council.

You are, of course, free to meet with anybody but I must remind you that only Sub-committees that have been discussed and approved by the Parish Council, can be said to be 'Parish Council Sub-Committees'.

Thank you for the information contained in Item 2 of your email. I suggest that you take this point up directly with Muir as the letter is not something that the Parish Council have been involved in.

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: CSQ Office
To: Bunbury Parish
Cc: Erica Partridge
Sent: Monday, September 12, 2011 9:02 PM
Subject: September Meeting

Good evening Alex

Unfortunately I will be unable to attend the meeting tomorrow.

I do have have two points to raise

Item 1

I have spoken to Dennis, Jill, Sally and David about forming another Parish Council Sub Committee to protect our interest. Please could you supply me with a copy of the letter from Cheshire East Solicitor which outlines the reasons for all our exclusions.

It may be that I am the only one that should be excluded as I have do have a prejudicial and private interest which has always been declared.

Item 2

The Occupiers of Wyche Lane received a letter from Muir on Friday 9th September dated the 9th September. So the letter must have been drafted on 7th Wednesday or the 8th Thursday. It states in the letter. *We are working with our lawyer and the landowner to seek a way for Muir to withdraw from this Option.*

My lawyer was sent an email on Thursday 8th. It was forwarded to me on the 9th and I read it late on Friday. As yet I have not replied back to my lawyers.

The letter is incorrect. As the landowner I am not in any negotiations with Muir about the Option Agreement. This is a false statement. Working with would entail some sort of negotiation and correspondence.

Regards Gary

Please find enclosed

Gary

On 01/06/2011 14:18, "Partridges" <ep.partridges@btinternet.com> wrote:

Gary

Letter not attached.

Regards
Erica

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

From: CSQ Office <<mailto:gmc@csq42.com>>

To: Bunbury Parish <<mailto:Bunburyclerk@aol.com>>

Cc: ep.partridges@btinternet.com

Sent: Tuesday, May 31, 2011 2:04 PM

Subject: Muir Housing MR G & MR S McCormack Private

Hi Alex Hi Erica

Just received this in my Letter Box. I would think all the neighbours have been given similar letters. I have sent a copy to my Solicitors.

We have only just received a response from Muir Solicitors that they were sent on the 2nd March. They note that their client is aware of the problems with the planning permission and are working with the planners to discuss solutions to the issues raised in our letter. They have obligations not issues.

Regards Gary

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

From: David Robinson

To: bunburyclerk@aol.com ; Chairman of Bunbury Council

Cc: Tracey Ashton ; Paul Andrew ; Nicola Deutsch (Nicola.Deutsch@weightmans.com)

Sent: Friday, June 17, 2011 2:23 PM

Subject: Feedback from Meeting with Gary McCormack 16th June 2011

Good afternoon Alex and Erika

As promised I am happy to provide the following salient points from my meeting with Gary McCormack.

My colleague, Paul Andrew and I met with Gary and his solicitor on the 16th June 2011. We advised that:

- The proposed plan showing the new access formed part of our s.73 Application which also included the request to remove Condition #17.
- That the road would be constructed to high standards but would not be adopted by the LA as the LA themselves do not want an adopted road in this location
- That the principle of the road position and proposed finish had been agreed with the Planning Officer. It was stressed that such agreement is always informal and in no way binding on the Local Planning Authority.
- That we expected the s.73 to go to a full a planning committee and not be dealt with through delegated authority action
- That the Parish Council are in support of this proposal
- That no more than enabling works will be done on the site until the s.73 approval is in place.
- That this s.73 application will be submitted the W/C 20th June.
- That we were finalising Heads of Terms with the Parish Council for retained land. This would ensure that the Parish Council had full access rights across our land, and through both proposed gates, but all the maintenance liability would for the access road would remain with Muir.

Gary made the following points:

- He was surprised that the access was this narrow as it would effectively prevent any future development of houses on the rear land
- He thought that an adopted road should be at least 7-8 metres wide. [We advised that adopted roads can be of various widths, even less than 4metres, though this of course was irrelevant as the road was being built to the approval of the LA not to adoptable standards]
- Several queries were made about the access gates, whether they would be lockable, who would have the keys etc.

Gary's solicitor made the following points:

- The proposal was a rat-run [we contested this as a high specification access road with a soft finish serving agricultural fields could hardly be classified as a rat-run]
- That Muir had covenanted to provide an adopted road to her clients land [we advised that our lawyers advise was that proposal would ensure all of Muir's obligations where met]
 - The solicitor tried to argue this point quoting clause 13.4 in the TPI, namely "....and will keep such roads and footpaths and sewers in repair until they are taken over and adopted by the Local Authority" [Our response to this as that if they are not going to be adopted then we will have to maintain this road, further we were not going to get into a legal argument without our lawyer present]
- She advised that Gary and her would consider a response, and this would include representation to the planning committee through the normal channels

I think that covers all the salient points. Please do not hesitate to contact me if you have any queries or require any further information.

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>

Financial Services Authority No.18632R Tenant Services Authority No. L2194National Housing Federation Member
Muir Group is an exempt charity Vat No. 482594315

Cheshire East Council**Complaint against Parish Councillors Sally Beard, David Ellis, Gary McCormack & Jill Waits****Statement of Mrs Alexandra Stubbs, 10 Copperfields, Tarporley, Cheshire CW6 0UP**

1. I was appointed as Clerk to Bunbury Parish Council in April 2010. I am also a Clerk to a second Parish Council. That Council has applied for Quality Parish Council status and I obtained my CiLCA qualification in September 2010. When Councillor Partridge became Chairman we engaged on a process of drafting Standing Orders and other procedural documents for the Council as none had existed prior to that time. Those Standing Orders require a Chairman who has complaints to channel them through the Parish Clerk. If there were issues that I could resolve then I would do so. If not I would pass the matters on to Cheshire East Monitoring Officer.
2. The complaints that are being considered by this investigation comprise a group where I have been requested to forward them by the Chairman and a single complaint by me against Councillor McCormack. This statement does not comment on the first group except to say that it was always my practice when a new Councillor joined the Council to send that person a copy of the Code of Conduct, the Good Councillors Guide and a list of Members. Councillor Partridge will deal with those complaints. I will deal solely with my personal complaint.
3. From the outset, I was aware of the tensions within the Council concerning the Muir development and particularly the involvement of Councillor McCormack. I was therefore very aware of the question of my receiving confidential information that may relate to Councillor McCormack and ensuring that myself and the Council did not breach any confidentiality. In the early period I never had any problems with him. However, since August 2011 I have been bombarded with emails by Councillor McCormack, Councillor Waits and Mr James Walton, who is Councillor Waits' partner. As the correspondence has developed, the tone of the emails has worsened and there has been a lot of criticism of my actions which I believe are totally unfounded.
4. My contractual hours are 11 per week. This torrent meant that many weeks I needed to work in excess of 20 hours to reply to all the emails and undertake my other duties and responsibilities. I had already been thinking of resigning when I received the email of 16 October 2011 from Councillor McCormack. The manner in which he expected me to do my job was completely unprofessional - he basically wanted me to do what he wanted. The contents of the email finished me off and I immediately sent a letter of resignation to Councillor Partridge. When I reflected on the contents of the letter I felt even worse. The contents are derogatory and, I believe an attempt to bully me. I therefore referred this complaint to the Standards Committee.

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

Alex Stubbs.....

Date 5/3/2012

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 3 - Councillor Gary McCormack

1. As I am no longer a Parish Councillor I do not wish to proceed with any of the issues raised against Councillor McCormack and request that the information supplied relating to this is withdrawn and discarded and I do not wish them to be considered by the Standards Committee.

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

.....Erica Partidge

Date12th March 2012

**Cheshire East Council
Complaints against Parish Councillor Gary McCormack**

Statement of Councillor Gary McCormack, Fernleigh, Wyche Lane, Bunbury, Cheshire CW6 9PS

1. I have been a Bunbury Parish Councillor for 10 years. I have lived at Fernleigh for the past 21 years. I have had no training on the Code of Conduct. On all matters concerning the proposed development of land adjoining my property on Wyche Lane, I have always declared a personal and prejudicial interest and left the room whilst the subject matter has been discussed. As well as Fernleigh, I also own the field behind the properties in Wyche Lane and which is accessed through the proposed development site and I have recently acquired The Grange, which is on the other side of the proposed development site from my own property.
2. There are two areas of complaint against me. The first, from the former Chair of the Parish Council, Erica Partridge, refers to a number of matters concerning my conduct towards Mrs Partridge and other Councillors and suggests liaison between myself and Mr James Walton and Mrs Jill Waits, who live at Edinbane, Wyche Lane. The second is from the former Clerk, Mrs Alex Stubbs who alleges that certain emails that I sent to her in 2011 and one in particular, 16 October 2011, are lacking in respect and/or intended to bully her.
3. In respect of the first, I have known Mr Walton and Mrs Waits for the three years or so that they have lived at Edinbane. I also know Dennis Burrows, David Ellis and Sally Beard, who were Councillors until recently, and have known them for longer as they have lived in the village for some time. I do not socialise with any of them on a regular basis and would not regard them as close personal friends. Living within a short distance of each other, we are bound to come into contact from time to time and attend events in the village. I have had no discussion with any of them as to the manner in which we should approach issues on the Parish Council, especially those relating to the proposed development at Wyche Lane. The Investigator has asked me about the email of 12 September 2011 in which I refer to the possibility of the Wyche Lane Councillors setting up their own Sub-Committee. This was a tongue-in-cheek suggestion intended to portray the concern that I and the other 'excluded' Councillors had about the lack of information on the discussions taking place by the Parish Council and the decisions that they were making. I understand that Mrs Partridge has since indicated that she does not wish to pursue these complaints against me. However, for the record, I have sent very few emails to Mrs Partridge, the majority have gone to the Clerk which is the route that correspondence should take. I have not been disrespectful to the Chair although, for the reasons set out below, I did have concerns at the manner in which she undertook the role. I have not connived with the others mentioned nor have I sought to influence improperly the position of other Councillors.
4. In respect of the second complaint, to understand my approach to this matter and the content of a number of emails that I sent during this period, it is necessary for me to go into the history of the proposed development. The original proposal was for the development of the whole of the area to the rear of the Wyche Lane properties, including that part of the field that I now own. This was in 2004. The proposal drew a lot of objection from the village and the Parish Council was unanimous in objecting. A substantial number of local residents were opposed. A planning appeal was defeated and eventually the Muir Housing Group came up with the current proposal on approximately one third of the original site to provide 10 affordable houses. By this time I had acquired the field and I attended a meeting with representatives of Muir to discuss issues of concern regarding the respective ownerships and Muir obligations. At this meeting, a statement was made by Muir's representatives that there was no access to my field which I knew from my ownership deeds was incorrect. Since then I have learnt not to trust statements made by Muir as I do not believe that it is a company to be trusted. The Parish Council was also aware of the Company's tactics and strategy and the previous Clerk had written on behalf of the Parish Council strongly disapproving of the manner in which Muir were dealing with matters. In 2010 the Parish Council appointed a new Clerk, Alex Stubbs, and Erica Partridge was appointed as Chair. It was at this time that the suggestion came forward that the Parish Council should acquire a 'ransom strip' between the development and my field to guarantee that there would be no future extension of the proposed residential development.
5. Prior to 2010, the Parish Council had been run very informally. There were no Standing Orders and no other documentation specifying how the Council should operate. The previous Chair and Clerk were very experienced and they seemed to properly control the meetings. In 2010 this changed. Mrs Partridge said that the Parish Council should have proper procedures and, with the new Clerk and other Councillors, appropriate documentation was drafted and adopted by the Council. Mrs Partridge's approach to the operation of meetings was very formal, compared to the previous regime, and this seemed to change the approach towards the conduct of business. It seemed to me that she wanted to 'manage' the business of the Council. The proposed development was the most controversial issue on the Council agenda, and, even though planning permission had been granted for the 10 affordable houses, there was still opposition to the development within the village and there were still issues that required resolution from a legal or planning viewpoint. I was concerned that the new Chair and Clerk should understand the background to Muir and the issues that had arisen and on which I believe that they should not be trusted. Mr David Robinson from Muir had admitted to senior members of Cheshire East's planning department that he had been less than economical with the truth to them, the Parish Council and the Planning Inspectorate. At a Parish Council meeting I asked the Chair and the Clerk if they had read all the files relating to Muir. In September/October 2010, I pulled aside the Clerk to advise her that I had been in discussions with Muir. I was concerned that Muir would not inform the Parish Council of the correct position and I therefore took the decision to give the Clerk a file on the contractual issues that I had with Muir so that she could inform the Parish Council. My main concern was that the Parish Council would enter into a contract with Muir which would then embroil them into a legal dispute which they could not afford. There were a number of legal issues to be addressed and the Parish Council were unaware of those issues.
6. The relationship between the Clerk and Muir became very informal in distinct contrast to the stance adopted by the previous Clerk. The previous Clerk and most of the Parish Council did not trust Muir and, in my opinion, the new Clerk was very 'chummy' with them, which I found unsettling, given the unsavoury tactics adopted by Muir and their admission that they had not been straight with all the parties concerned. My wife and I (we own the field jointly) then received letters from the Clerk, on behalf of the Parish Council, asking if we would surrender the access to the field. This had previously been asked by Muir and rejected, unknown to the Parish Council. It seemed strange that the Parish Council was asking us to do something that we had already told Muir we would not do. Then there was a note of a meeting at which Mr Walton was present which suggested that my wife and I could cancel an option agreement that Muir has to purchase the field. There is a contract which controls the option arrangements and this can only be varied by agreement. One party cannot cancel the agreement without being liable to the other. Again I was concerned as to what information Muir was giving to the Parish Council in their discussions as the Parish Council appeared not to be aware of the true facts.

NIKE I ALSO KNOW
DENNIS BURROWS.
KNOWN them FOR 21 years

7. At the same time as all this was happening, there was one long serving Parish Councillor, Councillor Dykes, who I believe has a personal and prejudicial interest in respect of the Muir Group. Whenever Muir was mentioned he would speak in favour of them. On one issue he indicated to the Chair that he would wish to be the Parish Council representative who would speak on behalf of Muir when a planning application came to be considered. Whilst the Clerk, at the Chair's behest had obtained the Monitoring Officer's advice regarding the Wyche Lane Councillors, she had not sought advice with regard to this Councillor's interest and seemed to adopt a very different approach to his participation compared to other Councillors. Previously, there had been an issue with a hedgerow between the playing fields, owned by the Parish Council and let to the Playing Fields Committee, and my land where this same Councillor had taken it upon himself to substantially remove parts of the hedgerow without permission of myself or the Parish Council. On another, he indicated that he had been in direct contact with David Robinson of Muir. When I questioned why he had been in contact, the Chair on that occasion made it clear that everything should go through the Chair. The Chair and the Clerk seemed to me to adopt a different approach to his involvement in matters and I got the impression that he was receiving information that was not being sent to other Councillors. He always seemed to be first to know information and, if anything was said against him, he would 'spit out his dummy'. The Chair and Clerk would console him when he did this. Recently there was another example when he again spat out his dummy and, on this occasion, the current Chair and Clerk swiftly brought him to order. This should have been done by the previous incumbents.
8. Going back to the emails, following the submission by Muir of the application to vary the position and form of the access road, matters concerning Muir seemed to be raised on a regular basis but no information was forthcoming from those Parish Councillors not excluded from making decisions. I was concerned that some of the excluded Councillors should not in fact be excluded and I asked for a copy of the advice from Julie Openshaw. This was then circulated to all the Councillors for the first time, having previously only been seen by those Councillors present at the meeting in December 2010. The facts on which the advice given appeared to be incorrect and it seemed to me, and other Councillors, that not all the Councillors should be excluded in respect of all the matters being considered regarding Muir. These matters raised the tension in the village towards Muir.
9. At the Parish Council meeting on 11 October 2011, Councillor Dykes told the meeting that Muir's selected contractor had gone bust. Neither the Clerk nor the Chair confirmed or denied this. I did not want to raise any fuss regarding Councillor Dykes being the only Councillor to have this knowledge at the meeting as he had advised the meeting that he was to be made an Alderman by Cheshire East and he wanted the Chair to be present to represent the Parish Council. Before the meeting I had emailed the Planning & Development Manager at Cheshire East, Stephen Irvine, and he informed me that he had no knowledge of the contractor's fate. I therefore wrote to the Clerk on 12 October expressing my concern regarding Councillor Dykes. I was very surprised to receive the response from Mrs Stubbs on 15 October that she had known about the contractor going bust and this seemed to confirm my belief that she had an inner circle of friends on the Council and was passing information on to them but not other Councillors. Unfortunately, the minutes of the meeting the minutes of the meeting do not record this information being given to the Parish Council by Councillor Dykes or the fact that the Clerk knew weeks before. I was not present at the November Council meeting and did not pick up this omission. Looking back at the minutes I do not think they are a correct account of what was said. I believe the minutes by November became confused. My response to the Clerk was in reply to what was said at that meeting. Not what was minuted later.
10. I read the email of 15 October at Manchester Airport on 16 October as I was waiting to board a plane to the Sultanate. I was fuming when I read her reply and sent off an immediate response as her email seemed to confirm all my beliefs regarding her relationship with the Chair and Councillor Dykes and her relationship with Muir. She did not seem to understand just how important this development argument with Muir is to many people in the village and her actions did not reflect that importance. She seemed to be far more supportive of Councillor Dykes than other Councillors. I was not bullying Alex nor showing her lack of respect but merely trying to get her to understand the situation and to represent the village, which is why the Parish Council is there.

This statement is a fair summary of an interview conducted by the Investigator on 11 June 2012.

Date

25 JUNE 2012

Comments relating to Mike Dudfield's draft report dated 10th July re Councillor McCormack

I have advised Mike Dudfield previously, that as I have resigned from the Parish Council I am no longer interested in pursuing my complaint and have withdrawn it. However, having been provided with the draft report there are a number of matters which are incorrectly stated. Unfortunately I feel I cannot only correct some without inferring acceptance of others, consequently this response is longer than I would have wished. The following comments only to clarify a number of incorrect statements as follows :

Statement of Councillor McCormack:

Point 3 – 'Wyche Lane Councillors sub committee' – my understanding is that other councillors were approached with this suggestion.

Point 3 'I did have concerns at the manner in which she undertook her role' – Councillor McCormack said to me that he had noticed improvements in the conduct of the meetings and he approved of the changes. Each other Councillor also did the same. I was approached by a villager who had been told by a Councillor of the significant improvements in procedure and also specifically improvements in the manner of dealing with the difficult behaviour of some councillors since my appointment as Chairman.

Point 4 - 'it was at this time that the suggestion came forward that the Parish Council should acquire a ransom strip' – this decision had been taken some years previously regarding this piece of land (which is not a ransom strip) before I was a Parish Councillor and the Parish Council had previously written to Muir to that effect without legal advice. The Parish Council decided the matter should be taken forward again as the 'offer' was contingent on the houses being constructed which was becoming imminent and that the first step was to obtain suitable legal advice and establish the contractual position.

Point 5 – 'There were a number of legal issues to be addressed and the Parish Council were unaware of these issues' – the Parish Council obtained legal advice and Cllr McCormack was necessarily excluded from that advice due to his conflict of interest. I do not recall Cllr McCormack asking me about the files.

Point 6 – the first steps in dealing with this matter involved establishing the facts, to enable options and decisions on how to proceed to be established. It is not surprising that the same question was asked. It was necessary to communicate with Muir to progress matters in relation to the land. As far as I am aware all contacts were entirely professional.

Point 7 – Cllr Dykes has made statements that he does not have a personal or prejudicial interest in this matter and I was not made aware of any information to the contrary.

Cllr Dykes offered to speak on behalf of the Parish Council in relation to the Muir application (as also did another Cllr), he did not offer to speak on behalf of Muir. It was decided that no one would speak on behalf of the Parish Council at the Cheshire East Council meeting concerned.

I am not going to comment at all on the issues regarding the hedge as they are not relevant. Cllr Dykes had previously been a contact between Muir and the Parish Council, but the Muir Sub committee decided the contacts should be the Chair and the Clerk. I advised both Cllr Dykes and Muir of this, and my understanding is that the correct protocol was followed thereafter.

All unacceptable behaviour occurring in the Parish Council meetings was dealt with appropriately in and out of the meeting, and the consequence was an improvement, this applied to a number of Cllrs.

Point 9 – I have explained previously to Cllr McCormack that it was myself who reported the contractor going bust to the Parish Council. I contacted Muir to respond to urgent queries regarding the removal of site fencing as the Clerk was unavailable that day. I had spoken to Cllr Dykes on another matter before the meeting and mentioned this to him.

Point 10 – Cllr Dykes was the deputy Chair.

I do not see how any of these points are relevant.

Comments on Mike Dudfield's Report :

The report summarises Cllr McCormack's statement including a number of points I have corrected above. I have therefore not repeated these.

40 – I am concerned that the first four lines misdescribe the situation. Cllr McCormack rightly had limited information due to his conflict of interest. The authorisation of legal advice was taken in the public meeting and minuted. The wording implies that myself and the Chairman and Clerk were acting without consultation and directing the Parish Council in some way which is incorrect, all matters were thoroughly discussed and voted on. It is also implied that the Parish Council were acting against the villagers wishes – there is no information to support this as there are differing views in the village regarding this development. I assume this was not your intention and it would be appreciated if the wording in this paragraph could be reconsidered please to more accurately reflect the situation.

47. First paragraph - my statement says that 'I consider myself' ie I am explaining how I felt as a consequence of others actions, I have not made a statement of fact on this other than in relation to my feelings. This is an important distinction. I would appreciate it if this is made clear please in the first sentence.

mikedudfield

From: "CSQ Office" <gmc@csq42.com>
To: "mikedudfield" <mikedudfield@btinternet.com>
Sent: 24 July 2012 18:55
Subject: Comments re your draft Report and attachments.

Dear Mike

Thank you for your email and your report which I do believe is a correct draft of the situation. I have only three comments. Unfortunately I do not have the original draft documents that you sent but you may be aware of the following.

Item 1

In Mrs Stubbs original disclosure she states that she is not affiliated to any society in the Village. Mrs Stubbs was appointed as the Treasurer for the Playing Fields Committee by Cllr Brian Dykes. Who was the Chairman.

At the last three PC Meetings Cllr Dykes informed the PC that he would resign as Chairman as he was not happy with new recent PC directives. The new directives were all agreed by the PC but as the Chairman of the Playing Fields it was disclosed that he was not conducting himself correctly in the appropriate position. At the last AGM of the Playing Fields committee Mr Dykes walked out and resigned in the middle of the meeting and the Treasurer Mr Stubbs also resigned.

In Mrs Stubbs attachment.

In Mrs Stubbs attachment the emails sent to Mrs Stubbs by Mr Walton and Mrs Waits have no relevance to the emails and questions that I was asking the then Clerk. My question to the Clerk which she confirmed was that she was giving confidential information to certain members of the PC and not the whole PC

Mr Walton as a member of the public has the right to express himself and make criticisms if he thinks that the then Chairman and Clerk were not conducting themselves correctly he was of the opinion that gerrymandering was taking place over the minutes of meeting published.

Mrs Waite again has her own opinions and was also very much against the way the then Chairman and Clerk conducted themselves especially when it was disclosed that paperwork was produced to certain members of the PC and then withdrawn at the end of the meeting and not minuted.

Mike. Not sure if this is to be included I will take your advise as the statements are talking about three persons not just myself.

I am on my way to London again in the morning.

If you want to discuss please ring
07768 005 736.

Or I will pick up my emails around 2pm
Regards Gary

26/07/2012

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

From: CSQ Office

To: [mikedudfield](#)

Sent: Thursday, July 26, 2012 2:21 PM

Subject: Draft Comments

Good afternoon Mike

Sorry again for the delay but the last two weeks have been extremely busy with Vip's arriving and departing back for Ramadan.

Going back to the two draft attachments made by the Ex Chair and Ex Clerk.

Firstly.

Regarding Erica Partridge Statement dated 12/03/2012

No Comments regarding her statement as Mrs Partridge has asked for the information to be withdrawn and discarded and not to be considered by the Standards Committee

I along with all the other Councillor's who have since resigned are not happy with Mrs Partridge behaviour.

Secondly

Regarding Alex Stubbs Statement dated 5/03/2012

In Para 2

Mrs Stubbs states she will deal solely with my personal complaint.

In Para 3

Mrs Stubbs states that she has been bombarded with emails by Councilor McCormack, Councilor Waites and Mr James Walton.

Mrs Stubbs complaint is against myself and I have no control of what Councillor Waite, Mr James Walton also Miss Sally Beard Dennis Burrows and Dave Ellis have sent to the Ex Clerk.

Cllr Waite, Cllr Ellis, Cllr Beard, Cllr Burrows. All these Cllr resigned because of complaints made against them by the Ex Chair and Ex Clerk. Therefore the Clerk and the Chair would be receiving lots of letters and emails from these parties who were not happy with the Clerk or the Chair. The consensus of opinion was that the BPC Chair and Clerk were being selective in disseminating information to specific councillors. If Mrs Stubbs was emailed and asked many questions by other parties then this has no relevance to the complaint made against myself.

I have looked through my sent email logs from 11.04 2010 to 16 10 2011. I sent approx 60 emails over an 18 month period. This relates to 1 email per week. Most of the early email are about boundary issues regarding my land and the PC. A number

are replies to questions asked by the Clerk and replies sent. A number are general PC business and apologies and there are a few about Muir. Most of the emails are one line replies with a few emails that are longer which you have on file. Nothing that would determine the use of the word bombarded. This is I believe an incorrect statement made by Mrs Stubbs.

Also Mrs Stubbs states in an email dated October 16th 2011 8.26pm

Para 3

Am not affiliated with an village groups

Mrs Stubbs has just recently resigned as Treasurer of the Playing Fields Committee. The Chairman was Mr Brian Dykes and I believe from past members of the committee was appointed by Mr Brian Dykes. As you are aware my main complaint has been against the Ex Clerk and her relationship with Mr Dykes.

Therefore the statement made by Mrs Stubbs that she is not affiliated with any village groups is again incorrect.

I await your comments

Regards Gary

Gary

As you have declared a personal and prejudicial interest in the Muir development, I did not think it fitting that this information was passed onto you from the Parish Council - you are in your own talks with Muir and I would expect this information to come via this route, just as I would not expect you to pass information back from your meetings.

Brian is certainly not the only member of the Parish council who has the information. If you think that Brian has a prejuducal interest then why do you not complain to the Standards Board?

I find your accusations outrageous and bullying. Yes, the Parish Clerk is a job which I approach as a professional. I know I don't live in the village but think that this is a good thing as I provide an impartial view and **am not affiliated with an village groups**. As far as I am concerned members are provided with the correct informationat at all times. The minutes are a record of Parish Council decisions and are not there to record gossip.

I await your apology.

Alex